Federal Register

10–24–00 Tuesday
Vol. 65 No. 206 Oct. 24, 2000

United States
Government
Printing Office
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(ISSN 0097–6326)

Federal Register

10–24–00
Vol. 65 No. 206
Pages 63535–63762

Tuesday
Oct. 24, 2000

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

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

WASHINGTON, DC

WHEN: November 14, 2000, at 9:00 a.m.
WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

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FEDERAL ELECTION COMMISSION

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[Notice 2000–18]

Electronic Filing of Reports by Political Committees

AGENCY: Federal Election Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: On June 21, 2000, the Commission published the text of regulations making electronic filing mandatory for certain political committees and other persons. The Commission announces that these rules are effective as of January 1, 2001.

DATES: Effective January 1, 2001.

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

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

SUPPLEMENTARY INFORMATION: The Commission is announcing the effective date of revisions to the regulations at 11 CFR 100.19, 101.1, 102.2, 104.5, 104.18, 109.2, 114.10, 9003.1 and 9033.1 making electronic filing mandatory for certain political committees and other persons. *See* Explanation and Justification for Electronic Filing of Reports by Political Committees, 65 *FR* 38415 (June 21, 2000). These rules implement a 1999 amendment to the Federal Election Campaign Act at 2 U.S.C. 434(a)(11) that requires the Commission to make electronic filing mandatory for political comittees and other persons required to file with the Commision who, in a calendar year, have, or have reason to expect to have, total contributions or total expenditures exceeding a threshold amount to be set by the Commission. Pub. L. No. 106–58, 106th Cong., section 639, 113 Stat. 430, 476–477 (1999). The new regulations set that threshold amount at $50,000.

The statutory amendment specifically covers reports and statements filed with the Commission, *i.e.,* all except those filed by Senate candidates, their authorized committees, and committees that support or oppose them, which are filed with the Secretary of the Senate.

Section 438(d) of Title 2, United States Code and sections 9009(c) and 9039(c) of Title 26, United States Code, require that any rules or regulations prescribed by the Commission to carry out the provisions of Titles 2 and 26 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate thirty legislative days prior to final promulgation. These rules were transmitted to Congress on June 16, 2000. For the Title 2 rules, thirty legislative days expired in the Senate on September 12, 2000, and the House of Representatives on September 20, 2000. For the Title 26 regulations, thirty legislative days expired in both Houses on September 20, 2000.

Dated: October 19, 2000.

Darryl R. Wold,

Chairman, Federal Election Commission.

[FR Doc. 00–27233 Filed 10–23–00; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–40–AD; Amendment 39–11942; AD 2000–21–10]

RIN 2120–AA64

Airworthiness Directives; CFE Company CFE738–1–1B Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to CFE Company CFE738–1–1B turbofan engines. This action requires removing certain support assemblies and replacing them with support assemblies that have a new design. This amendment is prompted by a report of the loss of seal retention that resulted in contact between the seal face and the stage 2 high pressure turbine (HPT) rotor disk, and subsequent wear of the stage 2 HPT rotor disk. That condition resulted in separation of the stage 2 HPT wheel rim, and an uncontained failure of the stage 2 HPT rotor wheel. The actions specified in this AD are intended to prevent the static seal from moving forward, which could result in contact between the seal face and stage 2 HPT rotor, wear, and the possibility of an uncontained failure of the stage 2 HPT rotor.

DATES: Effective November 8, 2000. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of November 8, 2000.

Comments for inclusion in the Rules Docket must be received on or before December 26, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–40–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from CFE Company, Data Distribution, MS 64–03/2101–201, P.O. Box 52170, Phoenix, AZ 85972–2170; telephone (602) 365–2493, fax (602) 365–5577. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Keith Mead, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7744, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: On June 27, 2000, the FAA was notified of an uncontained engine failure of a CFE738–1–1B turbofan engine. A subsequent investigation determined that the rivets that retain the seal to the

No. 4 bearing support, part of the support assembly, wore and allowed the seal to migrate forward and contact the stage 2 HPT rotor disk. That contact caused a deep wear groove in the disk web, and subsequent separation of portions of the disk rim from the stage 2 HPT disk, resulting in an uncontained failure of the engine. This condition, if not corrected, could result in wear damage to the stage 2 HPT rotor disk that could result in fracture and a possible uncontained failure of the disk.

Manufacturer's Service Information

The FAA has reviewed and approved the technical contents of the following CFE Company service information:

- Alert Service Bulletin (ASB) CFE738–A72–8042, Revision 1, dated September 25, 2000. That ASB describes procedures for replacing the support assembly with a new design support assembly, which has improved static seal retention.
- SB CFE738–72–8043, dated October 2, 2000, that provides procedures for the break-in of the engine support assembly seal.

The FAA has also reviewed and approved the technical contents of ASB CFE738–A72–8041, dated August 21, 2000, that describes procedures for borescope inspection of:

- The stage 2 HPT rotor disk for contact rubs.
- The rivets that attach the static seal to the bearing frame support to ensure there are no anomalies.
- The bearing frame support and static seal to determine if there is a gap between them.
- The static seal to determine if there is any distortion or waviness.

Requirements of This AD

Since an unsafe condition has been identified that is likely to exist or develop on other CFE Company CFE738–1–1B turbofan engines of the same type design, this AD is being issued to require replacing existing support assemblies, part numbers (P/N's) 3050860–2, –3, and –5 through –9 inclusive, with new support assemblies, P/N 3050860–10, –11, P/N 3057005–1 through –5 inclusive, or P/N 3057006–1, –2. The replacement of the support assembly must be done in accordance with ASB CFE738–A72–8042, Revision 1, dated September 25, 2000. Break-in of the support assembly seal must be done in accordance with SB CFE738–72–8043, Revision 1, dated October 2, 2000. For engines that have not been borescope inspected using ASB CFE738–A72–8041, dated August 21, 2000, the support assembly must be replaced or borescope inspected within the specified replacement interval for that group. The borescope inspection must be done in accordance with ASB CFE738–A72–8041, dated August 21, 2000.

Immediate Adoption of This AD

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

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NE–40–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

This proposed rule does not have federalism implications, as defined in Executive Order No. 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposed rule.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order 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:

2000–21–10 CFE Company: Amendment 39–11942. Docket 2000–NE–40–AD.

Applicability: This AD is applicable to CFE Company CFE738–1–1B turbofan engines with support assembly, part numbers (P/N's) 3050860–2, –3, and –5 through –9 inclusive, installed. These engines are installed on, but not limited to, Dassault Aviation Falcon 2000 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d)

of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Compliance with this AD is required as indicated, unless already done.

To prevent the static seal from moving forward, which could result in contact between the seal face and stage 2 HPT rotor, wear, and the possibility of an uncontained failure of the stage 2 HPT rotor, do the following:

(a) Remove support assembly, P/N 3050860–2, –3, –5 through –9, and replace it with a serviceable seal assembly in accordance with the Accomplishment instructions 2.A.(3) through 2.A.(8)(d) and 2.B.(1) through 2.B.(3) of ASB CFE738 A72–8042, Revision 1, dated September 25, 2000, as follows:

Engines That Have Already Been Inspected

(1) For engines that have been inspected using CFE Company alert service bulletin (ASB) ASB CFE738 A72–8041, dated August 21, 2000, replace the support assembly as follows:

Operating hours time-since new (TSN) on the effective date of this AD	Replace by the earlier of—
Fewer than 500 hours TSN	150 hours time-in-service (TIS) or 90 days after the effective date of this AD.
500 hours to 1,000 hours TSN	250 hours TIS or 150 days after the effective date of this AD.
More than 1,000 hours TSN	400 hours TIS or 240 days after the effective date of this AD.

Engines That Have Not Been Inspected

(2) For engines that have not been inspected using CFE Company alert service bulletin (ASB) ASB CFE738 A72–8041, dated August 21, 2000, do EITHER of the following within the earlier of 50 hours TIS or 30 days after the effective date of this AD:

(i) Replace the support assembly with a serviceable support assembly in accordance with the Accomplishment instructions 2.A.(3) through 2.A.(8)(d) and 2.B.(1) through 2.B.(3) of ASB CFE738 A72–8042, and 2.A. or 2.B. of SB CFE738–72–8043, Revision 1, dated October 2, 2000;

(ii) Inspect the engine in accordance with the Accomplishment Instructions 2.A. through 2.B.(6) of ASB CFE738–A72–8041, dated August 21, 2000, and then replace the support assembly in accordance with the replacement schedule in paragraph (a)(1) of this AD.

Support Assembly Seal Break-In

(b) After the seal has been replaced, do the support assembly seal break-in procedure in accordance 2.A. (test cell) or 2.B. (on wing) of SB CFE738–72–8043, Revision 1, dated October 2, 2000.

Definition of a Serviceable Part

(c) For the purposes of this AD, a serviceable support assembly is defined as a support assembly with P/N 3050860–10, or –11, P/N 3057005–1 through –5 inclusive, or P/N 3057006–1, or –2.

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, Engine Certification Office (ECO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

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.

Documents That Have Been Incorporated by Reference

(f) The actions specified in this AD must be done in accordance with the following CFE Company service bulletins:

Document No.	Pages	Revision	Date
ASB CFE738–A72–8041 Total pages: 26.	All	Original	August 21, 2000.
ASB CFE738–A72–8042 Total pages: 22.	All	1	September 25, 2000.
SB CFE738–72–8043 Total pages: 28.	All	1	October 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 CFE Company, Data Distribution, MS 64–03/2101–201, P.O. Box 52170, Phoenix, AZ 85972–2170; telephone (602) 365–2493, fax (602) 365–5577. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Effective Date of This AD

(g) This amendment becomes effective on November 8, 2000.

Issued in Burlington, Massachusetts, on October 16, 2000.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 00–26972 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–48–AD; Amendment 39–11940; AD 2000–21–08]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Pratt & Whitney JT8D series turbofan engines, that

currently requires revisions to the Time Limits Section (TLS) of the JT8D Turbofan Engine Manual to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This action adds additional critical life-limited parts for enhanced inspection. This amendment is prompted by focused inspection procedures that have been developed by the manufacturer for additional critical life-limited parts. The actions specified by this AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective date April 23, 2001.

ADDRESSES: The information referenced in this AD may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA 01803; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone: 781–238–7175, fax: 781–238-7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 99–12–03, Amendment 39–11187 (64 FR 30379, June 8, 1999), which is applicable to Pratt & Whitney (PW) JT8D turbofan engines, was published in the **Federal Register** on June 8, 1999 (64 FR 30379). That action proposed to require revisions to the Time Limits Section (TLS) of the PW JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR series Turbofan Engine Manual to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure.

Since the issuance of that AD, additional focused inspection procedures for other critical life-limited rotating engine parts have been developed by PW.

Comments Received

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

Request To Extend the Comment Period

One commenter requests that the FAA extend the NPRM comment period because the required procedures had not been published in the engine manual (EM). The FAA does not agree. The FAA believes that the nature and scope of the added inspections will not be significantly different from existing inspections. In addition, the effective date of this AD has been extended to 180 days after publication to allow time for the specific procedures to be published. The extra time until the AD becomes effective should also allow the manufacturer to issue a manual revision. Operators may submit comments to the docket file on the specific procedures, once they are published, and the FAA will consider extending the effective date further or additional rulemaking, as necessary. The FAA does not believe, however, that this final rule need be delayed pending the publication of the inspection procedures, or the initial compliance time extended to accommodate the manufacturer's manual revision cycle.

Request To Remove Part Numbers

One commenter requests that the FAA remove the part numbers from the proposed AD. The commenter feels that the part numbers are unnecessary and that eliminating them will minimize the administrative burden on the operators. The FAA does not agree. The current structure of the JT8D engine manual does not lend itself to reference "all" part numbers, as does the structure of other engine lines. However, the FAA will discuss with Pratt and Whitney the possibility of converting the engine manual to incorporate the simpler approach in future supersedures of the JT8D enhanced inspection AD.

Request To Remove "of this chapter" From Paragraph (e)

One commenter requests that the FAA remove the statement "of this chapter" from the first sentence of paragraph (e) of this AD. The commenter feels that removing the statement will improve the clarity of the paragraph. The FAA agrees. The statement "of this chapter" has been removed from the first sentence of paragraph (e).

Request To Revise the Definition of Piece-Part Level

One commenter requests that the FAA revise the definition of piece-part level to include a debladed high pressure disk (HPT) disk that is still attached to the HPT shaft. The commenter incorporates an HPT blade management program that does not require unbolting the disk from the shaft. The FAA does not agree. The engine manual inspections required for an HPT disk at piece-part level do not apply to the disk and shaft assembly. The FAA recognizes the need to include the disk and shaft assembly to the critical inspection section and are working with the manufacturer to develop new inspection criteria. The HPT disk and shaft assembly will be considered in a future revision of this enhanced inspection initiative.

Economic Analysis

No comments were received on the economic analysis contained in the proposed rules. Based on that analysis, the FAA has determined that the annual per engine cost of $60 does not create a significant economic impact on small entities.

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

Regulatory Impact

This rule does not have federalism implications, as defined in Executive Order 13132, because it does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this rule.

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 removing Amendment 39–11187 (64 FR 30379, June 8, 1999) and by adding a new airworthiness directive, Amendment 39–11940, to read as follows:

AD 2000–21–08 Pratt & Whitney: Amendment 39–11940. Docket 98–ANE–48–AD.

Applicability: Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR series turbofan engines, installed on but not limited to Boeing 727 and 737 series, and McDonnell Douglas DC–9 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

Inspections

(a) Within the next 30 days after the effective date of this AD, revise the Time Limits Section (TLS) of the JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR series Turbofan Engine Manual, and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following Critical Life Limited Part Inspection:

"A. Inspection Requirements:

(1) This section has the definitions for individual engine piece-parts and the inspection procedures which are necessary when these parts are removed from the engine.

(2) It is necessary to do the inspection procedures of the piece-parts in Paragraph B when:

(a) The part is removed from the engine and disassembled to the level specified in paragraph B; and

(b) The part has accumulated more than 100 cycles since the last piece part inspection, provided that the part is not damaged or related to the cause of its removal from the engine.

(3) The inspections specified in this section do not replace or make unnecessary other recommended inspections for these parts or other parts.

B. Parts Requiring Inspection:

Note: Piece-part is defined as any of the listed parts with all the blades removed.

Description	Engine manual	
	Section	Inspection
Hub (Disk), 1st Stage Compressor		
491201	72–33–31	–02, –03, –04
496501	72–33–31	–02, –03, –04
504101	72–33–31	–02, –03, –04
515201	72–33–31	–02, –03, –04
594301	72–33–31	–02, –03, –04
640501	72–33–31	–02, –03, –04
640601	72–33–31	–02, –03, –04
743301	72–33–31	–02, –03, –04
749701	72–33–31	–02, –03, –04
749801	72–33–31	–02, –03, –04
750001	72–33–31	–02, –03, –04
750101	72–33–31	–02, –03, –04
778901	72–33–31	–02, –03, –04
791401	72–33–31	–02, –03, –04
791501	72–33–31	–02, –03, –04
791601	72–33–31	–02, –03, –04
791701	72–33–31	–02, –03, –04
791801	72–33–31	–02, –03, –04
806001	72–33–31	–02, –03, –04
806101	72–33–31	–02, –03, –04
817401	72–33–31	–02, –03, –04
844401	72–33–31	–02, –03, –04
845401	72–33–31	–02, –03, –04
848001	72–33–31	–02, –03, –04
848101	72–33–31	–02, –03, –04
Disk, 2nd Stage Compressor		
482502	72–33–33	–02
502502	72–33–33	–02
520602	72–33–33	–02
570302	72–33–33	–02
570402	72–33–33	–02
678202	72–33–33	–02
730202	72–33–33	–02
730302	72–33–33	–02
730402	72–33–33	–02
740502	72–33–33	–02
745702	72–33–33	–02
745902	72–33–33	–02
746002	72–33–33	–02
746802	72–33–33	–02
760402	72–33–33	–02
760502	72–33–33	–02
807502	72–33–33	–02
500240201	72–33–33	–02
790832 (Disk assembly)	72–33–33	–02
Turbine Disk, First Stage With Integral Shaft		
481135	72–52–04	–03
494211	72–52–04	–03
500701	72–52–04	–03
516101	72–52–04	–03
529115	72–52–04	–03
538901	72–52–04	–03
544501	72–52–04	–03
544601	72–52–04	–03
544701	72–52–04	–03
553201	72–52–04	–03
558401	72–52–04	–03
565101	72–52–04	–03
565201	72–52–04	–03
565301	72–52–04	–03
578201	72–52–04	–03
579001	72–52–04	–03
HP Turbine Disk, First Stage, Separable		
587501	72–52–02	–03
5006101–01	72–52–02	–03
578001	72–52–02	–03
5005201–01	72–52–02	–03
696801	72–52–02	–03
742501	72–52–02	–03
752401	72–52–02	–03
767601	72–52–02	–03
792801	72–52–02	–03
856501	72–52–02	–03
832201	72–52–02	–03
855701	72–52–02	–03
856401	72–52–02	–03
5003601–01	72–52–02	–03
5003601–021	72–52–02	–03
5004301–01	72–52–02	–03

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the TLS of the PW JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR series Turbofan Engine Manual.

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, Engine Certification Office (ECO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

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

Continuous Airworthiness Maintenance Program

(e) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the record keeping requirement of 121.369 (c) of the Federal Aviation Regulations (14 CFR 121.369 (c)) must maintain records of the mandatory inspections that result from revising the TLS of the PW JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR series Turbofan Engine Manual, and the air carrier's continuous airworthiness program. Alternately, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by 121.369 (c) of the Federal Aviation Regulations (14 CFR 121.369 (c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under 121.380 (a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380 (a)(2)(vi)). All other operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

Note 3: The requirements of this AD have been met when the engine manual changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the requirements in the PW JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR series Turbofan Engine Manual.

(f) This amendment becomes effective on April 23, 2001.

Issued in Burlington, Massachusetts, on October 16, 2000.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 00–26971 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–43–AD; Amendment 39–11939; AD 2000–21–07]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Pratt & Whitney JT8D–200 series turbofan engines, that currently requires revisions to the Time Limits Section (TLS) of the JT8D–200 Turbofan Engine Manual to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This AD adds additional critical life-limited parts for enhanced inspection. This proposal is prompted by additional focused inspection procedures that have been developed by the manufacturer. The actions specified by this proposed AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective date April 23, 2001.

ADDRESSES: The information referenced in this AD may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone 781–238–7175, fax 781–238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 99–12–04, Amendment 39–11188 (64 FR 30382, June 8, 1999), which is applicable to Pratt & Whitney (PW) JT8D–200 turbofan engines, was published in the **Federal Register** on October 7, 1999 (64 FR 54598). to require revisions to the Time Limits Section (TLS) of the PW JT8D–200 series Turbofan Engine Manual to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure.

Since the issuance of that AD, additional focused inspection procedures for other critical life-limited rotating engine parts have been developed by PW.

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

Request To Extend the Comment Period

One comment requests that the FAA extend the NPRM comment period because the required procedures had not been published in the engine manual (EM). The FAA does not agree.

The FAA believes that the nature and scope of the added inspections will not be significantly different from existing inspections. In addition, the effective date of this AD has been extended to 180 days after publication to allow time for the specific procedures to be published. The extra time until the AD becomes effective should also allow the manufacturer to issue a manual revision. Operators may submit comments to the docket file on the specific procedures, once they are published, and the FAA will consider extending the effective date further or additional rulemaking, as necessary. The FAA does not believe, however, that this final rule need be delayed pending the publication of the inspection procedures, or the initial compliance time extended to accommodate the manufacturer's manual revision cycle.

Request to Remove Part Numbers

One comment requests that the FAA remove the part numbers from the proposed AD. The commenter states that the part numbers are unnecessary, and eliminating them will minimize the administrative burden on the operators. The FAA does not agree. The current structure of the JT8D–200 engine manual does not lend itself to reference "all" part numbers as does the structure of other engine lines. However, the FAA will discuss the possibility of converting the engine manual to incorporate the simpler approach in future supersedures of the JT8D–200 enhanced inspection AD.

No comments were received on the economic analysis contained in the proposed rules. Based on that analysis, the FAA has determined that the annual per engine cost of $60 does not create a significant economic impact on small entities.

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

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 removing Amendment 39-11188 (64 FR 30382, June 8, 1999) and by adding a new airworthiness directive, Amendment 39–11939, to read as follows:

AD2000–21–07 Pratt & Whitney: Amendment 39–11939. Docket 98–ANE–43–AD.

Applicability: Pratt & Whitney (PW) JT8D–200 series turbofan engines, installed on but not limited McDonnell Douglas MD–80 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

Inspections

(a) Within the next 30 days after the effective date of this AD, revise the Time Limits Section (TLS) of the JT8D/09200 Turbofan Engine Manual, and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

"Critical Life Limited Part Inspection

A. Inspection Requirements

(1) This section contains the definitions for individual engine piece-parts and the necessary inspection procedures when these parts are removed from the engine.

(2) It is necessary to do the inspection procedures of the piece-parts in Paragraph B when:

(a) The part is removed from the engine and disassembled to the level specified in paragraph B and

(b) The part has accumulated more than 100 cycles since the last piece-part inspection, provided that the part is not damaged or related to the cause of its removal from the engine.

(3) The inspections specified in this section neither replace nor negate other recommended inspections for these parts or other parts.

B. Parts Requiring Inspection.

Note: Piece-part is defined as any of the listed parts with all the blades removed.

Description	Engine manual	
	Section	Inspection
Hub (Disk), 1st Stage Compressor		
5000501–01 (Hub detail)	72–33–31	–02, –03
5000421–01 (Hub assembly)	72–33–31	–02, –03
HP Turbine Disk, First Stage		
804301	72–52–02,	–03
5004501–01	72–52–02	–03
856701	72–52–02	–03
5004301–01	72–52–02	–03
832201	72–52–02	–03
855701	72–52–02	–03
856601	72–52–02	–03"

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the TLS of the PW JT8D–200 Turbofan Engine Manual.

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 Engine Certification Office (ECO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector (PMI), who may add comments and then send it to the ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Ferry Flights

(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.

Continuous Airworthiness Maintenance Program

(e) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the record keeping requirement of § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)) must maintain records of the mandatory inspections that result from revising the TLS of the PW JT8D–200 Turbofan Engine Manual, and the air carrier's continuous airworthiness program.

Alternately, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under § 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)). All other operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

Note 3: The requirements of this AD have been met when the engine manual changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the requirements in the PW JT8D–200 Turbofan Engine Manual.

(f) This amendment becomes effective on April 23, 2001.

Issued in Burlington, Massachusetts, on October 16, 2000.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 00–26970 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–61–AD; Amendment 39–11941; AD–2000–21–09]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Pratt & Whitney (PW) PW2000 series turbofan engines, that requires revisions to the time limit sections (TLS) of the manufacturer's Engine Manuals to include enhanced inspection of selected critical life-limited parts at each piece-part exposure. This action adds additional critical life-limited parts for enhanced inspection. This amendment is prompted by additional focused inspection procedures for other critical life-limited rotating engine parts that have been developed by the manufacturer. The actions specified in the AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective date January 22, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main Street, East Hartford, CT 06108. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7747, fax (781) 238–7199.

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 Pratt & Whitney (PW) PW2000 series turbofan engines was published in the **Federal Register** on October 8, 1999 (64 FR 54799). That action proposed revisions to the engine manufacturers time limits section (TLS) to include enhanced inspection of selected critical life-limited parts at each piece-part exposure. That action proposed to add additional critical life-limited parts for enhanced inspection.

Comments Received

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

Part Numbers in the AD

One comment states that the use of part numbers (P/N's) in the AD places undue burden on operators who must keep track of the Engine Manual changes to ensure consistency with P/N's, and creates a potential need for revisions to the AD as additional P/N's are introduced into service.

The FAA agrees. The final rule has been revised to eliminate specific P/N's and to use the term "ALL" in the P/N column.

Extend the Comment Period

One comment states that the proposed additional inspections have not been published in the Engine Manual, and that the comment period should be extended to allow for publication and evaluation by the operators.

The FAA does not agree. The FAA believes that the nature and scope of the added inspections will not be significantly different from existing inspections. In addition, the effective date of this AD has been extended to 90 days after publication to allow time for the specific procedures to be published. The extra time until the AD becomes effective should also allow the manufacturer to issue a manual revision. Operators may submit comments to the docket file on the specific procedures, once they are published, and the FAA will consider extending the effective date further or additional rulemaking, as necessary. The FAA does not believe, however, that this final rule need be delayed pending the publication of the inspection procedures, or the initial compliance time extended to accommodate the manufacturer's manual revision cycle.

Discussion Section Changed From Original Proposed Rule

One comment states that the summary and discussion sections of the proposed rule did not include the same guidelines concerning required enhanced inspections, as the summary and discussion sections published in the proposed rule for current AD 99–08–14. The commenter therefore asks that the discussion from the notice of proposed rule making, that preceded the current AD, be included in this final rule.

The FAA does not agree. The inspection program established by the current AD has not been changed. The proposed rule adds more parts to the list that must be inspected, but does not change how air carriers must manage the inspection program. Future AD's may be issued to introduce additional intervention strategies in order to further reduce uncontained engine failures. These strategies may include AD's to add new parts to the list of parts to be inspected. The inspection program established by the current AD will remain unchanged unless specifically changed in a future proposal.

Incorrect Manual Reference

Two comments state that Engine Manual 75–52–02, Inspection/Check-02 is only a dimensional inspection to the HPT 1st stage disk. The required fluorescent-penetrant inspection (FPI) reference for all HPT 1st stage disks and HPT 2nd stage hubs should be Engine Manual 72–52–00, Inspection/Check-02.

The FAA agrees. The final rule has been revised to reference the correct Engine Manual task and subtasks for HPT 1st stage disks and HPT 2nd stage hubs.

Clarification of FPI Procedures

One comment requests clarification for FPI procedures for parts repaired by plasma spray, as to whether the plasma spray should be removed before inspection.

Upon investigation, the FAA has concluded that the manufacturer's engine manual has no plasma spray procedures for HPT disks at the critical locations to be fluorescent-penetrant-inspected. The engine manual does allow a plasma spray repair for the buildup of the HPT snap diameter. This plasma spray coating is not required to be removed to accomplish the FPI procedure.

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

Economic Analysis

No comments were received on the economic analysis contained in the proposed rule. The FAA has determined that the annual cost of complying with this AD does not create a significant economic impact on small entities.

Regulatory Impact

This rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this rule.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

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 39–11120, (64 FR 17949, April 13, 1999), and by adding the following new airworthiness directive:

2000–21–09. Pratt & Whitney: Amendment 39–11941. Docket No. 98–ANE–61–AD.

Applicability: Pratt & Whitney (PW) PW2037, PW2040, PW2037M, PW2240, PW2337, PW2043, PW2143, and PW2643 series turbofan engines. These engines are installed on but not limited to Boeing 757 series and Ilyushin IL–96T series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

(a) Within the next 30 days after the effective date of this AD, revise the manufacturer's Time Limits section (TLS) of the manufacturer's engine manual, Part Numbers (P/N's) 1A6231 and 1B2412, as appropriate for the PW2037, PW2040, PW2037M, PW2240, PW2337, PW2043, PW2643, and PW2143 series turbofan engines, and for air carriers revise the approved continuous airworthiness maintenance program, by adding the following:

"MANDATORY INSPECTIONS

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the instructions provided in the PW2000 series Engine Manuals:

Nomenclature	Part No.	EM Manual section	Inspection	Subtask
Hub, LPC Assembly	ALL	72–31–04	–06..	
Disk, HPT 1st Stage	ALL	72–52–02	FPI entire disk per 72–52–00, Inspection/Check-02.	72–52–02–230–007
Hub, HPT 2nd Stage	ALL	72–52–16	FPI entire disk per 72–52–00 Inspection/Check-02.	75–52–16–230–007

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when done in accordance with the disassembly instructions in the manufacturer's engine manual to either the part detail, or part assembly level, listed in the table above, and

(ii) The part has accumulated more then 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine."

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in § 43.16 of Federal Aviation Regulations (14 CFR 43.16), these enhanced inspections shall be performed only in accordance with the TLS of the appropriate PW2000 series engine manuals.

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, Engine Certification Office. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add coments and then send it to the Manager, Engine Certification Office.

Note 2: Information concerning the existence of approved alternative methods of comliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

Special Flight Permits

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

Continuous Airworthiness Maintenance Program

(e) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the record keeping requirement of § 121.369(c) of the Federal Aviation Regulations [14 CFR 121.369(c)] of this chapter must maintain records of the mandatory inspections that result from revising the Time Limits section of the Instructions for Continuous Airworthiness (ICA) and the air carrier's continuous airworthiness program. Alternately, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by § 121.369(c) of the Federal Aviation Regulations [14 CFR

121.369(c)]; however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under § 121.380(a)(2)(vi) of the Federal Aviation Regulations [14 CFR 121.380(a)(2)(vi)]. All other Operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

Note 3: The requirements of this AD have been met when the engine manual changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the requirements in the engine manuals.

Effective Date

(f) This amendment becomes effective on January 22, 2001.

David A. Downey,

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

[FR Doc. 00–27166 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ACE–28]

Amendment to Class E Airspace; Pittsburg, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Atkinson Municipal Airport, Pittsburg, KS. The FAA has developed Area Navigation (RNAV) Runway (RWY) 3, RNAV RWY 16, RNAV RWY 21, RNAV RWY 34, and Nondirectional Radio Beacon (NDB)–A Standard Instrument Approach Procedures (SIAPs) to serve Atkinson Municipal Airport, Pittsburg, KS. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate these SIAPs and for Instrument Flight Rules (IFR) operations at this airport. The enlarged area will contain the new RNAV RWY 3, RNAV RWY 16, RNAV RWY 21, RNAV RWY 34, and NDB–A SIAPs in controlled airspace.

In addition a minor revision to the Airport Reference Point (ARP) and NDB coordinates have been included in this document.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the RNAV RWY 3, RNAV RWY 16, RNAV RWY 21, RNAV RWY 34, and NDB–A SIAPs, revise the ARP and NDB coordinates, and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, March 22, 2001.

Comments for inclusion in the Rules Docket must be received on or before December 4, 2000.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Operations and Airspace Branch, Air Traffic Division, ACE–530, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 00–ACE–28, 901 Locust, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Operations & Airspace Branch, ACE–520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locus, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: The FAA has developed RNAV RWY 3, RNAV RWY 16, RNAV RWY 21, RNAV RWY 34, and NDB–A SIAPs to serve the Atkinson Municipal Airport, Pittsburg, KS. The amendment to Class E airspace at Pittsburg, KS, will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules (IFR). The amendment at Pittsburg Municipal Airport, KS, will provide additional controlled airspace for aircraft operating under IFR and revise the ARP and NDB coordinates. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the Earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register,** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related 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 action 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 No. 00–ACE–28." The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE KS E5 Pittsburg, KS [Revised]

Pittsburg, Atkinson Municipal Airport, KS
(Lat. 37°26'55" N., long. 94°43'53" W.)
Pittsburg, NDB
(Lat. 37°26'33" N., long. 94°43'36" W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Atkinson Municipal Airport and within 2.6 miles east side of the 350° bearing from the Pittsburg NDB extending from the 6.6-mile radius to 7 miles north of the airport.

* * * * *

H.J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–27182 Fled 10–23–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 275

[T.D. ATF–422c]

RIN 1512–AC07

Implementation of Public Law 105–33, Section 9302, Requiring the Qualification of Tobacco Product Importers (98R–316P) and Miscellaneous Technical Amendments: Correction

ACTION: Correcting amendment.

SUMMARY: This document contains a correcting amendment to the temporary regulations, which were published in the **Federal Register** on December 22, 1999, (64 FR 71947). The temporary regulations relate to implementing certain provisions of the Balanced Budget Act of 1997 that set forth requirements that, beginning January 1, 2000, importers of tobacco products must qualify for a permit to conduct that activity.

DATES: This rule is effective October 24, 2000.

FOR FURTHER INFORMATION CONTACT: Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 (202–927–8210).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of this correction implemented some of the provisions of the Balanced Budget Act of 1997, (Pub. L. 105–33) and made clarifying changes to part 275. The temporary regulations were published in the **Federal Register** on December 22, 1999, (T.D. ATF–422, 64 FR 71947), and two corrections to the temporary rules were published on March 21, 2000, (T.D. ATF–422a, 65 FR 15058) and on July 24, 2000, (T.D. ATF–422b, 65 FR 45523). The temporary regulations require that, beginning January 1, 2000, importers of tobacco products must qualify for a permit to conduct that activity.

Need for Correction

As published, the temporary regulations contain an omission in the meaning of term "appropriate ATF officer." The meaning of this term should also refer to ATF O 1130.15, Delegation Order—Delegation of Certain of the Director's Authorities in 27 CFR parts 270, 275 and 296. This document corrects this omission.

List of Subjects in 27 CFR Part 275

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Cigars and cigarettes, Electronic funds transfers, Claims, Customs duties and inspections, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting and record keeping requirements, Seizures and forfeitures, Surety bonds, U.S. Possessions, Warehouses.

Accordingly, 27 CFR part 275 is corrected by making the following correcting amendments:

PART 275—IMPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

1. The authority citation for part 275 continues to read as follows:

Authority: 18 U.S.C. 2342; 26 U.S.C. 5701, 5703, 5704, 5705, 5708, 5712, 5713, 5721, 5722, 5723, 5741, 5754, 5761, 5762, 5763, 6301, 6302, 6313, 6404, 7101, 7212, 7342, 7606, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 275.11 [Corrected]

2. Remove the period at the end of the definition of the term "appropriate ATF officer" in § 275.11 and add the words "and ATF Order 1130.15, Delegation Order—Delegation of Certain of the

Director's Authorities in 27 CFR Parts 270, 275 and 296."

Bradley A. Buckles,

Director.

[FR Doc. 00–27220 Filed 10–23–00; 8:45 am]

BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CO–001–0041a, CO–001–0042a, UT–001–0032a; FRL–6889–2]

Approval and Promulgation of Air Quality Implementation Plans; Colorado and Utah; 1996 Periodic Carbon Monoxide Emission Inventories

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On May 10, 2000, the Governor of Colorado submitted a revision to the State Implementation Plan (SIP) that addressed the Clean Air Act (CAA) section 187(a)(5) requirement for 1996 Periodic Emission Inventories (PEI), for Carbon Monoxide (CO) nonattainment areas, for Denver, Colorado and Fort Collins, Colorado. On June 14, 1999, the Governor of Utah submitted a SIP revision for the 1996 CO PEI requirement for Utah County, Utah. In this action, the EPA is approving the 1996 CO PEIs for Denver, Colorado, Fort Collins, Colorado, and Utah County, Utah.

DATES: This direct final rule is effective on December 26, 2000 without further notice, unless EPA receives adverse comments by November 24, 2000. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202.

Copies of the State documents relevant to this action are also available for public inspection at the Colorado Department of Public Health and Environment, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80246–1530; and at the Utah Department of Environmental Quality, Division of Air Quality, 150 North 1950 West, Salt Lake City, Utah 84114–4820.

FOR FURTHER INFORMATION CONTACT: Megan Williams, EPA, Region VIII, (303) 312–6431.

SUPPLEMENTARY INFORMATION: Throughout this document wherever "we," "us," or "our" are used, we mean the Environmental Protection Agency.

Table of Contents

I. Background Information

A. What Is the Purpose of This Action?

In this action, we are approving the 1996 CO PEIs for Denver, Colorado, Fort Collins, Colorado, and Utah County, Utah.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). Under section 187(a)(5) of the CAA, States have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas toward attainment. The CAA required States with moderate or serious CO nonattainment areas to initially submit a base year CO inventory that represented actual emissions during the peak CO season by November 15, 1992. This base year inventory was for calendar year 1990. Moderate and serious CO nonattainment areas were also required to submit a revised emissions inventory periodically. The 1990 base year inventory was to serve as the primary inventory from which the periodic inventories were to be derived. As per CAA section 187(a)(5), the submittal of the first periodic emissions inventory, as a revision to the SIP, was required no later than September 30, 1995, and every three years thereafter until the area is redesignated to attainment. EPA approved the 1993 periodic CO emission inventories for Denver and Fort Collins on July 15, 1998 (see 63 FR 38087) and for Utah County on April 14, 1998 (see 63 FR 1812). As these three areas have not been redesignated to attainment, the CAA section 187(a)(5) requirement continues to apply to Denver, Fort Collins, and Utah County. Further information on these inventories and their purpose can be found in the document "Emission Inventory Requirements for Carbon Monoxide State Implementation Plans," USEPA, Office of Air Quality Planning and Standards, EPA–450/4–91–011, March 1991, the September 30, 1994, guidance memorandum entitled "1993 Periodic Emission Inventory Guidance," signed by J. David Mobley, Chief of the Emission Inventory Branch (hereafter, the Mobley Memorandum), the June 30, 1997, guidance memorandum distributing the document "Preparation of the 1996 Emission Inventory," from David Misenheimer, Acting Group Leader, Emission Factor and Inventory Group, and the document "Reporting Guidance for 1996 Periodic Emissions Inventories and National Emissions Trends (NET) Inventories," EPA–454/R–97–005, June 1997.

The periodic inventories were to be prepared in similar detail as was done with the 1990 base year inventories and were to address actual CO emissions for the area during the peak CO season. The peak CO season should reflect the months when peak CO concentrations occur. As winter is the peak CO season for Denver, Fort Collins, and Utah County, the 1996 periodic inventories included the period November through January. The periodic inventories are to address emissions from stationary point, area, on-road mobile, and non-road mobile sources.

B. What Is the State's Process To Submit These Materials to the EPA?

Section 110(k) of the CAA addresses our actions on submissions of revisions to a SIP. The CAA also requires States to observe certain procedural requirements in developing SIP revisions for submittal to us. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing (including emission inventories) [1]. This must occur before the State submits the revision to us.

The State of Colorado held a public hearing for the Denver 1996 PEI on April 15, 1999, directly after which the inventory was adopted by the Air Quality Control Commission (AQCC). The State of Colorado held a public hearing for the Fort Collins 1996 PEI on

[1] Memorandum from John Calcagni, Air Quality Management Division, and William G. Laxton, Director, Technical Support Division, to Regional Air Division Directors, Regions I–X, "Public Hearing Requirements for 1990 Base-Year Emission Inventories for Ozone and Carbon Monoxide Nonattainment Areas," September 29, 1992.

April 15, 1999 at which a Motion and Order to Continue the hearing on October 21, 1999 was granted. Directly after the October 21, 1999 hearing, the inventory was adopted by the Air Quality Control Commission (AQCC). Both inventories were formally submitted by the Governor on May 10, 2000. EPA determined the submittal was complete on June 16, 2000.

The State of Utah held a public hearing for the Utah County 1996 PEI on August 11, 1998, directly after which the inventory was adopted by the Air Quality Board. The Utah County inventory was formally submitted by the Governor on June 14, 1999. The Governor's June 14, 1999, submittal became complete on December 14, 1999, by operation of law under section 110(k)(1)(B) of the CAA.

C. How Did EPA Evaluate the 1996 Periodic CO Emission Inventories?

Our review of the 1996 PEIs for Denver, Fort Collins, and Utah County was based on the September 30, 1994, Mobley memorandum which allowed for two options for the approach to developing the PEI. If the PEI was to be used for a regulatory purpose (*i.e.*, milestone compliance demonstration, rate of progress, maintenance plan tracking, etc.) a rigorous, comprehensive PEI was to be developed similar in detail and documentation to that which was done for the 1990 base year inventory. If, however, EPA and the State determined that the subsequent PEI would not be used to support a regulatory purpose other than to fulfill the CAA section 187(a)(5) requirement, a less rigorous approach could be appropriate. Both Colorado and Utah chose the latter option for the three PEIs being approved in this action.

EPA has reviewed the 1996 PEIs for Denver, Fort Collins, and Utah County. Summary tables, calculations for all identified sources in each source category, and adequate documentation were provided by the State of Colorado and the State of Utah [2] for each of the three PEIs. EPA has determined that the Denver, Fort Collins, and Utah County 1996 PEIs satisfy the requirements of section 187(a)(5) of the CAA. One issue, however, arose with our review of the Fort Collins 1996 PEI. The Fort Collins PEI shows an increase of 64% in on-road mobile source emissions from 1990 to 1996. While Vehicle Miles Traveled (VMT) increased from 1990 to 1996, this increase is typically outweighed by emission reductions from changes in the fleet composition over the years (i.e., newer, lower emitting vehicles comprising a higher percentage of the total fleet; otherwise known as "fleet turnover"). The reason for this anomaly became clear after evaluating the methodology used by the North Front Range Transportation & Air Quality Planning Council (NFRT&AQPC), (the Metropolitan Planning Organization (MPO) for the Fort Collins area), to generate the VMT and transportation data sets for use by the State in calculating mobile source emissions. Since the development of the 1990 base year CO inventory for the Fort Collins nonattainment area, the NFRT&AQPC had expanded the size of its transportation modeling domain to encompass additional growth in the vicinity of Fort Collins (Fort Collins Urban Growth Area). In addition, the NFRT&AQPC used a less-sophisticated transportation model, MinUTP, to generate the VMT and used MinUTP in a very conservative mode (*i.e.*, slow speeds and increased congestion) which, when run in EPA's Mobile5b model, produced significant estimated CO emissions. The above issues are currently being resolved by the State and NFRT&AQPC with the MPO acquiring and using a more sophisticated transportation model, TRANSCAD. The MPO is currently working with the State to prepare the forthcoming Fort Collins CO redesignation request and maintenance plan. Through the development of this redesignation request, the State and MPO will reach agreement on the most appropriate area to use for future transportation planning for the Fort Collins area and may request an adjustment of the original nonattainment boundaries as necessary to agree with the modeling domain. In the interim, both the State and MPO agreed that it was not the best use of resources to try to force fit the MPO's VMT data to the current Fort Collins nonattainment boundary and, instead, requested that EPA approve the submitted 1996 Fort Collins PEI as a non-regulatory inventory. As this 1996 PEI serves a planning, non-regulatory purpose, EPA is accepting the inventory as meeting the provisions of section 187(a)(5) of the CAA and looks to a fully updated, comprehensive, regulatory inventory to be submitted with the future Fort Collins redesignation request and maintenance plan.

The 1996 CO emissions from point sources, area sources, on-road mobile sources, and non-road mobile sources for Denver, Fort Collins, and Utah County are summarized in the following table:

CARBON MONOXIDE SEASONAL EMISSIONS

[In tons per day]

Nonattainment area	Point source emissions	Area source emissions	On-road mobile emissions	Non-road mobile emissions	Total emissions
Denver	*14.66	90.66	973.35	262.74	1,341.41
Fort Collins	*0.27	13.26	82.13	23.40	119.06
Utah County	**63.01	28.93	188.04	4.74	284.72

* Point sources with CO emissions equal or greater than 1 ton per year.
** Major CO point sources (i.e., CO emissions equal to or greater than 100 tons per year).

All supporting calculations and documentation for these 1996 carbon monoxide periodic inventories are contained in the States' Technical Support Documents (TSDs) for this action.

II. Final Action

EPA is approving the carbon monoxide 1996 periodic emission inventories for Denver, Fort Collins, and Utah County as fulfilling the requirements of section 187(a)(5) of the CAA. The Denver and Fort Collins inventories were submitted by the Governor of Colorado with a letter dated May 19, 2000. The Utah County inventory was submitted by the

[2] Summary tables included in Utah County's point source section of the PEI, entitled "Geneva Steel Total Emission Inventory Part 1— and "Geneva Steel Total Emission Inventory Part 2— Other Emissions", present emissions for other pollutants (*i.e.*, PM_{10}, SO_2, NO_X and VOCs) in addition to CO. EPA is only acting on the CO emission information presented in these tables.

Governor of Utah with a letter dated June 14, 1999.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the "Proposed Rules" section of today's **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments be filed. This rule will be effective December 26, 2000 without further notice unless the Agency receives adverse comments by November 24, 2000. If the EPA receives adverse comments, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective December 26, 2000 unless EPA receives adverse written comments by November 24, 2000.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 26, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: October 12, 2000.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart G—Colorado

2. Section 52.348 is amended by adding paragraph (d) to read as follows:

§ 52.348 Emission inventories.

* * * * *

(d) On May 10, 2000, the Governor of Colorado submitted the 1996 Carbon Monoxide Periodic Emission Inventories for Denver and Fort Collins, as a revision to the Colorado State Implementation Plan. The inventories address carbon monoxide emissions from stationary point, area, non-road mobile, and on-road mobile sources.

Subpart TT—Utah

3. Section 52.2350 is amended by adding paragraph (c) to read as follows:

§ 52.2350 Emission inventories.

* * * * *

(c) On June 14, 1999, the Governor of Utah submitted the 1996 Carbon Monoxide Periodic Emission Inventory for Utah County as a revision to the Utah State Implementation Plan. The inventory addresses carbon monoxide emissions from stationary point, area,

non-road mobile, and on-road mobile sources.

[FR Doc. 00–27031 Filed 10–23–00; 8:45 am]
BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–45

[FPMR Amendment H–207]

RIN 3090–AH29

Sale, Abandonment, or Destruction of Personal Property

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration revised the regulations governing the abandonment and destruction of Federal personal property in the custody of executive agencies. The revised regulations are found in the Federal Management Regulation (FMR). This final rule removes from the Federal Property Management Regulations (FPMR) the old regulations governing use of the abandonment/destruction authority. This action is necessary to avoid duplicative coverage in the FPMR and the FMR. A cross reference is added to the FPMR to direct readers to the location of the new regulations in the FMR.

EFFECTIVE DATE: October 24, 2000.

FOR FURTHER INFORMATION CONTACT: Martha Caswell, Director, Personal Property Management Policy Division (MTP), 202–501–3828.

SUPPLEMENTARY INFORMATION:

A. Executive Order 12866

The General Services Administration (GSA) has determined that this final rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993.

B. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for public comment. Therefore, the Regulatory Flexibility Act does not apply.

C. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this final rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

D. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR 101–45

Government property management, Surplus Government property.

For the reasons set forth in the preamble, GSA amends 41 CFR part 101–45 as follows:

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

1. The authority citation for part 101–45 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

2. Subpart 101–45.9 is revised to read as follows:

Subpart 101–45.9—Abandonment or Destruction of Personal Property

§ 101–45.900 Cross-reference to the Federal Management Regulation (FMR) (41 CFR chapter 102, parts 102–1 through 102–220).

For information on the abandonment or destruction of personal property previously contained in this subpart, see 41 CFR part 102–36 (§§ 102–36.305 through 102–36.330).

Dated: September 26, 2000.

David J. Barram,

Administrator of General Services.

[FR Doc. 00–26019 Filed 10–23–00; 8:45 am]
BILLING CODE 6820–34–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 000407096–0096–01; I.D. 101700A]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Commercial Haddock Harvest

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

ACTION: Removal of haddock daily trip limit.

SUMMARY: NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has projected that less than 75 percent of the haddock target total allowable catch (TAC) will be harvested (4,689 metric tons (mt) of the 6,252 mt target TAC) for the 2000 fishing year under the present landing limit, so the daily landing limit is being suspended until March 1, 2001. Therefore, between October 26, 2000, and February 28, 2001, vessels fishing under a multispecies day-at-sea (DAS) may possess no more than 50,000 lb (22,680 kg) per trip, but are not restricted to a limit per DAS. Unless subsequent projections indicate some other measure is required to ensure that the haddock target TAC is harvested but not exceeded, the existing daily trip limit of 5,000 lb (2,268 kg) per DAS will go back into effect on March 1.

DATES: Effective October 26, 2000, through February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Rick Pearson, Fishery Policy Analyst, 978-281-9279.

SUPPLEMENTARY INFORMATION: Regulations implementing the haddock trip limit in Framework Adjustment 33 (65 FR 21658, April 24, 2000) became effective May 1, 2000. To ensure that haddock landings remain within the target TAC of 6,252 mt established for the 2000 fishing year, Framework 33 established an initial landing limit of 3,000 lb (1,360.8 kg) per DAS fished and 30,000 lb (13,608 kg) per trip maximum, followed by an increased landing limit of 5,000 lb (2,268 kg) per DAS and 50,000 lb (22,680 kg) per trip from October 1, 2000, through April 30, 2001. Framework 33 also provided a mechanism to adjust the haddock trip limit based upon the percentage of TAC which is projected to be harvested. Section 648.86(a)(1)(iii)(B) specifies that if the Regional Administrator has projected that less than 75 percent (4,689 mt) of the haddock target TAC will be harvested in the 2000 fishing year, the landing limit may be adjusted. Further, this section stipulates that NMFS will publish a notification in the **Federal Register** informing the public of the date of any changes to the landing limit.

Based on the available information, the Regional Administrator has projected that 4,689 mt will not be harvested by April 30, 2001, under the existing landing limit. The Regional Administrator has determined that removal of the daily landing limit of 5,000 lb (2,268 kg) per DAS through February 28, 2001, while retaining the 50,000 lb (22,680 kg) per trip possession limit, provides the industry with the opportunity to harvest at least 75 percent of the target TAC for the 2000 fishing year. However, because of difficulties inherent in collecting real-time haddock landings information, the

Regional Administrator has determined that the daily trip limit will be reimposed on March 1, 2001, unless she can project that the haddock target TAC for fishing year 2000 will be harvested but not exceeded before the end of the fishing year. Therefore, pursuant to § 648.86(a)(1)(iii)(B), the haddock daily landing limit is suspended, while the 50,000 lb (22,680 kg) per trip maximum possession limit is retained, from October 26, 2000, until February 28, 2001. The Regional Administrator may adjust this possession limit again through publication of a notification in the **Federal Register**, pursuant to § 648.86(a)(1)(iii).

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: October 18, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–27291; 10–19–00 4:52 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 697

[Docket No. 000824246–0288–02; I.D. 062700F]

RIN 0648–AO33

Horseshoe Crab; Interstate Fishery Management Plans

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

ACTION: Stay of declaration of moratorium and interim final rule.

SUMMARY: NMFS stays a moratorium and an interim final rule from October 23, 2000, through October 27, 2000. This action is being taken to allow time for Virginia to issue regulations to comply with Addendum 1 to the Interstate Fishery Management Plan for Horseshoe Crabs (Horseshoe Crab Plan), for the Atlantic States Marine Fisheries Commission to determine whether Virginia is in compliance, and for the Secretary of Commerce (Secretary) to remove the moratorium and associated regulations if he concurs with the Commission's determination.

DATES: Effective October 23, 2000, the moratorium and the amendments to 50 CFR 697.2 and 697.7 published on October 16, 2000 at 65 FR 61116 are stayed through October 27, 2000.

FOR FURTHER INFORMATION CONTACT: Paul Peria, 301–427–2014.

SUPPLEMENTARY INFORMATION: On October 16, 2000 (65 FR 61116), NMFS declared a Federal moratorium on fishing for horseshoes crabs in Virginia waters and issued regulations prohibiting the possession of horseshoe crabs in Virginia waters and the landing of horseshoes crabs in Virginia, regardless of where they were caught, effective October 23, 2000. the moratorium and regulations would remain in effect until the Secretary finds Virginia in compliance with Addendum 1.

On Tuesday, October 17, 2000, the Virginia Marine Resources Commission announced its intention to bring Virginia into compliance with the Horseshoe Crab Plan by implementing regulations by October 24, 2000, that would reduce Virginia's horseshoe crab landing limit to 152,495 horseshoe crabs, the amount allocated to it under Addendum 1. The Atlantic States Marine Fisheries Commission has stated that it will review Virginia's new regulation immediately and will withdraw its determination of non-compliance if it finds Virginia has taken the necessary steps to comply with Addendum 1. If the Secretary determines that Virginia is in compliance with Addendum 1, then he would remove the moratorium and associated regulations.

Because Virgnina hsa agreed to comply with Addendum 1 by issuing the necessary regulations by October 24, 2000, the Secretary is staying the moratorium and interim final rule through October 27, 2000, to allow time for Virginia to take such action, for the Atlantic States Marine Fisheries Commission and Secretary to review it, and for the Secretary to remove the moratorium and interim final rule, if appropriate.

Dated: October 20, 2000.

Craig O'Connor,

Acting General Counsel.

[FR Doc. 00–27450 Filed 10–20–00; 3:58 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 65, No. 206
Tuesday, October 24, 2000

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–57–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to all British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes. The proposed AD would require you to remove the nose landing gear steering actuator and install one that incorporates a modified piston rod. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by the proposed AD are intended to prevent failure of the nose landing gear steering actuator because of problems with the current design piston rod. Continued operation with the current design piston rod could result in loss of nose wheel steering and possible loss of control of the airplane during takeoff, landing, and taxi operations.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this proposed rule on or before November 22, 2000.

ADDRESSES: Submit comments in triplicate to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–57–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. S.M. Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on the proposed AD? The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments in triplicate to the address specified under the caption **ADDRESSES.** The FAA will consider all comments received on or before the closing date. We may amend the proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of the proposed AD action and determining whether we need to take additional rulemaking action.

Are there any specific portions of the proposed AD I should pay attention to? The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of the proposed rule that might suggest a need to modify the rule. You may examine all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of the proposed AD.

We are re-examining the writing style we currently use in regulatory documents, in response to the Presidential memorandum of June 1, 1998. That memorandum requires Federal agencies to communicate more clearly with the public. We are interested in your comments on whether the style of this document is clearer, and any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at *http://www.plainlanguage.gov.*

How can I be sure FAA receives my comment? If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write "Comments to Docket No. 2000–CE–57–AD." We will date stamp and mail the postcard back to you.

Discussion

What events have caused this proposed AD? The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes. The CAA reports three occurrences of nose landing gear failure in the area of the undercut on the base of the eye and thread on the steering actuator. The CAA reports cracks in this area on 10 additional nose landing gear units.

Investigation of these occurrences reveals incorrect installation or insufficient lubrication at the steering actuator trunnions. This then causes bending loads in the steering actuator piston rod during operation.

What are the consequences if the condition is not corrected? Cracks in or failure of the steering actuator piston rod could result in loss of nose wheel steering and possible loss of control of the airplane during takeoff, landing, and taxi operations.

Is there service information that applies to this subject? British Aerospace has issued Jetstream Mandatory Service Bulletin 32–JA000342, Issued: May 5, 2000. This service bulletin:

- Specifies removing the nose landing gear steering actuator and installing one that incorporates a modified piston rod; and
- References APPH Ltd. Hydraulics Service Bulletin 32–73, dated April 2000, which includes and references procedures for accomplishing the removal and installation actions.

What action did the CAA take? The CAA classified this service bulletin as mandatory and issued British AD 004–05–2000, not dated, in order to assure

the continued airworthiness of these airplanes in the United Kingdom.

Was this in accordance with the bilateral airworthiness agreement? These airplane models are manufactured in the United Kingdom 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, the CAA has kept FAA informed of the situation described above.

The FAA's Determination and an Explanation of the Provisions of the Proposed AD

What has FAA decided? The FAA has examined the findings of the CAA; reviewed all available information, including the service information referenced above; and determined that:

- The unsafe condition referenced in this document exists or could develop on other British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes of the same type design;
- The actions specified in the previously-referenced service information should be accomplished on the affected airplanes; and
- AD action should be taken in order to correct this unsafe condition.

What would the proposed AD require? This proposed AD would require you to remove the nose landing gear steering actuator and install one that incorporates a modified piston rod.

Are there differences between the proposed AD and the British AD? British AD 004–05–2000 requires these actions on airplanes registered in the United Kingdom within 180 days after the effective date of the British AD. Since cracks in or failure of the nose landing gear steering actuator piston rod is related to airplane operation, we are proposing the compliance time in hours time-in-service (TIS) instead of calendar time. We believe that "within 200 hours time-in-service TIS after the effective date of the AD" is an appropriate compliance time.

Cost Impact

How many airplanes would the proposed AD impact? We estimate that the proposed AD affects 264 airplanes in the U.S. registry.

What would be the cost impact of the proposed AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the proposed modification:

Labor cost	Parts cost per airplane	Total cost per airplane	Total cost on U.S. airplane operators
2 workhours × $60 per hour = $120.	$1,520	$1,640	$432,960

Regulatory Impact

Would this proposed AD impact various entities? The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposed rule would not have federalism implications under Executive Order 13132.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed 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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. FAA amends Section 39.13 by adding a new airworthiness directive (AD) to read as follows:

British Aerospace: Docket No. 2000–CE–57–AD

(a) *What airplanes are affected by this AD?* This AD affects Models HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 airplanes, all serial numbers, certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes on the U.S. Register 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 steering actuator because of problems with the current design piston rod. Continued operation with the current design piston rod could result in loss of nose wheel steering and possible loss of control of the airplane during takeoff, landing, and taxi operations.

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

Action	Compliance time	Procedures
(1) Remove the nose landing gear steering actuator and install one that incorporates a modified piston rod.	Within 200 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.	In accordance with the procedures in APPH Ltd. Service Bulletin 32–73, dated April 2000, as referenced in British Aerospace Jetstream Mandatory Service Bulletin 32–JA000342, Issued: May 5, 2000.

Action	Compliance time	Procedures
(2) You may not install,on any affected airplane, a nose landing gear unit that does not incorporate a modified steering actuator piston rod, as required by paragraph (d)(1) of this AD.	As of 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 Mr. S.M. Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; 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) *How do I get copies of the documents referenced in this AD?* You may obtain copies of the documents referenced in this AD from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. You may examine these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Note 2: The subject of this AD is addressed in British AD 004–05–2000.

Issued in Kansas City, Missouri, on October 17, 2000.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–27223 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–83–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes that are equipped with certain nose landing gear units. The proposed AD would require you to inspect the steering jack assembly to assure proper clearance between the bush heads on the steering plates and the shim on the steering jack trunnions and to assure that there is adequate lubrication at both trunnions and the eye end fitting. The proposed AD would also require you to adjust the clearance and provide adequate lubrication, as necessary. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by the proposed AD are intended to prevent cracked steering jack piston rods caused by inadequate clearance or inadequate lubrication of the steering jack pivot points. The condition could result in failure of the nose wheel steering system with consequent loss of airplane control.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this proposed rule on or before November 22, 2000.

ADDRESSES: Submit comments in triplicate to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–83–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. S.M. Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on the proposed AD? The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments in triplicate to the address specified under the caption **ADDRESSES.** The FAA will consider all comments received on or before the closing date. We may amend the proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of the proposed AD action and determining whether we need to take additional rulemaking action.

Are there any specific portions of the proposed AD I should pay attention to? The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of the proposed rule that might suggest a need to modify the rule. You may examine all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each FAA contact with the public that

concerns the substantive parts of the proposed AD.

We are re-examining the writing style we currently use in regulatory documents, in response to the Presidential memorandum of June 1, 1998. That memorandum requires Federal agencies to communicate more clearly with the public. We are interested in your comments on whether the style of this document is clearer, and any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at *http://www.plainlanguage.gov*.

How can I be sure FAA receives my comment? If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write "Comments to Docket No. 99–CE–83–AD." We will date stamp and mail the postcard back to you.

Discussion

What events have caused this proposed AD? The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes. The CAA reports incidents where cracking has occurred at the base of the thread in the steering jack piston rod, part number 618212, in the nose landing gear unit. The condition could occur on the referenced airplanes that are equipped with nose landing gear unit 1873, B00A702852A, B00A703064A, or B00A703056A.]

Inadequate clearance or inadequate lubrication of the steering jack pivot points can result in unusually high operational loads. These loads could result in such cracks in the steering jack piston rod.

What are the consequences if the condition is not corrected? A cracked steering jack piston rod could result in failure of the nose wheel steering system with consequent loss of airplane control.

Is there service information that applies to this subject? British Aerospace has issued Mandatory Service Bulletin 32-JA 981043, dated March 5, 1999. This service bulletin:

- Specifies inspecting the steering jack assembly to assure proper clearance between the bush heads on the steering plates and the shim on the steering jack trunnions and to assure that there is adequate lubrication at both trunnions and the eye end fitting;
- Specifies adjusting the clearance and providing adequate lubrication, as necessary; and
- References APPH Ltd. Service Newsletter, Issue 2, Jetstream 31 Steering Jack Part Number 618200. The procedures to accomplish the above-referenced actions are included in this service newsletter.

What action did the CAA take? The CAA classified this service bulletin as mandatory and issued British AD Number 012–03–99, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

Was this in accordance with the bilateral airworthiness agreement? These airplane models are manufactured in the United Kingdom 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, the CAA has kept FAA informed of the situation described above.

The FAA's Determination and an Explanation of the Provisions of the Proposed AD

What has FAA decided? The FAA has examined the findings of the CAA; reviewed all available information, including the service information referenced above; and determined that:

- The unsafe condition referenced in this document exists or could develop on other British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes of the same type design;
- The actions specified in the referenced service information should be accomplished on the affected airplanes; and
- AD action should be taken in order to correct this unsafe condition.

What would the proposed AD require? This proposed AD would require you to inspect the steering jack assembly to assure proper clearance between the bush heads on the steering plates and the shim on the steering jack trunnions and to assure that there is adequate lubrication at both trunnions and the eye end fitting. The proposed AD would also require you to adjust the clearance and provide adequate lubrication, as necessary.

Accomplishment of the proposed action would be in accordance with APPH Ltd. Service Newsletter, Issue 2, Jetstream 31 Steering Jack Part Number 618200, as referenced in British Aerospace Mandatory Service Bulletin 32-JA 981043, dated March 5, 1999.

Cost Impact

How many airplanes would the proposed AD impact? We estimate that the proposed AD would affect 300 airplanes in the U.S. registry.

What would be the cost impact of the proposed AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
1 workhour × $60 per hour	No parts required to accomplish the inspection	$60	$18,000

We estimate the following costs to accomplish any necessary adjustments that would be required based on the results of the proposed inspections. We have no way of determining the number of airplanes that may need such adjustments:

Labor cost	Parts cost	Total cost per airplane.
1 workhour × $60 per hour	No parts necessary for adjustment	$60

Regulatory Impact

Would this proposed AD impact various entities? The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposed rule would not have federalism implications under Executive Order 13132.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed 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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. FAA amends Section 39.13 by adding a new airworthiness directive (AD) to read as follows:

British Aerospace:—Docket No. 99–CE–83–AD

(a) *What airplanes are affected by this AD?* This AD affects Models HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes, all serial numbers, that are:

(1) equipped with a nose landing gear unit 1873, B00A702852A, B00A703064A, or B00A703056A; and

(2) certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes on the U.S. Register must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent cracked steering jack piston rods caused by inadequate clearance or inadequate lubrication of the steering jack pivot points. The condition could result in failure of the nose wheel steering system with consequent loss of airplane control.

(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 the steering jack assembly to assure proper clearance between the bush heads on the steering plates and the shim on the steering jack trunnions and to assure that there is adequate lubrication at both trunnions and the eye end fitting.	Within the next 200 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.	Accomplish in accordance with the instructions in APPH Ltd. Service Newsletter, Issue 2, Jetstream 31 Steering Jack Part Number 618200, as referenced in British Aerospace the Mandatory Service Bulletin 32–JA 981043 dated March 5, 1999.
(2) Adjust the clearance and provide adequate lubrication, as necessary.	Prior to further flight after the inspection required by paragraph (d)(1) of this AD.	Accomplish in accordance with the instructions in APPH Ltd. Service Newsletter, Issue 2, Jetstream 31 Steering Jack Part Number 618200, as referenced in British Aerospace Mandatory Service Bulletin 32–JA 981043, dated March 5, 1999.

Note 1: The FAA is proposing other AD action that would require installing a modified nose landing gear steering actuator piston rod. Incorporating this action does not justify the need to inspect the piston rod for cracks.

(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 2: 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 Mr. S.M. Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; 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) *How do I get copies of the documents referenced in this AD?* You may obtain copies of the documents referenced in this AD from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. You may examine these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506. Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in British AD 012–03–99.

Issued in Kansas City, Missouri, on October 17, 2000.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–27295 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–249–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model BAe ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model BAe ATP airplanes. This proposal would require revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. This proposal is prompted by issuance of a revision to the airworthiness limitations of the British Aerospace ATP Aircraft Maintenance Manual, which specifies new inspections and compliance times for inspection and replacement action. The actions specified by the proposed AD are intended to ensure that fatigue cracking of certain structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

DATES: Comments must be received by November 24, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–249–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9–anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 99–NM–249–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NM–249–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–249–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, has notified the FAA that a revision to Section 05–00–00 of British Aerospace ATP Aircraft Maintenance Manual (AMM) has been issued. [The FAA refers to the information included in that section of the AMM as the Airworthiness Limitations Section (ALS).] That revision affects all British Aerospace Model BAe ATP airplanes. The revision provides mandatory replacement times and structural inspection intervals approved under section 25.571 of the Joint Aviation Requirements and the Federal Aviation Regulations (14 CFR 25.571). As airplanes gain service experience, or as results of post-certification testing and evaluation are obtained, it may become necessary to add additional life limits or structural inspections to ensure the continued structural integrity of the airplane.

The CAA advises that analysis of fatigue test data has revealed that certain inspections must be performed at specific intervals to preclude fatigue cracking in certain areas of the airplane. In addition, the CAA advises that certain life limits must be imposed for various components on these airplanes to preclude the onset of fatigue cracking in those components. Such fatigue cracking, if not corrected, could adversely affect the structural integrity of these airplanes.

Explanation of Relevant Service Information

British Aerospace has issued a revision to Section 05–00–00, "General, Airworthiness Limitations," dated August 15, 1999, of British Aerospace ATP Aircraft Maintenance Manual (AMM), which references additional chapters. That revised section of the AMM includes mandatory life limitations for the airframe and power plant/engine; structural inspections of the fuselage, engine, horizontal stabilizer, and wing bottom surface. The revised section also describes new inspections and compliance times for inspection and replacement actions. Accomplishment of those actions will preclude the onset of fatigue cracking of

certain structural elements of the airplane.

The CAA has approved the revision to Section 05–00–00 of the AMM document to assure the continued airworthiness of these airplanes in the United Kingdom. The CAA has not issued a corresponding airworthiness directive, although accomplishment of the additional life limits and structural inspections contained in the revised section of the AMM document may be considered mandatory for operators of these airplanes in the United Kingdom.

FAA's Conclusions

The FAA has reviewed the revision to Section 05–00–00 of the AMM and 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. Pursuant to the bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. This airplane model is manufactured in the United Kingdom and is 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. The FAA has determined that the revision to Section 05–00–00 of the AMM must be incorporated into the ALS of the Instructions for Continued Airworthiness.

Explanation of Requirements of Proposed 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, the proposed AD would require a revision to the ALS of the Instructions for Continued Airworthiness to incorporate inspections to detect fatigue cracking of certain Significant Structural Items and to revise life limits for certain equipment and various components that are specified in the previously referenced maintenance document.

Explanation of Action Taken by the FAA

In accordance with airworthiness standards requiring "damage tolerance assessments" for transport category airplanes [section 25.1529 of the Federal Aviation Regulations (14 CFR 25.1529), and the Appendices referenced in that section], all products certificated to comply with that section must have Instructions for Continued Airworthiness (or, for some products, maintenance manuals) that include an ALS. That section must set forth:

- Mandatory replacement times for structural components,
- Structural inspection intervals, and
- Related approved structural inspection procedures necessary to show compliance with the damage-tolerance requirements.

Compliance with the terms specified in the ALS is required by sections 43.16 (for persons maintaining products) and 91.403 (for operators) of the Federal Aviation Regulations (14 CFR 43.16 and 91.403).

In order to require compliance with these inspection intervals and life limits, the FAA must engage in rulemaking, namely the issuance of an AD. For products certificated to comply with the referenced part 25 requirements, it is within the authority of the FAA to issue an AD requiring a revision to the ALS that includes reduced life limits, or new or different structural inspection requirements. These revisions then are mandatory for operators under section 91.403(c) of the Federal Aviation Regulations (14 CFR 91.403), which prohibits operation of an airplane for which airworthiness limitations have been issued unless the inspection intervals specified in those limitations have been complied with.

After that document is revised, as required, and the AD has been fully complied with, the life limit or structural inspection change remains enforceable as a part of the airworthiness limitations. (This is analogous to AD's that require changes to the Limitations Section of the Airplane Flight Manual.)

Requiring a revision of the airworthiness limitations, rather than requiring individual inspections, is advantageous for operators because it allows them to record AD compliance status only once—at the time they make the revision—rather than after every inspection. It also has the advantage of keeping all airworthiness limitations, whether imposed by original certification or by AD, in one place within the operator's maintenance program, thereby reducing the risk of non-compliance because of oversight or confusion.

Cost Impact

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $600, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

British Aerospace Regional Aircraft
[Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited; Docket 99–NM–249–AD.

Applicability: All BAe Model ATP 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 ensure continued structural integrity of these airplanes, accomplish the following:

Airworthiness Limitations Revision

(a) Within 30 days after the effective date of this AD, revise the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness by incorporating Section 05–00–00, dated August 15, 1997, of the British Aerospace ATP Aircraft Maintenance Manual (AMM), dated October 15, 1999, into the ALS. This section references other chapters of the AMM. The applicable revision level of the referenced chapters is that in effect on the effective date of this AD.

(b) Except as provided by paragraph (c) of this AD: After the actions specified in paragraph (a) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the document listed in paragraph (a) of this AD.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(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.

Issued in Renton, Washington, on October 18, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–27296 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Juan 00–095]

RIN 2115–AA97

Safety Zone Regulations; Guayanilla Bay, Guayanilla, Puerto Rico

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing moving and fixed safety zones around Liquefied Natural Gas (LNG) Carriers with product aboard in the waters of the Caribbean Sea and Guayanilla Bay, Puerto Rico. Due to its size and draft, the LNG vessel will require use of the center of the channel for safe navigation. The highly volatile nature of the cargo requires traffic to maintain a safe distance while moving or moored. These regulations are necessary for the protection of life and property on the navigable waters of the United States.

DATES: Comments and related material must reach the Coast Guard on or before December 26, 2000.

ADDRESSES: You may mail comments and related material to Commanding Officer, U.S. Coast Guard Marine Safety Office San Juan, Rodriguez and Del Valle Building, 4th Floor, Calle San Martin, Road #2, Guaynabo, Puerto Rico. The U.S. Coast Guard Marine Safety Office maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the USCG Marine Safety Office between the hours of 7 a.m. to 3:30 p.m., Monday through Friday, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert Lefevers at Coast Guard Marine Safety Office San Juan, Puerto Rico, (787) 706–2444.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (COTP San Juan 00–095), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Commanding Officer U.S. Coast Guard Marine Safety Office at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

These regulations are needed to provide for the safety of life on navigable waters from hazards associated with LNG carriers. The safety zones are needed because of the significant risks LNG ships present with their highly volatile cargoes, their size, and draft. We anticipate periodic arrivals of LNG carriers in Guayanilla Bay.

Discussion of Proposed Rule

A safety zone would be established with a 100 yard radius surrounding an LNG carrier with product aboard while transiting north of Latitude 17°57.00′N in the waters of the Caribbean Sea and Guayanilla Bay, Puerto Rico. This Safety Zone would remain in effect until the LNG vessel is alongside the Eco-Electrica waterfront facility in Guayanilla Bay. A Safety Zone would also be established in the waters within 150 feet of an LNG vessel when the vessel is alongside the Eco-Electrica waterfront facility. This Safety Zone would remain in effect while the LNG vessel remains at the dock with product aboard or is transferring liquefied natural gas.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies

and procedures of DOT is unnecessary due to the relatively infrequent arrivals of LNG carriers and the sparse nature of commercial traffic in Guayanilla Bay.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. The proposed rule may affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit a portion of Guayanilla Bay during the entry of an LNG vessel into the bay and its subsequent docking and transfer operations at the Eco-Electrica facility. This regulation will not have a significant economic impact on a substantial number of small entities because of the infrequent LNG vessel arrivals into Guayanilla Bay and the short transit time into the bay. Vessel traffic will not be impeded while the LNG carrier is moored to the dock at the Eco-Electrica facility.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Commander Robert Lefevers at Coast Guard Marine Safety Office San Juan, Puerto Rico, (787) 706–2444.

We also have a point of contact for commenting on actions by employees of the Coast Guard. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

We have analyzed this proposed rule under E.O. 13132 and have determined that it does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (34)g, of Commandant Instruction M16475.lC, this proposed rule is categorically excluded from further environmental documentation because it is establishing a Safety Zone. A "Catagorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Safety measures, Waterways.

For the reasons discussed in the Preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. Section 165.755 is added to read as follows:

§ 165.755 Safety Zone; Guayanilla, Puerto Rico.

(a) The following area is established as a safety zone during the specified conditions:

(1) In a 100 yard radius surrounding a Liquefied Natural Gas (LNG) Carrier with product aboard on approach to Guayanilla Bay transiting north of Latitude 17°57.00′N in the waters of the Caribbean Sea and Guayanilla Bay, Puerto Rico. The safety zone remains in effect until the LNG vessel is alongside the Eco-Electrica waterfront facility in Guayanilla Bay, at position 17°58.55′N, 066°45.3′W.

(2) The waters and land area within 150 feet of an LNG vessel when the vessel is alongside the Eco-Electrica waterfront facility. This safety zone remains in effect while the LNG vessel remains at the dock with product aboard or is transferring liquefied natural gas.

(b) In accordance with the general regulations in § 165.23 of this part, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port.

(c) The Marine Safety Office San Juan will notify the maritime community of periods during which the safety zones will be in effect by providing advance notice of scheduled arrivals and departures of LNG carriers via a Mariners marine broadcast.

Dated: October 3, 2000.

J.A. Servidio,

Commander, U. S. Coast Guard, Captain of the Port.

[FR Doc. 00–27242 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CO–001–0041b, CO–001–0042b, UT–001–0032b; FRL–6889–3]

Approval and Promulgation of Air Quality Implementation Plans; Colorado and Utah; 1996 Periodic Carbon Monoxide Emission Inventories

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve two State Implementation Plan (SIP) revisions: one submitted by the Governor of the State of Colorado on May 10, 2000; and the other submitted by the Governor of the State of Utah on June 14, 1999. The two revisions contain the 1996 periodic carbon monoxide (CO) emission inventories for Denver, Colorado, Fort Collins, Colorado, and Utah County, Utah that were submitted to satisfy the requirements of section 187(a)(5) of the Clean Air Act (CAA), as amended in 1990. In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of the direct final rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

DATES: Comments must be received in writing on or before November 24, 2000.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202.

Copies of the State documents relevant to this action are also available for public inspection at the Colorado Department of Public Health and Environment, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80246–1530 and at the Utah Department of Environmental Quality, Division of Air Quality, 150 North 1950 West, Salt Lake City, Utah 84114–4820.

FOR FURTHER INFORMATION CONTACT: Megan Williams, EPA, Region VIII, (303) 312–6431.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: October 12, 2000.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

[FR Doc. 00–27032 Filed 10–23–00; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 65, No. 206
Tuesday, October 24, 2000

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 18, 2000.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 *and* to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Agricultural Surveys Program.
OMB Control Number: 0535–0213.
Summary of Collection: The National Agriculture Statistics Service's (NASS) primary function is to prepare and issue state and national estimates of crop and livestock production and collection information on related environmental and economic factors. The Agricultural Surveys Program is a series of surveys that contains basic agricultural data from farmers and ranchers throughout the Nation for preparing agricultural estimates and forecasts. The surveys results provide the foundation for setting livestock and poultry inventory numbers. Estimates derived from the survey supply information needed by farmers to make decisions for both short and long-term planning. The Agriculture Surveys Program has been modified and the changes are: discontinuance of the Fall Area Survey, addition of a Monthly Hog Survey, addition of questions regarding losses of cattle and use of biotechnology in the production of corn, soybeans, and upland cotton.
Need and Use of The Information: The surveys provide the basis for estimates of the current season's crop and livestock production and supplies of grain in storage. Crop and livestock statistics help develop a stable economic atmosphere and reduce risk for production, marketing, and distribution operations. These commodities affect the well being of the nation's farmers, commodities markets, and national and global agricultural policy. Users of agricultural statistics are farm organizations, agribusiness, state and national farm policy makers, and foreign buyers of agricultural products. However, the primary user of the statistical information is the producer. Agricultural statistics are also used to plan and administer other related federal and state programs in such areas as the school lunch program, conservation, foreign trade, education, and recreation.
Collecting the information less frequently would eliminate needed data to keep the government and agricultural industry abreast of changes at the state and national levels.
Description of Respondents: Business or other for-profit.
Number of Respondents: 606,800.
Frequency of Response: Reporting: Quarterly.
Total Burden Hours: 141,022.

Economic Research Service

Title: Assessment of WIC Coast-Containment Practices.
OMB Control Number: 0536–NEW.
Summary of Collection: The Economic Research Service (ERS) of the Department of Agriculture (USDA) is responsible for conducting studies and evaluations of the nation's food assistance programs that are administered by the Food and Nutrition Service (FNS). The Women, Infants, and Children (WIC) Program is the second largest domestic food-assistance program in the United States. The need to conduct an assessment of the WIC program arises from the legislative mandate in the William F. Goodling Child Nutrition Reauthorization Act of 1998 (42 U.S.C. 1786; Pub. L. 105–336) to study the impact of cost containment in the WIC program. WIC provides a comprehensive set of services, including supplemental foods, nutrition education, and increased access to health care and social services for pregnant, breastfeeding, and postpartum women; infants; and children up to the age of five years. ERS will collect information using a survey.
Need and Use of the Information: ERS will collect information to determine access and availability of prescribed foods; actual food selections by participants; voucher redemption rates and participants use of and satisfaction with prescribed foods; participants on special diets or with specific food allergies; achievement of positive health outcomes; program costs; and program participation. The information will be used in the Assessment of WIC Cost Containment Practices to analyze the effects of current cost containment practices established by states on program participation, selected participant outcomes, and program costs. If the study were not conducted there would be no way to assess the consequences, both good and bad, or WIC cost-containment practices in order to determine if such practices should be encouraged or discouraged by program officials and the Congress.
Description of Respondents: Individuals or households; State, Local, or Tribal Government.
Number of Respondents: 2,052.

Frequency of Responses: Reporting: Other (one time).

Total Burden Hours: 817.

Rural Utility Service

Title: Water and Waste Disposal Programs Guaranteed Loans.

OMB Control Number: 0572–NEW.

Summary of Collection: The Rural Utilities Service (RUS) is authorized by the Consolidated Farm and Rural Development Act to make loans to public agencies, nonprofit corporations, and Indian tribes for the development of water and waste disposal facilities primarily servicing rural residents. The guaranteed loan program encourages lender participation and provides specific guidance in the processing and servicing of guaranteed loans.

Need and Use of the Information: Rural Development's field offices will collect information from applicants/borrowers, lenders, and consultants to determine eligibility, project feasibility and to ensure borrowers operate on a sound basis and use loan funds for authorized purposes. There are agency forms required as well as other requirements that involve certifications from the borrower, lenders, and other parties. Failure to collect proper information could result in improper determinations of eligibility, use of funds and or unsound loans.

Description of Respondents: Business or other for-profit.

Number of Respondents: 15.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 858.

Forest Service

Title: Application for the Senior Community Service Employment Program.

OMB Control Number: 0596–0099.

Summary of Collection: The Senior Community Service Employment Program (SCSEP) is administered in conjunction with Title V of the Older Americans Act of 1965, as amended. The Secretary of Labor administers this program in order to foster and promote useful part-time opportunities in community services activities for unemployed low-income persons who are age 55 or older. The Forest Service (FS) participates as one of 10 national sponsors under a grant agreement from the Department of Labor and operates the SCSEP in 40 states, the District of Columbia, and Puerto Rico. Through the SCSEP the vast majority of applications become self-reliant and independent of welfare programs and have upgraded their skills and transitioned into the regular labor market. The FS will collect information using form FS 1800–21b "Application for Senior Community Service Employment Program."

Need and Use of the Information: FS will collect the following information: identification data (name, address, and birth date); eligibility information (number in family, income and signature); applicant's disposition (family income level determination, eligibility determination, community service assignment determination); and other information such as age, sex, education level, ethnic group, his/her veteran and handicapped position. The information will also be used to provide the administrative office within the Department of Labor data on the program's enrollment. If the FS does not collect the above data from each person applying to the SCSEP, participant eligibility determination could not be legally made and the Forest Service could forfeit its right to remain a viable program sponsor.

Description of Respondents: Individuals or households.

Number of Respondents: 6,500.

Frequency of Responses: Recordkeeping; Reporting: Other (initial application).

Total Burden Hours: 1,083.

Nancy B. Sternberg,

Departmental Clearance Officer.

[FR Doc. 00–27218 Filed 10–23–00; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–830]

Coumarin From the People's Republic of China: Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of extension of time limit for preliminary results of antidumping duty administrative review.

EFFECTIVE DATE: October 24, 2000.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0666.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (1999).

Extension of Time Limit for Preliminary Results

On February 9, 1995, the Department of Commerce published an antidumping duty order on coumarin from the People's Republic of China (60 FR 7751). The Department received requests to conduct an administrative review of this antidumping duty order. The review was initiated on March 30, 2000 for Jiangsu Native Produce Import & Export Corp. (Jiangsu) at the request of petitioner (65 FR 16875), and on June 2, 2000 for Netchem Inc. (Netchem) at the request of Netchem (65 FR 35320). On July 31, 2000, Jiangsu submitted a letter to the Department stating that it would no longer participate in the review. This antidumping duty administrative review covers the period of February 1, 1999 through January 31, 2000.

Because of the complexity of certain issues, it is not practicable to complete this review within the time limit mandated by section 751(a)(3)(A) of the Act. Therefore, in accordance with that section, the Department is extending the time limit for the preliminary results to no later than February 28, 2001 (*See Memorandum from Barbara E. Tillman to Joseph A. Spetrini, Extension of Time Limit*, October 12, 2000).

Dated: October 13, 2000.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for AD/CVD Enforcement Group III.

[FR Doc. 00–27302 Filed 10–23–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–504]

Porcelain-on-Steel Cookware From Mexico: Preliminary Results of Antidumping Dduty Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by the petitioner, Columbian Home Products, LLC (formerly General Housewares

Corporation), the Department of Commerce is conducting an administrative review of the antidumping duty order on porcelain-on-steel cookware from Mexico. This review covers Cinsa, S.A. de C.V. and Esmaltaciones de Norte America, S.A. de C.V., manufacturers/exporters of the subject merchandise to the United States and the period December 1, 1998, through November 30, 1999 (thirteenth review period).

We preliminarily determine that sales have been made below normal value. Interested parties are invited to comment on these preliminary results. If these preliminary results are adopted in our final results of administrative review, we will instruct the Customs Service to assess antidumping duties on all appropriate entries.

EFFECTIVE DATE: October 24, 2000.

FOR FURTHER INFORMATION CONTACT: Dinah McDougall or Rebecca Trainor, Office 2, AD/CVD Enforcement Group I, Import Administration—Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3773 or (202) 482–4007, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (April 1999).

Background

On October 10, 1986, the Department published in the **Federal Register**, 51 FR 36435, the final affirmative antidumping duty determination on certain porcelain-on-steel (POS) cookware from Mexico. We published an antidumping duty order on December 2, 1986, 51 FR 43415.

On December 14, 1999, the Department published in the **Federal Register** a notice advising of the opportunity to request an administrative review of this order for the period December 1, 1998, through November 30, 1999 (the POR), 64 FR 69693. The Department received a request for an administrative review of Cinsa, S.A. de C.V. (Cinsa) and Esmaltaciones de Norte America, S.A. de C.V. (ENASA) from Columbian Home Products, LLC (CHP), formerly General Housewares Corporation (GHC) (hereinafter, the petitioner). We published a notice of initiation of the review on January 26, 2000, 65 FR 4228.

On January 12, 2000, the Department issued an antidumping duty questionnaire to Cinsa and ENASA. We issued supplemental questionnaires on May 16, and June 19, 2000. On March 13, 2000, June 5, 2000, and July 5, 2000, we received responses to the original questionnaire and to our two supplemental questionnaires. On July 14, 2000, the respondents filed a database containing December 1998 home market sales data, which the respondents claimed had been unintentionally omitted from their prior data submissions. We conducted verification of Cinsa/ENASA's antidumping duty questionnaire responses from July 17, 2000 through July 28, 2000, and issued our report on September 27, 2000, (see Memorandum to the File: Sales and Cost of Production Verification).

On August 7, 2000, we requested that the respondents submit revised home market sales, U.S. sales, and CV/COP databases to reflect certain verification findings. See letter dated August 7, 2000, and memo to the file dated August 21, 2000, on file in Room B–099 of the Commerce Department. On October 3, 2000, we returned respondents' July 14 and August 11, 2000 submissions because they contained certain home market sales information that was untimely filed. *See* letter to David Amerine dated October 3, 2000, on file in room B–099 of the Commerce Department. In accordance with the Department's request in that letter, the respondents submitted revised databases on October 5, 2000. The Department is conducting this review in accordance with section 751(a) of the Act.

Scope of the Review

The products covered by this review are porcelain-on-steel cookware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 7323.94.00. Kitchenware currently classifiable under HTSUS subheading 7323.94.00.30 is not subject to the order. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Reimbursement

During the eleventh review period (December 1, 1996 through November 30, 1997), the Department found that Cinsa and ENASA's U.S. affiliate, Cinsa International Co. (CIC), had been reimbursed for the payment of antidumping duties on entries of subject merchandise made during the fifth and seventh review periods and liquidated during the eleventh review period. Based on this reimbursement, the Department established a rebuttable presumption that CIC would also be reimbursed for its eleventh review entries. Cinsa and ENASA failed to rebut that presumption in the eleventh review, but did rebut the presumption during the twelfth review, i.e., the most recent prior review. *See Porcelain-On-Steel Cookware from Mexico: Final Results of Antidumping Duty Administrative Review*, 65 FR 30068 (May 10, 2000). For this reason, and because there has been no new indication of reimbursement since the transfer made during the eleventh review period, the Department has not adopted any presumption of reimbursement as to entries made during this thirteenth review period.

Facts Available

In accordance with section 776(a)(2)(B) of the Act, we have determined that the use of partial adverse facts available is appropriate for Cinsa and ENASA in this case, because they did not report certain home market sales in a timely manner. In our January 12, 2000, questionnaire, we instructed the respondents to report all home market sales made during the POR, as well as those made three months prior to, and two months after, the POR. We reiterated this request in our June 19, 2000 supplemental questionnaire, and instructed the respondents to revise their databases to include all applicable sales. In their July 5, 2000, supplemental questionnaire response, Cinsa and ENASA stated that they had complied with this request. On July 14, 2000, three days before the beginning of verification, the respondents submitted for the record the December 1998 home market sales data for Cinsa and ENASA, which they stated had been erroneously omitted from their prior data submissions. On October 3, 2000, we returned to the respondents their submissions of July 14, 2000 and August 11, 2000, containing the December 1998 sales data that we determined to be new factual information untimely filed. The respondents resubmitted their sales data, excluding the December 1998 sales information, on October 5, 2000.

Section 776(b) of the Act provides that, when selecting the facts available, adverse inferences may be used when a party has failed to cooperate by not acting to the best of its ability to comply with the Department's requests for information. See also Statement of Administrative Action accompanying the URAA, H.R. Rep. No. 103–316 at 868–870 (1994) (SAA). For the U.S. sales that would have matched to Cinsa's and ENASA's December 1998 home market sales, we have applied an adverse assumption, because Cinsa and ENASA did not act to the best of their ability in responding to the Department's repeated requests that they provide complete home market sales data by the questionnaire deadlines. As partial facts available, we have applied margins calculated for Cinsa and ENASA in previous segments of the proceeding to their U.S. sales that would otherwise have matched to the December 1998 home market sales. These margins are 17.47 percent for Cinsa, calculated in the less-than-fair-value investigation, and 61.66 percent for ENASA, calculated in the 10th administrative review. They are the highest calculated margins in any segment of the proceeding that have not been doubled as a result of a finding of reimbursement. *See Porcelain-on-Steel Cookware from Mexico: Final Determination of Sales at Less than Fair Value Investigation*, 51 FR 36435 (October 10, 1986) and *Porcelain-on-Steel Cookware from Mexico: Amended Final Results of Antidumping Duty Administrative Review*, 63 FR 43594 (August 13, 1998). For a detailed discussion of our treatment of these sales, see the October 16, 2000 Memorandum to the File: Calculation Memo for the Preliminary Results (Preliminary Results Calculation Memo) on file in room B–099 of the Commerce Department.

Section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate secondary information used for facts available by reviewing independent sources reasonably at its disposal. Information from a prior segment of the proceeding, such as the prior review margins for Cinsa and ENASA that we are using here, constitute secondary information. The SAA provides that to "corroborate" means simply that the Department will satisfy itself that the secondary information to be used has probative value. SAA at 870. As explained in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Diameter, and Components Thereof, from Japan; Preliminary Results of Administrative Reviews*, 61 FR 57391, 57392 (Nov. 6, 1996), to corroborate secondary information, the Department will examine, to the extent practicable, the reliability and relevance of the information used.

Unlike other types of information, such as input costs or selling expenses, there are no independent sources from which the Department can derive calculated dumping margins; the only source for margins is administrative determinations. In an administrative review, if the Department chooses as facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period, because it was calculated in accordance with the statute.

With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin not relevant. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin. *See Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812 (February 22, 1996), where the Department disregarded the highest dumping margin as best information available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin. There is no evidence of circumstances indicating that the margins we are using as facts available in this review are not appropriate. For example, we have expressly declined to use the margins from the eleventh review, which were doubled because of the reimbursement finding. Therefore, the requirements of section 776(c) of the Act are satisfied.

Fair Value Comparisons

To determine whether sales of POS cookware by Cinsa and ENASA to the United States were made at less than normal value, we compared constructed export price (CEP) to the normal value, as described in the "Constructed Export Price" and "Normal Value" sections of this notice.

Pursuant to section 777A(d)(2) of the Act, we compared the CEPs of individual U.S. transactions to the weighted-average normal value of the foreign like product where there were sales made in the ordinary course of trade at prices above the cost of production (COP), as discussed in the "Cost of Production Analysis" section, below.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by Cinsa and ENASA covered by the description in the "Scope of the Review" section, above, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. We compared U.S. sales to sales made in the home market within the contemporaneous window period, which extends from three months prior to the U.S. sale until two months after the sale. Where there were no sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade. In making the product comparisons, we compared individual cookware pieces with identical or similar pieces, and cookware sets to identical or similar sets. Within these groupings, we matched foreign like products based on the physical characteristics reported by the respondents in the following order: Quality, gauge, cookware category, model, shape, wall shape, diameter, width, capacity, weight, interior coating, exterior coating, grade of frit (a material component of enamel), color, decoration, and cover, if any.

Constructed Export Price

We calculated CEP in accordance with section 772(b) of the Act, because the subject merchandise was first sold by CIC after importation into the United States. We based CEP on packed prices to unaffiliated purchasers in the United States. We made deductions from the starting price, where appropriate, for billing adjustments, discounts, rebates, U.S. and foreign inland freight, U.S. and Mexican brokerage and handling expenses, and U.S. duty in accordance with section 772(c)(1) of the Act and 19 CFR 351.402(a). We made further deductions, where appropriate, for credit, commissions, and indirect selling expenses that were associated with economic activities occurring in the United States, pursuant to section 772(d)(1) of the Act and 19 CFR 351.402(b). For those sales for which the payment date was not reported, we calculated credit based on the average number of days between shipment and payment using the sales for which payment information was reported. We made an adjustment for profit in accordance with section 772(d)(3) of the

Act. As a result of our verification findings, we deleted canceled sales from the U.S. sales database, recalculated U.S. duties, and adjusted the entered value for certain sales. *See* the Preliminary Results Calculation Memo for further detail.

Normal Value

Based on a comparison of the aggregate quantity of home market and U.S. sales, we determined that the quantity of the foreign like product sold in the exporting country was sufficient to permit a proper comparison with the sales of the subject merchandise to the United States, pursuant to section 773(a) of the Act. Therefore, we based normal value on the price (exclusive of value-added tax) at which the foreign like product was first sold for consumption in the home market, in accordance with section 773(a)(1)(B)(i) of the Act, as noted below.

Level of Trade and CEP Offset

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine normal value based on sales in the comparison market at the same level of trade (LOT) as the export price or CEP transaction. The normal value LOT is that of the starting-price sales in the comparison market or, when normal value is based on constructed value, that of the sales from which we derive selling, general and administrative (SG&A) expenses and profit. For export price, the U.S. LOT is also the level of the starting-price sale, which is usually from the exporter to an unaffiliated U.S. customer. For CEP, it is the level of the constructed sale from the exporter to an affiliated importer, after the deductions required under section 772(d) of the Act. To determine whether normal value sales are at a LOT different from export price or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which normal value is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. For CEP sales, if the normal value level is more remote from the factory than the CEP level, and there is no basis for determining whether the difference in the levels between normal value and CEP affects price comparability, we adjust normal value under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

In this review, Cinsa and ENASA had only CEP sales. They reported that comparison-market and CEP sales were made at different LOTs, and that comparison-market sales were made at a more advanced LOT than were sales to CIC in the United States. The respondents requested that the Department make a CEP offset in lieu of a LOT adjustment, as they were unable to quantify the price differences related to sales made at the different LOTs.

Cinsa and ENASA reported three channels of distribution in the home market: (1) Direct sales to customers from the Saltillo plant, (2) sales shipped from their Mexico city warehouse, and (3) sales shipped to supermarkets and discount stores. In analyzing the data in the home market sales listing by distribution channel and sales function, we found that the three home market channels are all handled by Cinsa's and ENASA's affiliated distributer, COMESCO, and did not differ significantly with respect to selling functions. Similar services were offered to all or some portion of customers in each channel. Based on this analysis, we find that the three home market channels of distribution comprise a single LOT.

All CEP sales were made through the same distribution channel: By the Mexican exporter to CIC, the U.S. affiliated reseller, which then sold the merchandise directly to unaffiliated purchasers in the United States. The same selling functions/services were provided by Cinsa and ENASA to all customers in this distribution channel. Therefore, we preliminarily determine that all CEP sales constitute a single LOT in the United States.

To determine whether sales in the comparison market were at a different LOT than CEP sales, we examined the selling functions performed at the CEP level, after making the appropriate deductions under section 772(d) of the Act, and compared those selling functions to the selling functions performed in the home-market LOT.

In the comparison market, Cinsa and ENASA sold subject merchandise to their affiliated distributor, COMESCO, which then resold the POS product to unaffiliated customers. In the United States, Cinsa sold its and ENASA's subject merchandise to its affiliate, CIC, which then sold the subject merchandise directly to unaffiliated purchasers. Therefore, we compared the selling functions and the level of activity associated with Cinsa's sales to CIC with the sales by COMESCO to unaffiliated purchasers in the Mexican market. We found that several of the functions performed in making the starting-price sale in the comparison market either were not performed in connection with sales to CIC (*e.g.*, market research, order solicitation, after sale services/warranties, and advertising), or were only performed to a small degree in connection with sales to CIC (*e.g.*, inventory maintenance), thus supporting respondents' contention that different LOTs exist between comparison-market and CEP sales.

These differences also support the respondents' assertion that the comparison-market merchandise is sold at a more advanced LOT (*see* the Preamble to the Department's Regulations, 62 FR 27295, 27371 (May 19, 1997) ("Each more remote-level must be characterized by an additional layer of selling activities, amounting in the aggregate to a substantially different selling function.") Furthermore, many of the same selling functions that are performed at the comparison-market LOT are performed, not at the CEP LOT, but by the respondents' U.S. affiliate. Based on this analysis, we preliminarily conclude that the comparison-market and CEP channels of distribution are sufficiently different to determine that two different LOTs exist, and that the comparison-market sales are made at a more advanced LOT than are the CEP sales.

We note that the U.S. Court of International Trade (CIT) has held that the Department's practice of determining LOTs for CEP transactions after CEP deductions is an impermissible interpretation of section 772(d) of the Act. *See Borden, Inc.* v. *United States*, 4 F. Supp. 2d 1221, 1241–42 (CIT 1998) (*Borden*). The Department believes, however, that its practice is in full compliance with the statute. On June 4, 1999, the CIT entered final judgement in Borden on the LOT issue. *See Borden Inc.* v. *United States*, Court No. 96–08–01970, Slip Op. 99–50 (CIT June 4, 1999). The government has filed an appeal of *Borden* which is pending before the U.S. Court of Appeals for the Federal Circuit. Consequently, the Department has continued to follow its normal practice of adjusting CEP under section 772(d) prior to starting a LOT analysis, as articulated by the Department's regulations at section 351.412.

Because there is only one LOT in the home market, it is not possible to determine if there is a pattern of consistent price differences between the sales on which normal value is based

and comparison market (*i.e.*, home market) sales at the LOT of the export transaction. Thus, the data available do not provide an appropriate basis to calculate an LOT adjustment. Therefore, we made a CEP offset to normal value. In accordance with section 773(a)(7) of the Act, we calculated the CEP offset as the lesser of the following:

1. The indirect selling expenses on the comparison-market sale, or
2. The indirect selling expenses deducted from the starting price in calculating CEP.

Cost of Production Analysis

The Department disregarded certain sales made by Cinsa and ENASA for the period December 1, 1997, through November 30, 1998 (the most recently completed review of Cinsa and ENASA), pursuant to a finding in that review that sales failed the cost test (*see Porcelain-on-Steel Cookware from Mexico: Final Results of Antidumping Duty Administrative Review*, 65 FR 320068 (May 10, 2000)). Thus, in accordance with section 773(b)(2)(A)(ii) of the Act, there are reasonable grounds to believe or suspect that respondents Cinsa and ENASA made sales in the home market at prices below the cost of producing the merchandise in the current review period. As a result, the Department initiated investigations to determine whether the respondents made home-market sales during the POR at prices below their COP within the meaning of section 773(b) of the Act.

A. Calculation of COP

We calculated the COP on a product-specific basis, based on the sum of Cinsa's and ENASA's cost of materials and fabrication for the foreign like product, plus amounts for home-market SG&A and packing costs in accordance with section 773(b)(3) of the Act. Because Cinsa and ENASA reported monthly costs, we created an annual average COP on a product-specific basis.

We relied on COP information submitted by Cinsa and ENASA, except in the following instances where it was not appropriately quantified or valued: (1) Enamel frit prices from an affiliated supplier did not approximate fair market value prices; therefore, we increased Cinsa's and ENASA's enamel frit prices to account for the portion of the reported cost savings to affiliated parties which was not due to market-based savings; (2) we excluded Cinsa's and ENASA's negative interest expense. *See* the Preliminary Results Calculation Memo for further details.

B. Test of Home Market Prices

We compared the weighted-average, per-unit COP figures for the POR to home market sales of the foreign like product, as required by section 773(b) of the Act, in order to determine whether these sales were made at prices below the COP. In determining whether to disregard home market sales made at prices below the COP, we examined whether: (1) Within an extended period of time, such sales were made in substantial quantities; and (2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP (net of selling expenses) to the home market prices, less any applicable movement charges, rebates, discounts, and direct and indirect selling expenses.

C. Results of COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of the respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." Where twenty percent or more of the respondent's sales of a given product during the POR were at prices less than the COP, we disregarded the below-cost sales where such sales were found to be made at prices which would not permit the recovery of all costs within a reasonable period of time (in accordance with section 773(b)(2)(D) of the Act).

The results of our cost tests for Cinsa and ENASA indicated for certain home market models, less than twenty percent of the sales of the model were at prices below COP. We therefore retained all sales of these models in our analysis and used them as the basis for determining normal value. Our cost tests also indicated that for certain other home market models more than twenty percent of home market sales within an extended period of time were at prices below COP and would not permit the full recovery of all costs within a reasonable period of time. In accordance with section 773(b)(1) of the Act, we therefore excluded the below-cost sales of these models from our analysis and used the remaining sales as the basis for determining normal value.

Price-to-Price Comparisons

For both respondents, we calculated normal value based on the value-added tax-exclusive, home market gross unit price and deducted, where appropriate, inland freight, discounts, and rebates in accordance with section 773(a)(6) of the Act and 19 CFR 351.401. We made a deduction for credit expenses, where appropriate, pursuant to section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410(c). We also deducted commissions and the lesser of comparison-market indirect selling expenses and the indirect selling expenses deducted from CEP (the CEP offset) pursuant to section 773(a)(7)(A) of the Act and 19 CFR 351.412(f). For those comparison-market sales for which the payment date was not reported, we calculated credit based on the average number of days between shipment and payment using the sales for which payment information was reported. We made adjustments to normal value for differences in packing expenses. We also made adjustments to normal value, where appropriate, for differences in costs attributable to differences in the physical characteristics of the merchandise, pursuant to section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411. In accordance with our verification findings, we deleted canceled sales from the home market database, and recalculated inventory carrying costs and credit expenses. *See* the Preliminary Calculation Memo for further details.

Currency Conversion

We made currency conversions in accordance with section 773A of the Act based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the weighted-average dumping margins for the period December 1, 1998, through November 30, 1999, are as follows:

Manufacturer/exporter	Period	Margin (percent)
Cinsa	12/1/98–11/30/99	1.99
ENASA	12/1/98–11/30/99	6.99

We will disclose the calculations used in our analysis to parties to this proceeding within five days of the publication date of this notice. *See* 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication. *See* 19 CFR 351.310(c). If requested, a hearing will be held 44 days after the publication of this notice, or the first workday thereafter.

Issues raised in the hearing will be limited to those raised in the respective case briefs and rebuttal briefs. Case briefs from interested parties and rebuttal briefs, limited to the issues raised in the respective case briefs, may be submitted not later than 30 days and 37 days, respectively, from the date of publication of these preliminary results. *See* 19 CFR 351.309(c) and (d). Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

The Department will issue the final results of these administrative reviews, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice.

Interested parties who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, Room B–099, within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. *See* 19 CFR 351.310(c).

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties. We will instruct the Customs Service to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis*. For assessment purposes, we intend to calculate importer-specific assessment rates for the subject merchandise by aggregating the dumping margins calculated for all U.S. sales examined and dividing this amount by the total entered value of the sales examined.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be those established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in these reviews, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 29.52 percent, the "All Others" rate made effective by the LTFV normal value investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice is published in accordance with sections 751(a)(1) of the Act and 19 CFR 351.221.

Dated: October 12, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–27078 Filed 10–23–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Issuance of an Amended Export Trade Certificate of Review, Application No. 84–11A12.

SUMMARY: The Department of Commerce has issued an amendment to the Export Trade Certificate of Review granted to Northwest Fruit Exporters ("NFE") on June 11, 1984. Notice of issuance of the Certificate was published in the **Federal Register** on June 14, 1984 (49 FR 24581).

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or E-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (1999).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

Export Trade Certificate of Review No. 84–00012, was issued to NFE on June 11, 1984 (49 FR 24581, June 14, 1984) and previously amended on May 2, 1988 (53 FR 16306, May 6, 1988); September 21, 1988 (53 FR 37628, September 27, 1988); September 20, 1989 (54 FR 39454, September 26, 1989); November 19, 1992 (57 FR 55510, November 25, 1992); August 16, 1994 (59 FR 43093, August 22, 1994); November 4, 1996 (61 FR 57850, November 8, 1996); October 22, 1997 (62 FR 55783, October 28, 1997); November 2, 1998 (63 FR 60304, November 9, 1998); and October 20, 1999 (64 FR 57438, October 25, 1999).

NFE's Export Trade Certificate of Review has been amended to:

1. Add each of the following companies as a new "Member" of the Certificate within the meaning of

section 325.2(1) of the Regulations (15 CFR 325.2(1)): Apple Country, Inc., Wapato, Washington; Cashmere Fruit Exchange, Cashmere, Washington; Dole Northwest, Wenatchee, Washington; IM EX Trading Company, Yakima, Washington; Inland—Joseph Fruit Company, Wapato, Washington; (controlling entity: Inland Fruit & Produce Co., Inc.); PAC Marketing International, LLC, Yakima, Washington; Sage Marketing LLC, Yakima, Washington (controlling entities: Olympic Fruit, Columbia Reach and Valley Fruit); Voelker Fruit & Cold Storage, Inc., Yakima, Washington; and Washington Export, LLC, Yakima, Washington; and

2. Delete the following companies as "Members" of the Certificate: Crandell Fruit Company, Wenatchee, Washington; George F. Joseph Orchard, Yakima, Washington; Gwin, White & Prince, Inc., Wenatchee, Washington; H & H Orchards Packing, Inc., Malaga, Washington; Inland Fruit & Produce Co., Wapato, Washington; Johnny Appleseed of WA/CRO Fruit Co., Wenatchee, Washington, Majestic Valley Produce, Wenatchee, Washington; and Valicoff Fruit Company, Inc., Wapato, Washington.

Special Note: NFE also requested to amend its Certificate to change the name of one current Member from Blue Bird, Inc. to Washington Cherry Growers but later stated that this name change was a mistake.

A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: October 16, 2000.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 00–27214 Filed 10–23–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Electronic Form for Responding to Office Actions

ACTION: New information collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), 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 the new proposed information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 26, 2000.

ADDRESSES: Direct all written comments to Susan K. Brown, Records Officer, Data Administration Division, Office of Data Management, United States Patent and Trademark Office, Crystal Park 3, 3rd Floor, Suite 310, Washington, D.C. 20231, or by phone at (703) 308–7400 or via the Internet at susan.brown@uspto.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Craig Morris, by mail, United States Patent and Trademark Office, 2900 Crystal Drive, Room 10B10, Arlington, Va. 22202, by phone at (703) 308–8900, or by e-mail at craig.morris@uspto.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Pursuant to 15 U.S.C. 1051 *et seq.* and Chapter 37 of the Code of Federal Regulations, the United States Patent and Trademark Office (USPTO) issues Office Actions in which it requests that applicants for trademark registration furnish information that is required for the issuance of a registration but that was not provided with the initial submission of the application for registration. The information solicited in these Office Actions may include the following: the precise nature of the goods and or services associated with the mark; the dates on which the mark was first used and first used in commerce regulable by the United States Congress; the name of a domestic representative of a foreign applicant upon whom process can be served in matters pertaining to the mark; the legal entity type of the applicant; the state of incorporation of a corporate applicant; the state of organization of an applicant that is a partnership; the citizenship of an applicant who is an individual person; the names and citizenships of the partners of an applicant that is a partnership; the complete address of the applicant; the date that the application was signed; information as to whether or not a mark is the name or likeness of an individual; requests for production of specimens showing use of the mark in commerce; requests for substitute depictions of the mark; information as to whether or not the mark has a meaning in a foreign language or in a particular field or industry; information as to whether or not the applicant owns certain existing registrations; the statutory basis upon which registration of the mark is sought; and for collective membership marks, information as to how the applicant controls use of the mark by members of the organization.

To aid in the collection of this information and as part of the USPTO's electronic initiatives, the USPTO has developed an electronic form for providing this information. Additionally, the form may be used to present legal arguments as to why the USPTO should withdraw a statutory refusal to register a mark.

II. Method of Collection

By electronic transmission.

III. Data

OMB Number: 0651–00XX.

Form Number(s): PTO Form XX.

Type of Review: New information collection.

Affected Public: Individuals or households; businesses or other non-profit; not-for-profit institutions; farms; the Federal Government; and state, local or tribal government.

Estimated Number of Respondents: 22,000 responses per year.

Estimated Time Per Response: The USPTO estimates that the public will require 10 minutes (.17 hours) to supply the information requested in the Office Action. Completion times may vary, depending upon the nature and amount of information requested in a particular Office Action.

Estimated Total Annual Respondent Burden Hours: 3,740 hours per year.

Estimated Total Annual Respondent Cost Burden: $900 (this represents the estimated combined average cost of a scanner and a digital camera, one of which is needed to submit a digitized image of a stylized drawing or substitute specimens. However, it is noted that the USPTO expects that very few of the responses will require the use of either a camera or a scanner). Using the professional hourly rate of $175.00 per hour for associate attorneys in private firms, the USPTO estimates $654,500.00 per year for salary costs associated with respondents. However, it is noted that a respondent is not required to retain an attorney to assist in responding to an Office Action.

Item	Estimated time for response	Estimated annual burden hours	Estimated annual responses
Electronic Trademark Response to Action Form	10 minutes	3,740	22,000
TOTAL		3,740	22,000

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 17, 2000.

Susan K. Brown,

Records Officer, Data Administration Division, Office of Data Management.

[FR Doc. 00–27212 Filed 10–23–00; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Technology Administration

[Docket No. 000 721216–0228–02]

Announcement of the Establishment of a Joint Public-Sector Private-Sector Technology Demonstration Center; Criteria To Be Used in Selecting Exhibits To Be Demonstrated, and To Clarify Other Matters

AGENCY: Technology Administration, Commerce.

ACTION: Notice of establishment of a Technology Demonstration Center, announcement of criteria for selection of exhibits, and clarification of other issues.

SUMMARY: The United States Department of Commerce Technology Administration is clarifying a recently published (August 4, 2000, Vol. 65, No. 151, p. 47968) **Federal Register** notice announcing the establishment of a joint public-sector private-sector Technology Demonstration Center. The purpose of the Center will be to demonstrate state-of-the-art and cutting edge technological advances in a variety of technologies and to encourage future development. Demonstrations will consist of presentations by the United States Department of Commerce Technology Administration, other Federal, state and local agencies, and private sector parties. This is not a grant program.

DATES: The Technology Demonstration Center will open on September 14, 2000 on a permanent basis, and proposed demonstrations will be accepted for review at any time.

ADDRESSES: Parties interested in participating in the Technology Demonstration Center should send inquiries to, Technology Demonstration, United States Department of Commerce, Technology Administration, Attn: Ms. Jacki Pickett, Washington DC, 20232.

FOR FURTHER INFORMATION CONTACT: Ms. Jacki Pickett, Technology Administration, (202) 482–1039.

SUPPLEMENTARY INFORMATION: Under the authorities granted by Title 15 United States Code sections 3704, the Under Secretary for Technology is establishing a Technology Demonstration Center in cooperation with the public and private sectors. On August 4, 2000, TA issued a **Federal Register** notice which indicated that TA would enter into Cooperative Research and Development Agreements with private sector participants. TA now issues this notice to clarify that the agency might also make use of other legal instruments, in its discretion. Further, TA wishes to publish the criteria it will use in selecting technological advances to be displayed in the Technology Demonstration Center.

The purpose of the Center will be to demonstrate emerging new technologies that demonstrate and/or go beyond the state-of-the-art and to encourage debate on future technological advances in a variety of technologies. Demonstrations will be solicited from the Technology Administration's National Institute of Standards and Technology (NIST) labs, other Federal and state research centers, and private-sector parties. The Center will be for demonstration purposes only and will comply with applicable Federal regulations and Departmental requirements. The Center will not be used for sales of merchandise, solicitations, orders, or the advertisement of specific products or services. The Center will be permanently located at the United States Department of Commerce's Herbert C. Hoover Building, in Washington DC.

General Q&As

What Is the Technology Demonstration Center?

The Center is a joint public/private collaboration in downtown Washington, DC. Creating a convenient venue for senior government officials and policy makers to learn about emerging technologies and assess its meaning for our future the Center will promote a better understanding of technology's impact on America by "Bringing Technology Downtown."

What Are the Center's Objectives?

Provide a permanent venue at which private- and public-sector innovators can demonstrate technological advances in a variety of technologies at the pre-commercial phase, and encourage future technological development;

Provide a neutral venue for open discussion of the impact of technology on policy and policy making;

Create an educational resource accessible to a broad range of senior government officials and policy makers.

What Areas of Technology Will Be Considered?

Demonstrations in areas including, but not limited to, nanotechnology, biotechnology, computing, and electronic commerce will be considered.

What Is Not Included?

The Center will be used for demonstrations. The Center will not be used for sales of merchandise, solicitations, orders, or the advertisement of specific products or services.

Who May Apply?

Innovators from all parts of the American R&D enterprise are eligible, both private- and public-sector.

What Is the Center Looking For?

Demonstrations of innovative technologies in the pre-commercial development phase and innovative uses of commercial technologies that have the capability to transform the competitive landscape, provide substantial improvement in quality of

life or the environment, or require substantial change in policy.

What Is the Level of Technical Expertise in the Target Audience?

The target audience will include senior federal science and engineering staff who have substantial technological expertise, and policy makers.

Eligibility Requirements and Selection Criteria

To be selected as an exhibitor, each applicant must meet the following eligibility requirements and selection criteria:

A. Eligibility Requirements

1. Participation in the Center is open to private sector parties, as well as to Federal, State and local government agencies, subject to successful completion of a thorough vetting process for each candidate (to review possible conflict of interest and other relevant issues).

2. An important purpose of the Center is to provide a permanent venue for the demonstration of state-of-the-art (and beyond) technology from the high tech community nationwide. Such technologies should be expected to make a meaningful or significant impact on commerce, the environment, and the U.S. economy and standard of living, as well as contribute to U.S. competitiveness and encourage future development.

3. Any technology to be demonstrated at the Center must comply with applicable Federal laws and regulations and Department of Commerce requirements.

4. The Center will not be used for sales of merchandise, solicitations, orders or for the advertisement of specific products or services.

B. Selection Process

1. The applicant submits detailed information to address the Center's selection criteria of technological innovation and potential market impact.

2. If the information submitted is determined to have high merit, Technology Administration may seek additional information—either in written or oral format—or request an in-person review of the technology.

3. If TA determines, based on all of the information received, that the technology has high merit, final selection processing will proceed.

C. Selection Criteria

In assessing prospective technological advances for possible demonstration, the following criteria will be used:

Technical Innovation (40%). TA will assess the proposed achievement or technical innovation from the following perspectives.

What is the achievement or innovation and what makes it extraordinary?

How does the proposed demonstration constitute an advancement beyond the current state-of-the-art in a particular technology or field?

What is the competitive landscape today (i.e., what is the current state-of-the-art in this technical area) and how does this innovation surpass current and developing technologies?

Does the proposed demonstration show promise for encouraging future development in this and other fields?

Market Impact (40%). In this section, TA will assess how the proposed achievement or innovation might generate national economic benefit from the following perspectives.

What is the potential commercial use of this achievement or innovation?

Who are the potential users and how will this achievement or innovation affect American competitiveness?

What might be its economic impact—job creation, new markets, new product development, increased imports, reduced reliance on non-renewable resources, affect on quality of life and the environment? How will the existence of this technology affect other markets? Will it require policy change?

How will the Exhibitor bring this technology into the market place?

To what extent can lessons learned in the development of this achievement or innovation serve as role models?

Portfolio Balance (20%). TA will assess how the Exhibitor's proposed demonstration might stimulate future developments in its or other fields, and broader policy debates.

How will the proposed demonstration contribute to the impact of the suite of demonstrations?

Is there a grouping of exhibits that might frame an emerging policy debate?

Are all technologies and all sectors of the American R&D enterprise being fairly represented?

This program involves a collection of information subject to the Paperwork Reduction Act (PRA). TA is currently seeking approval for this collection from the Office of Management and Budget. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a current valid OMB control number.

The information collected will be used by TA to assess applicants against the above stated criteria. It is estimated that the annual public burden for the collection will average 1 hour per response, with approximately 100 responses submitted each year. This estimate includes the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden, to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC, 20503 (Attention: TA Desk Officer).

Dr. Cheryl L. Shavers,

Undersecretary of Commerce for Technology.

[FR Doc. 00–27301 Filed 10–23–00; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

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

Title and OMB Number: Defense Systems Management College (DSMC) Information Technology Study; OMB Number 0704—[To Be Determined].

Type of Request: New Collection.

Number of Respondents: 1,000.

Responses per Respondent: 1.

Annual Responses: 1,000.

Average Burden per Response: 2.5 hours.

Annual Burden Hours: 2,500.

Needs and Uses: The collection of information is needed to characterize the personality characteristics, behaviors, and workplace climate needs common among Information Technology specialists. The results from the analysis of these data will be used to determine the management practices most effective for working with these specialists and to develop management curricula based upon these findings. Respondents are information technology professionals from approximately 300 companies within the U.S. The goal of this effort is to use this information to form the basis for a new Software Best Management Practices, to be encapsulated into the Defense Systems Management College curriculum, as

well as that of the Defense University's Chief of Information Officers and civilian programs.

Affected Public: Business or Other For-Profit; Non-For-Profit Institutions.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edwad C. Springer.

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

DOD Clearance Officer: Mr. Robert Cushing.

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

Dated: October 17, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–27196 Filed 10–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

AGENCY: Defense Intelligence Agency, Department of Defense.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92–463, As amended by Section 5 of Public Law 94–409, notice is hereby given that a closed meeting Of the DIA Science and Technology Advisory board has been scheduled as follows:

DATES: November 2000 (0800 to 1600).

ADDRESSES: The Defense Intelligence Agency, 3100 Clarendon Blvd, Arlington, VA 22201–5300.

DATES: November 2, 2000 (0800 to 1600).

ADDRESSES: The Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340.

FOR FURTHER INFORMATION CONTACT: Ms. Victoria J. Prescott, Director/Executive Secretary, DIA Science and Technology Advisory board, Washington, DC 20340–1328 (202) 231–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: October 18, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–27201 Filed 10–23–00; 8:45 am]

BILLING CODE 5601–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Wednesday, November 29, 2000.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Eliot Cohen, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Department proposes to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. § 10(d) (1994)), it had been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Defense of Defense.

[FR Doc. 00–27199 Filed 10–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: Working Group C (Electro-Optics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting. The announcement of the meeting is being published in less than the 15-day requirement by law because of scheduling conflicts.

DATES: The meeting will be held at 0900, Wednesday, November 1, 2000.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Elise Rabin, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging device, infrared detectors and lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. § 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that

accordingly, this meeting will be closed to the public.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–27197 Filed 10–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Wednesday, December 13, 2000.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, Inc. 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: David Cox, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. § 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: October 17, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–27198 Filed 10–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense.

Change in Meeting Date of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense

ACTION: Notice.

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory Group on Electron (AGED) announces a change to a closed session meeting.

DATES: The meeting will be held at 0900, Thursday, November 30, 2000.

ADDRESSES: The meeting will be held Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Elise Rabin, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director Defense Research and Engineering (DDR&E), and through the DDR&E, to the Director Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective research and development program in the field of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. § 10(d)(1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1994), and that accordingly, this meeting will be closed to the public.

Dated: October 17, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–27200 Filed 10–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board (DSB) Task Force on Systems Technology for the Future U.S. Strategic Posture will meet in closed session on November 13–14, 2000, at Offutt Air Force Base, Nebraska. This Task Force will review the likely nature and evolution of potential future strategic challenges to the U.S., advanced technologies for nuclear weapons systems and non-nuclear strategic weapons systems, and advanced C4ISR technology applications for strategic contingencies.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Defense Science Board Task Force will consider the extent to which technologies and systems currently being developed and applied for regional contingencies are relevant and applicable to future strategic contingencies; take into account affordability and arms control constraints; look at possible further future ballistic missile defense technology to the extent that ballistic missile defense relates to the overall future strategic posture; and consider strategies for using the national strategic technology base to deal with, or hedge against, the uncertainties and ambiguities inherent in the nature and timing of emergence of possible strategic threats, including possible dissuasion of such threats; and, consider the capability of the technology and industrial base to respond in time to long-term strategic warning in various forms, including the adequacy and responsiveness of DoD's science and technology programs.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C.

§ 552b(c)(1) (1994), and that accordingly these meetings will be closed to the public.

Dated: October 18, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–27202 Filed 10–23–00; 8:45 am]

BILLING CODE 5001–10–M

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Uniformed Services University of the Health Sciences.

TIME AND DATE: 8:30 a.m. to 4 p.m., November 20, 2000.

PLACE: Uniformed Services University of the Health Sciences, Board of Regents Conference Room (D3001), 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

STATUS: Open—under "Government in the Sunshine Act" (5 U.S.C. 552b(e)(3)).

MATTERS TO BE CONSIDERED:

8:30 a.m. Meeting—Board of Regents

(1) Approval of Minutes—September 8, 2000
(2) Faculty Matters
(3) Departmental Reports
(4) Financial Report
(5) Report—President, USUHS
(6) Report—Dean, School of Medicine
(7) Report—Dean, Graduate School of Nursing
(8) Comments—Chairman, Board of Regents
(9) New Business

CONTACT PERSON FOR MORE INFORMATION: Mr. Bobby D. Anderson, Executive Secretary, Board of Regents, (301) 295–3116.

Dated: October 20, 2000.

Linda Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–27446 Filed 10–20–00; 3:08 pm]

BILLING CODE 5001–10–M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.215V]

Office of Educational Research and Improvement; Fund for the Improvement of Education—Partnerships in Character Education Pilot Projects; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Purpose of Program: The purpose of the Fund for the Improvement of Education (FIE) is to support nationally significant programs to improve the quality of education, assist all students to meet challenging State content standards, and contribute to the achievement of the National Education Goals. The purpose of this competition is to support pilot projects that design and implement character education programs as a way to address the broader FIE objectives.

Eligible Applicants: Only State educational agencies that have not already received a grant or grants that total $1,000,000 under the Partnerships in Character Education Pilot Projects Program, in partnership with one or more local educational agencies, may apply. Please note that 19 States (list of States is provided in the last paragraph of the "Supplementary Information" section) have already received the maximum amount of $1,000,000 and are, therefore, no longer eligible to apply. Eighteen additional States have received grants close to the $1,000,000 allowed by law. If you are not sure if your State is eligible, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

The term "State educational agency" means the agency primarily responsible for the State supervision of public elementary and secondary schools (20 U.S.C. 8011(28)).

The term "local educational agency" means—

(1) A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

(2) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(3) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs but only to the extent that the inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this chapter with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs (20 U.S.C. 8011 (18)).

Applications Available: October 30, 2000.

The application package for this competition is also available on line at: http://ed.gov/GrantApps/

Deadline for Transmittal of Applications: December 20, 2000.

Deadline for Intergovernmental Review: February 19, 2000.

Estimated Available Funds: Up to $4,100,000. The Administration has requested funding for this program for FY 2001. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process before the end of the fiscal year, if Congress appropriates funds for this program.

Estimated Range of Awards: $100,000–$1,000,000.

Estimated Average Size of Awards: $350,000

Maximum Award: The authorizing legislation for this program specifies that no State education agency shall receive more than a total of $1,000,000 in grants under this program. Therefore, we will reject an application that proposes a budget exceeding a total of $1,000,000 in Federal funds for the entire project period.

Estimated Number of Awards: Up to 10.

Note: The Department is not bound by any estimates in this notice.

Budget Period: 12 months.

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99. (b) The regulations in 34 CFR part 299.

SUPPLEMENTARY INFORMATION: The statute governing the Partnerships in Character Education Pilot Projects program limits the total amount awarded to any State to $1,000,000 and the funding period to five years, of which not more than one year may be used for planning and program design. Each applicant, operating within these parameters, may, in designing character education activities, determine the combination of funds and time that is most appropriate. For example, one applicant may request $500,000 per year for two years, another may request $100,000 for the first year, $400,000 for the second and third years, and $100,000 for the fourth year, and a third may request $200,000 per year for five years. In preparing your application, you should take special care to provide

a timeline and a narrative that explains the costs requested for each budget period. Under the Character Education program, State educational agencies provide technical and professional assistance to local educational agencies in the development and implementation of curriculum materials, teacher training, and other activities related to character education. You must propose projects designed to develop character education programs that incorporate the following elements of character:

(a) Caring.
(b) Civic virtue and citizenship.
(c) Justice and fairness.
(d) Respect.
(e) Responsibility.
(f) Trustworthiness.
(g) Any other elements deemed appropriate by the members of the partnership. Other program requirements are described in the application package.

Please note that the following States are no longer eligible to apply to this grant competition because the State has been awarded a grant for the total amount allowed by law: California, Connecticut, Georgia, Idaho, Kansas, Kentucky, Maine, Minnesota, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, Washington, and Wisconsin.

For Applications Contact: Judy Collins, U.S. Department of Education, 555 New Jersey Avenue, NW., room 502, Washington, DC 20202–5645. Telephone: (202) 219–2116; FAX: (202) 219–2053; or via Internet: judy_collins@ed.gov

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

FOR FURTHER INFORMATION CONTACT: Beverly Farrar, U.S. Department of Education, 555 New Jersey Avenue, NW., room 502J, Washington, DC 20208–5645. Telephone: (202) 219–1301; or via Internet at: beverly_farrar@ed.gov

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT.**

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:
http://ocfo.ed.gov.fedreg.htm
http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

Program Authority: 20 U.S.C. 8003.

Dated: October 19, 2000.

C. Kent McGuire,

Assistant Secretary, Office of Educational Research and Improvement.

[FR Doc. 00–27304 Filed 10–23–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

[CDFA Nos: 84.116A and 84.116B]

Office of Postsecondary Education, Fund for the Improvement of Postsecondary Education (FIPSE) Notice Announcing Technical Assistance Workshops on Fiscal Year (FY) 2001 Programs

SUMMARY: This notice provides information about workshops to assist individuals interested in learning more about the Fiscal Year (FY) 2001 programs of the Fund for the Improvement of Postsecondary Education (FIPSE). Program staff will present program information and answer questions about FIPSE's programs. The workshops will focus primarily on the Comprehensive Program, which provides grants for innovative reform projects that hold promise as models for the resolution of important issues and problems in postsecondary education. Additional information about FIPSE's programs can be found on the Internet at the following site: http://www.ed.gov/FIPSE

Although the Department has not yet announced in the **Federal Register** a closing date for any of its FY 2001 grant competitions, the Department is holding these workshops to give potential applicants relevant background information on FIPSE programs for which grant competitions are expected to be held in FY 2001. Specific requirements for grant competitions will be announced in the **Federal Register**.

SUPPLEMENTARY INFORMATION: The technical assistance workshops will be held as follows:

1. Charlotte, North Carolina: Friday, November 3, 2000, 1 p.m. to 4 p.m., University of North Carolina at Charlotte, Charlotte, NC.

2. Washington, District of Columbia: Monday, November 6, 2000, 1 p.m. to 4 p.m., U.S. Department of Education, Washington, DC.

3. Chicago, Illinois: Monday, November 13, 2000, 1 p.m. to 3 p.m., Roosevelt University, Chicago, IL.

4. San Bernardino, California: Wednesday, November 15, 2000, 1:30 p.m. to 3 p.m., California State University, San Bernardino, CA.

Registration

Space at the workshops is limited. Interested individuals are invited to register by sending an e-mail message with the subject "Workshop 2000" to: levenia_ishmell@ed.gov

Indicate the location you are requesting. You will receive an e-mail reply confirming the status of your registration along with exact information on workshop locations. All confirmed registrants are asked to bring their printed e-mail confirmation to the workshop.

The meeting sites are accessible to individuals with disabilities. An individual with a disability who will need an auxiliary aid or service to participate in the meeting (*e.g.*, assistive listening device, sign language interpreter, or materials in an alternative format) should notify the listed contact person at least two weeks before the scheduled meeting date. Although the Department will attempt to meet a request received after that date, the requested service may not be available due to insufficient time to arrange it.

FOR FURTHER INFORMATION CONTACT: Levenia Ishmell, U.S. Department of Education, 1990 K Street NW., room 8031, Washington, DC 20006–8544. Telephone: (202) 502–7668 or by e-mail: levenia_ishmell@ed.gov

Individuals with disabilities may obtain this document in an alternate format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed.

Electronic Access to this Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm

http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–888–293–6498 or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

Program Authority: 20 U.S.C. 1138–1138.

Dated: October 19, 2000.

A. Lee Fritschler,

Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 00–27305 Filed 10–23–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Idaho Operations Office; Hydropower Turbine Technology: Cost-Shared Testing to Determine Biological Performance of Large Turbines

AGENCY: Idaho Operations Office, DOE.

ACTION: Notice of Program Interest (NPI) and request for comments.

SUMMARY: The U.S. Department of Energy's Idaho Operations Office (DOE–ID) is soliciting interest and comments for cost-shared testing of the biological performance of new hydropower turbine technology. The primary objective of this project is to determine the fish passage characteristics of the turbine technology and to verify the environmentally friendliness of the turbine. Qualified participants must own the rights to the turbine technology. The technology must also be advanced to the stage that hardware exists or can be readily constructed; *i.e.*, the equipment design has been completed. This project is limited to hydropower turbines which are greater than 1 MW. This work will be in support of the U.S. DOE Advanced Hydropower Turbine System Program.

DATES: The responses to this NPI should be received by November 17, 2000.

ADDRESSES: The NPI responses should not exceed two pages and should be sent to the following address: U.S. Department of Energy, Idaho Operations Office, 850 Energy Drive. Idaho Falls, ID 83401–1563, ATTN: Peggy Brookshier, MS 1220, or e-mail: *brookspa@id.doe.gov.*

SUPPLEMENTARY INFORMATION: Depending on the availability of Program funding, approximately $2.5 million for each of two years will be available to support at least one or more testing projects. DOE seeks a cost sharing goal of 50% on these new projects. However, the awardee will be required to provide a minimum of 30% cost share for the related testing activities. DOE's cost share is limited to work associated with measuring biological performance and cannot be used for facility construction or modifications. The testing portion of the work will be cost-shared between DOE and the awardee. The results of these projects will be made public through the publication of DOE reports. All cost sharing shall be in the form of cash or labor. DOE may request from the awardee additional procedure development, equipment development testing, or testing support activities that may not be cost sharing by DOE.

The anticipated contract deliverables will include:

(1) specification of testing protocol, criteria, guidelines, procedures, and plan;

(2) documentation of the appropriate testing; and

(3) analysis and reporting of the results.

An independent group may be assigned to review the reports and activities prior to their finalization.

Failure to respond to this notice will not disqualify anyone from participating in the solicitation, but those that do respond to this notice will be issued the Request for Proposals (RFP) and notification of related activities, if they indicate that desire. DOE is interested in the comments on the proposed solicitation, particularly with regard to the cost-share limitation. Expressions of interest and comments must be in writing; no telephone calls will be accepted. The expression of interest or comments should include the name, address, telephone number, facsimile number, and e-mail address of the primary contact person, and an indication of whether or not the respondent wishes to receive a copy of the RFP. **Do not send a proposal. This is not a request for proposals.** The RFP will not be open to DOE agencies or DOE national laboratories, and these agencies and laboratories will not be allowed to participate as a potential team member in any responses.

Issued in Idaho Falls on October 12, 2000.

Dallas L. Hoffer,

Contracting Officer, Procurement Services Division.

[FR Doc. 00–27227 Filed 10–23–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho. Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meeting be announced in the **Federal Register**.

DATES: Tuesday, November 14, 2000—8 a.m.–6 p.m.

Wednesday, November 15, 2000—8 a.m.–5 p.m.

Public participation sessions will be held on:

Tuesday, November 14, 2000—12:15–12:30 p.m., 5:45–6 p.m.

Wednesday, November 15, 2000—11:45–12 noon, 4–4:15 p.m.

These times are subject to change as the meeting progresses, please check with the meeting facilitator.

ADDRESSES: Ameritel Inn, 645 Lindsay Boulevard, Idaho Falls, Idaho.

FOR FURTHER INFORMATION CONTACT: Ms. Wendy Lowe, INEEL Cab Facilitator, Jason Associates Corporation, 477 Shoup Avenue, Suite 205, Idaho Falls, ID 83402, Phone (208) 522–1662 or visit the Board's Internet home page at *http://www.ida.net/users/cab.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of future use, cleanup levels, waste disposition and cleanup priorities at the INEEL.

Tentative Agenda: (Agenda topics may change up to the day of the meeting. Please contact Jason Associates for the most current agenda or visit the CAB's Internet site at *www.ida.net/users/cab).*

Presentations on the following:

- Natural and biological resources at the INEEL
- Closure Plan for the New Waste Calcining Facility
- Shoshone-Bannock Tribes perspectives and concerns regarding the INEEL

- Fiscal Year 2001 budget for DOE–ID
- DOE's budget process
- How DOE determines shipping schedules for radioactive waste

Briefings on the following:

- Preferred alternative for the Idaho High-Level Waste and Facilities Disposition Environmental Impact Statement
- Status of Stage II at Pit 9

Presentation and Recommendation Finalization of the following:

- Proposed Plan for Groundwater Remediation at Test Area North
- Upcoming transition in DOE leadership and the role of the INEEL CAB
- Plans for rehabilitation/revegetation of burned areas on the INEEL

Discussion of the following:

- End states for Waste Area Group 7

Public Participation: This meeting is open to the public. Written statements may be filed with the Board facilitator either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact the Board Chair at the address or telephone number listed above. Request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer, Jerry Bowman, Assistant Manager for Laboratory Development, Idaho Operations Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Every individual wishing to make public comment will be provided equal time to present their comments. Additional time may be made available for public comment during the presentations.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays. Minutes will also be available by writing to Ms. Wendy Lowe, INEEL CAB Facilitator, Jason Associates Corporation, 477 Shoup Avenue, Suite 205, Idaho Falls, ID 83402 or by calling (208) 522–1662.

Issued at Washington, DC on October 17, 2000.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–27226 Filed 10–23–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–49–000]

Algonquin LNG, Inc., Notice of Request for Exemption

October 18, 2000.

Take notice that on October 13, 2000, Algonquin LNG, Inc. (ALNG) submitted its filing in compliance with Order No. 587–L, Final Rule, issued on June 30, 2000, in Docket No. RM96–1–014, and the Commission's subsequent order granting clarification issued on September 28, 2000 in Docket No. RM96–1–016. The order granting clarification stated that "pipelines seeking an exemption from the imbalance trading requirement are required to file within 15 days of the order to show why they should not be required to implement imbalance trading."

ALNG states that copies of the filing were mailed to all affected customers of ALNG and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before October 25, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27268 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–11–000]

Columbia Gas Transmission Corporation; Notice of Application

October 18, 2000.

Take notice that on October 13, 2000, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia, filed an application in Docket No. CP01–11–000, pursuant to Section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon a storage injection/withdrawal well and an associated well line located in the Benton Storage Field, Vinton County, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.us/online/rims.htm* (call 202–208–2222).

Columbia proposes to abandon its storage injection/withdrawal Well No. 10238 and its associated Well Line No. SR–W10238, consisting of 0.27 mile of 2-inch pipeline. Columbia states that the physical condition of the storage well has deteriorated to the extent that an expensive repair or abandonment is required. Columbia also submits that the repairs would be uneconomic due to the poor performance of the well. Columbia also states that recent evidence of leakage from the well supports proposal for immediate abandonment.

Columbia indicates that the well line will no longer be needed after the well is abandoned. Columbia also states that no customers will be impacted by the proposed abandonment.

Any questions concerning this application may be directed to Fredric J. George at (304) 357–2359.

Any person desiring to be heard or to make protest with reference to said application should on or before October 30, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved. Any person wishing to become a party to a

proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 00–27276 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–51–000]

Crossroads Pipeline Company; Notice of Temporary Waiver Request

October 18, 2000.

Take notice that on October 13, 2000, Crossroads Pipeline Company (Crossroads) tendered for filing a request for a temporary waiver for implementing the Commission's regulation at 18 CFR 284.12(c)(2)(ii) by November 1, 2000 as set forth in Order No. 587–L issued June 30, 2000 in Docket No. RM96–1–014. Order No. 587–L required interstate pipelines to file tariff sheets implementing imbalance netting and trading by November 1, 2000. Crossroads incorporated this requirement in the tariff sheets it filed on June 15, 2000 in compliance with Order No. 637 in Docket No. RP00–333–000. Therefore, Crossroads is requesting a temporary waiver of the Commission's regulation at 18 CFR 284.12(c)(2)(ii) until the effective date of the tariff sheets in Docket No. RP00–333–000.

Crossroads states that copies of this filing have been sent to Crossroad's shippers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before October 25, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27273 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–48–000]

Egan Hub Partners, L.P.; Notice of Compliance Filing

October 18, 2000.

Take notice that on October 13, 2000, Egan Hub Partners, L.P. (Egan) tendered for filing in compliance with Order No. 587–L, Final Rule, issued on June 30, 2000, in Docket No. RM96–1–014, and the Commission's subsequent order granting clarification issued on September 28, 2000 in Docket No. RM96–1–016. The order granting clarification stated that "pipelines seeking an exemption from the imbalance trading requirement are required to file within 15 days of the order to show why they should not be required to implement imbalance trading."

Egan states that copies of the filing were mailed to all affected customers of Egan and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before October 25, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27270 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG01–2–000]

Florida Gas Transmission Company; Notice of Filing

October 18, 2000.

Take notice that on October 11, 2000, Florida Gas Transmission Company filed revised standards of conduct under Order Nos. 497 *et seq.*,[1] Order Nos. 566 *et seq.*,[2] Order No. 599,[3] and Order No. 637.[4]

[1] Order No. 497, 53 FR 22139 (June 14, 1988), FERC Stats. & Regs. 1986–1990 ¶ 30,820 (1988); Order No. 497–A, *order on rehearing*, 54 FR 52781 (December 22, 1989), FERC Stats. & Regs. 1986–1990 ¶ 30,868 (1989); Order No. 497–B, *order extending sunset date*, 55 FR 53291 (December 28, 1990), FERC Stats. & Regs. 1986–1990 ¶ 30,908 (1990); Order No. 497–C, *order extending sunset date*, 57 FR 9 (January 2, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,934 (1991), *rehearing denied*, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F.2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date*, 57 FR 58978 (December 14, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,958 (December 4, 1992); Order No. 497–E, *order on rehearing and extending senset date*, 59 FR 243 (January 4, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,987 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification*, 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date*, 59 FR 32884 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,997 (June 17, 1994); Order No. 566–A, *order on rehearing*, 59 FR 52896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994); Order No. 566–B, *order on rehearing*, 59 FR 65707, (December 21, 1994), 69 FERC ¶ 61,334 (December 14, 1994).

[3] Reporting Interstate Natural Gas Pipeline Marketing Affiliates on the Internet, Order No. 599,

Continued

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest in this proceeding with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before November 2, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filing are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 00–27278 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–548–001]

Gulf States Transmission Corporation; Notice of Compliance Filing

October 18, 2000.

Take notice that on October 13, 2000, Gulf States Transmission Corporation (Gulf States), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Third Revised Sheet No. 58K. Gulf States requests that these sheets be made effective October 1, 2000.

Gulf States states that the tendered sheet is being filed in compliance with the Commission's October 5 Letter Order issued in Docket No. RP00–548–000.

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).

David P. Boergers,

Secretary.

[FR Doc. 00–27266 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–547–001]

High Island Offshore System, L.L.C.; Notice of Compliance Filing

October 18, 2000.

Take notice that on October 13, 2000, High Island Offshore System, L.L.C. (HIOS), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Substitute Second Revised Sheet No. 130. HIOS requests that this sheet be made effective October 1, 2000.

HIOS states that the tendered sheet is being filed in compliance with the Commission's October 4 Letter Order issued in Docket No. RP00–547–000.

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. The filing may be viewed on the web at http://www.ferc.fed.us/onliner/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27263 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–44–000]

Iroquois Gas Transmission System, L.P., Notice of Filing of Request for Exemption

October 18, 2000.

Take notice that on October 13, 2000, Iroquois Gas Transmission System, L.P. (Iroquois) tendered for filing a request for an exemption from the imbalance trading requirement established in Order No. 587–L.

Iroquois states that its request is made pursuant to the Commission's September 28, 2000 Order in Docket No. RM96–1–016 (92 FERC ¶ 61,266).

Iroquois states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before October 25, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will 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).

David P. Boergers

Secretary.

[FR Doc. 00–27267 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

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63 FR 43075 (August 12, 1998), FERC Stats. & Regs. 31,064 (1998).

[4] Regulation of Short-Term Natural Gas Transportation Services and Regulation of Interstate Natural Gas Transportation Services, 63 Fed. Reg. 10156 (February 25, 2000), FERC Statutes and Regulations 31,091 (February 9, 2000) (Order No. 637) and Order No. 637–A, FERC Statutes and Regulations 31,099 (May 19, 2000.)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG01–3–000]

Northern Natural Gas Company; Notice of Filing

October 18, 2000.

Take notice that on October 11, 2000, Northern Natural Gas Company filed revised standards of conduct under Order Nos. 497 *et seq.*,[1] Order Nos. 566 *et seq.*,[2] Order No. 599,[3] and Order No. 637.[4]

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest in this proceeding with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before November 2, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 00–27279 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

[1] Order No. 497, 53 FR 22139 (June 14, 1998), FERC Stats. & Regs. 1986–1990 ¶ 30,820 (1988); Order No. 497–A, *order an rehearing*, 54 FR 52781 (December 22, 1989), FERC Stats. & Regs. 1986–1990 ¶ 30,868 (1989); Order No. 497–B, *order extending sunset date*, 55 FR 53291 (December 28, 1990), FERC Stats. & Regs. 1986–1990 ¶ 30,908 (1990); Order No. 497–C, *order extending sunset date*, 57 FR 9 (January 2, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,934 (1991), *rehearing denied*, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F.2d 1187 (D.C. Cir. 1992); Order No. 497–D, *arder an remand and extending sunset date*, 57 FR 58978 (December 14, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,958 (December 4, 1992); Order No. 497–E, *arder an rehearing and extending sunset date*, 59 FR 243 (January 4, 1994), FERC Stat. & Regs. 1991–1996 ¶ 30,987 (December 23, 1993); Order No. 497–f, *order denying rehearing and granting clarification*, 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24. 1994); and Order No. 497–G, *arder extending sunset date*, 59 FR 32884 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,997 (June 17, 1994); Order No. 566–A, *arder an rehearing*, 59 FR 52896 (October 20. 1994), 69 FERC ¶ 61,044 (October 14, 1994); Order No. 566–B, *order an rehearing*, 59 FR 65707, (December 21, 1994), 69 FERC ¶ 61,334 (December 14, 1994).

[3] Reporting Interstate Natural Gas Pipeline Marketing Affiliates on the Internet, Order No. 599, 63 FR 43075 (August 12, 1998), FERC Stats. & Regs. 31,064 (1998).

[4] Regulation of Short-Term Natural Gas Transportation Services and Regulations of Interstate Natural Gas Transportation Services, 63 Fed. Reg. 10156 (February 25, 2000), FERC Statutes and Regulations 31,091 (February 9, 2000), (Order No. 637) and Order No. 637–A, FERC Statutes and Regulations 31,009 (May 19, 2000.)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–50–000]

Portland Natural Gas Transmission System; Notice of Proposed Changes in FERC Gas Tariff

October 18, 2000.

Take notice that on October 13, 2000, Portland Natural Gas Transmission System (PNGTS) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheet to become effective November 1, 2000:

Original Sheet No. 337A

PNGTS states that the purpose of this filing is to comply with the requirements of Order No. 587–L regarding the implementation of netting and trading of imbalances.

PNGTS states that copies of ah defiling were mile to all affected customers and intrestedstate commissions.

Any person desiring to be heard or to protest s aid 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 reconsidered 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 party must file am lotion to intervene. Copies of this filing are on file with the Commission an dare 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 forassistance.

David P. Boergers,

Secretary.

[FR Doc. 00–27271 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–52–000]

Southwest Gas Storage Company; Notice of Request for Exemption

October 18, 2000.

Take notice that on October 13, 2000, Southwest Gas Storage Company (Southwest) tendered for filing, in accordance with the Commission's Order Granting Clarification in Docket No. RM96–1–016 issued September 28, 2000, 92 FERC ¶ 61,266 (2000), a request for an exemption from the requirement to implement imbalance netting and trading on its system in conformance with section 284.12(c)(2)(ii) of the Commission's Regulations. Southwest's shippers do not incur imbalances and are not subject to imbalance penalties. Accordingly, there are no imbalances to net or trade on Southwest's system.

Southwest states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before October 25, 2000. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/

rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27269 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–550–001]

Stingray Pipeline Company, L.L.C.; Notice of Compliance Filing

October 18, 2000.

Take notice that on October 13, 2000, Stingray Pipeline Company, L.L.C. (Stingray), tendered for filing FERC Gas Tariff, Third Revised Volume No. 1, Substitute Fourth Revised Sheet No. 157. Stingray proposes that this sheet be made effective on October 1, 2000.

Stingray states that this filing is made in compliance with the Commission's October 5 Letter Order issued in Docket No. RP00–550–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commissions' 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).

David P. Boergers,

Secretary.

[FR Doc. 00–27265 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–65–001]

Tennessee Gas Pipeline Company; Notice of Amendment

October 18, 2000.

Take notice that on October 12, 2000, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511 Houston, Texas 77252, tendered for filing in Docket No. CP00–65–001 an amendment to its original application (Application) filed in that docket on December 30, 1999. Tennessee states that the purpose of the amendment is to notify the Commission of Tennessee's decision to switch from a natural gas turbin-drive compressor to an electric motor-driven compressor. Tennessee indicates that the uprate of the 300-line as originally proposed with replacement of 6,600 additional feet of existing pipeline between MLV 3341–1 and MLV 336 is no longer proposed. Two proposed new uprate activities are proposed as follows:

- From 975 psig to 1170 psig between MLV 324–1A and MLV 329–1;
- From 867 psig to 1083 psig between MLV 329–1 and MLV 334–1.

Any person desiring to be heard or making any protest with reference to said petition should on or before October 30, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or person to whom the protests are directed. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. All intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this petition if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the requested exemption is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 00–27275 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–289–002]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

October 18, 2000.

Take notice that on October 13, 2000, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Sub Sixteenth Revised Sheet No. 26, and Eleventh Revised Sheet No. 1, to with an effective date August 1, 2000.

Tennessee states that the attached tariff sheets are submitted in compliance with the Commission's Order issued September 28, 2000, in Docket No. RP00–289–001 (September 28th Order). *Tennessee Gas Pipeline Company, et al.*, 92 FERC 61,275 (2000). In the September 28th Order, the Commission directed Tennessee, within 15 days of issuance of the order, to (1) file Sub Sixteenth Revised Sheet No. 26 with the deleted footnote No. 3 from Rate Schedule NET, (2) file Eleventh Revised Sheet No. 1 showing the correct page number for Rate Schedule NET 284 on the Table of Contents.

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).

David P. Boergers,

Secretary.

[FR Doc. 00–27280 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG01–1–000]

Transwestern Pipeline Company; Notice of Filing

October 18, 2000.

Take notice that on October 11, 2000, Transwestern Pipeline Company filed revised standards of conduct under Order Nos. 497 *et seq.*,[1] Order Nos. 566 *et seq.*,[2] Order No. 599,[3] and Order No. 637.[4]

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest in this proceeding with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before November 2, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 00–27277 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

[1] Order No. 497, 53 FR 22139 (June 14, 1988), FERC Stats. & Regs. 1986–1990 ¶ 30,820 (1988); Order No. 497–A, *order on rehearing*, 54 FR 52781 (December 22, 1989), FERC Stats. & Regs. 1986–1990 ¶ 30,868 (1989); Order No. 497–B, *order extending sunset date*, 55 FR 53291 (December 28, 1990), FERC Stats. & Regs. 1986–1990 ¶ 30,908 (1990); Order No. 497–C, *order extending sunset date*, 57 FR 9 (January 2, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,934 (1991), *rehearing denied*, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F.2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date*, 57 FR 58978 (December 14, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,958 (December 4, 1992); Order No. 497–E, *order on rehearing and extending sunset date*, 59 FR 243 (January 4, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,987 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification*, 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date*, 59 FR 32884 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,997 (June 17, 1994); Order No. 566–A, *order on hearing*, 59 FR 52896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994); Order No. 566–B, *order on rehearing*, 59 FR 65707 (December 21, 1994), 69 FERC ¶ 61,334 (December 14, 1994).

[3] Reporting Interstate Natural Gas Pipeline Marketing Affiliates on the Internet, Order No. 599, 63 FR 43075 (August 12, 1998), FERC Stats. & Regs. 31,064 (1998).

[4] Regulation of Short-Term Natural Gas Transportation Services and Regulation of Interstate Natural Gas Transportation Services, 63 Fed. Reg. 10156 (February 25, 2000), FERC Statutes and Regulations 31,091 (February 9, 2000) (Order No. 637) and Order No. 637–A, FERC Statutes and Regulations 31,099 (May 19, 2000.)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–129–000 (Phase II)]

Trunkline Gas Company; Notice of Informal Settlement Conference

October 18, 2000.

Take notice that an informal settlement conference will be convened in these proceedings on November 1, 2000 commencing at 10:00 a.m. at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the issues in this proceeding.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Marc G. Denkinger (202) 208–2215 or Lorna J. Hadlock (202) 208–0737.

David P. Boergers,

Secretary.

[FR Doc. 00–27274 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–549–001]

U–T Offshore System, L.L.C. Notice of Compliance Filing

October 18, 2000.

Take notice that on October 13, 2000, U–T Offshore System, L.L.C. (UTOS), tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Substitute Second Revised Sheet No. 78. UTOS requests that this sheet be made effective October 1, 2000.

UTOS states that the tendered sheet is being filed in compliance with the Commission's October 4 Letter Order issued in Docket No. RP00–549–000.

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).

David P. Boergers,

Secretary.

[FR Doc. 00–27264 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–47–000]

Viking Gas Transmission Company; Notice of Filing of Request for Exemption

October 18, 2000.

Take notice that on October 13, 2000, Viking Gas Transmission Company (Viking), tendered for filing a request for exemption from Order No. 587–L, Standards for Business Practices of Interstate Natural Gas Pipelines, FERC Regulations, Preambles 31,100 (2000) in compliance with the Commission's September 28, 2000 "Order Granting Clarification" issued in Docket No. RM96–1–016.

Viking states that copies of this filing have been served on all Viking's jurisdictional customers and to affect state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before October 25, 2000 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).

David P. Boergers,

Secretary.

[FR Doc. 00–27272 Filed 10–23–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6890–7]

Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding AT&T Broadband, LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has entered into a consent agreement with AT&T Broadband, LLC to resolve violations of the Clean Water Act ("CWA"), and its implementing regulations. AT&T Broadband, LLC failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for eight facilities where they stored diesel oil in above ground tanks. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for these violations. The Administrator, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C), is hereby providing public notice of, and an opportunity for interested persons to comment on, this consent agreement and proposed final order.

DATES: Comments are due on or before November 24, 2000.

ADDRESSES: Mail written comments to the Enforcement & Compliance Docket and Information Center (2201A), Docket Number EC–2000–012, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 2201A, Washington, DC 20460. (Comments may be submitted on disk in WordPerfect 8.0 or earlier versions.) Written comments may be delivered in person to: Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Submit comments electronically to *docket.oeca@epa.gov*. Electronic comments may be filed online at many Federal Depository Libraries.

The consent agreement, the proposed final order, and public comments, if any, may be reviewed at the Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Persons interested in reviewing these materials must make arrangements in advance by calling the docket clerk at 202–564–2614. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Philip Milton, Multimedia Enforcement Division (2248–A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564–5029; fax: (202) 564–0010; e-mail: milton.philip@epa.gov.

SUPPLEMENTARY INFORMATION: *Electronic Copies:* Electronic copies of this document are available from the EPA Home Page under the link "Laws and Regulations" at the Federal Register—Environmental Documents entry (http://www.epa.gov/fedrgstr).

I. Background

AT&T Broadband, LLC, a telecommunications company incorporated in the State of Delaware and located at 188 Inverness Drive West, Englewood, Colorado 80112–5211 failed to prepare SPCC plans for eight facilities. AT&T Broadband, LLC disclosed, pursuant to the EPA "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations" ("Audit Policy"), 60 FR 66706 (December 22, 1995), that they failed to prepare SPCC plans for eight facilities where they stored diesel oil in above ground storage tanks, in violation

of the CWA section 311(b)(3) and 40 CFR part 112. EPA determined that AT&T Broadband, LLC met the criteria set out in the Audit Policy for a 100% waiver of the gravity component of the penalty. As a result, EPA waived the gravity based penalty ($80,437) and proposed a settlement penalty amount of sixteen thousand, four hundred and ninety-five dollars ($16,495). This is the amount of the economic benefit gained by AT&T Broadband, LLC, attributable to their delayed compliance with the SPCC regulations. AT&T Broadband, LLC has agreed to pay this amount in civil penalties. EPA and AT&T Broadband, LLC negotiated and signed an administrative consent agreement, following the Consolidated Rules of Procedure, 40 CFR 22.13, on October 18, 2000 (*In Re: AT&T Broadband, LLC*, Docket No. MM–HQ–2001–0001). This consent agreement is subject to public notice and comment under CWA section 311(b)(6), 33 U.S.C. 1321(b)(6).

Under CWA section 311(b)(6)(A), 33 U.S.C. 1321 (b)(6)(A), any owner, operator, or person in charge of a vessel, onshore facility, or offshore facility from which oil is discharged in violation of the CWA section 311 {b)(3), 33 U.S.C. 1321 (b)(3), or who fails or refuses to comply with any regulations that have been issued under CWA section 311(j), 33 U.S.C. 1321(j), may be assessed an administrative civil penalty of up to $137,500 by EPA. Class II proceedings under CWA section 311(b)(6) are conducted in accordance with 40 CFR part 22.

The procedures by which the public may comment on a proposed Class II penalty order, or participate in a Clean Water Act Class II penalty proceeding, are set forth in 40 CFR 22.45. The deadline for submitting public comment on this proposed final order is November 24, 2000. All comments will be transferred to the Environmental Appeals Board ("EAB") of EPA for consideration. The powers and duties of the EAB are outlined in 40 CFR 22.04(a).

Pursuant to CWA section 311(b)(6)(C), EPA will not issue an order in this proceeding prior to the close of the public comment period.

Dated: October 18, 2000.

David A. Nielsen,

Director, Multimedia Enforcement Division, Office of Enforcement and Compliance Assurance.

[FR Doc. 00–27256 Filed 10–23–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6890–6]

Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding Qwest Communications International, Inc., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has entered into a consent agreement with Qwest Communications International, Inc., *et. al* to resolve violations of the Clean Water Act ("CWA"), and its implementing regulations. Qwest failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for thirty-five facilities where they stored diesel oil in above ground tanks. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for these violations. The Administrator, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C), is hereby providing public notice of, and an opportunity for interested persons to comment on, this consent agreement and proposed final order.

DATES: Comments are due on or before November 24, 2000.

ADDRESSES: Mail written comments to the Enforcement & Compliance Docket and Information Center (2201A), Docket Number EC–2000–010, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 2201A, Washington, DC 20460. (Comments may be submitted on disk in WordPerfect 8.0 or earlier versions.) Written comments may be delivered in person to: Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Submit comments electronically to *docket.oeca@epa.gov*. Electronic comments may be filed online at many Federal Depository Libraries.

The consent agreement, the proposed final order, and public comments, if any, may be reviewed at the Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Persons interested in reviewing these materials must make arrangements in advance by calling the docket clerk at 202–564–2614. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Beth Cavalier, Multimedia Enforcement Division (2248–A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564–3271; fax: (202) 564–9001; e-mail: cavalier.beth@epa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Copies: Electronic copies of this document are available from the EPA Home Page under the link "Laws and Regulations" at the **Federal Register**—Environmental Documents entry (http://www.epa.gov/fedrgstr).

I. Background

Qwest Communications International, Inc., a telecommunications company incorporated in the State of Delaware and located at 700 Qwest Tower, 555 Seventeenth Street, Denver, Colorado, 80202 failed to prepare SPCC plans for thirty-five facilities. Qwest Communications International, Inc. disclosed, pursuant to the EPA "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations' ("Audit Policy"), 60 FR 66706 (December 22, 1995), that they failed to prepare SPCC plans for thirty-five facilities where they stored diesel oil in above ground storage tanks, in violation of the CWA section 311(b)(3) and 40 CFR part 112. EPA determined that Qwest met the criteria set out in the Audit Policy for a 100% waiver of the gravity component of the penalty. As a result, EPA waived the gravity based penalty ($146,175.00) and proposed a settlement penalty amount of sixteen thousand, four hundred and eighty-four ($16,484.00). This is the amount of the economic benefit gained by Qwest, attributable to their delayed compliance with the SPCC regulations. Qwest Communications International, Inc. has agreed to pay this amount in civil penalties. EPA and Qwest negotiated and signed an administrative consent agreement, following the Consolidated Rules of Procedure, 40 CFR 22.13, on October 18, 2000 (*In Re: Qwest Communications International, Inc. et. al*, Docket No. MM–HQ–2001–002). This consent agreement is subject to public notice and comment under CWA section 311(b)(6), 33 U.S.C. 1321(b)(6).

Under CWA section 311(b)(6)(A), 33 U.S.C. 1321(b)(6)(A), any owner, operator, or person in charge of a vessel, onshore facility, or offshore facility from which oil is discharged in violation of the CWA section 311(b)(3), 33 U.S.C. 1321(b)(3), or who fails or refuses to

comply with any regulations that have been issued under CWA section 311(j), 33 U.S.C. 1321(j), may be assessed an administrative civil penalty of up to $137,500 by EPA. Class II proceedings under CWA section 311(b)(6) are conducted in accordance with 40 CFR part 22.

The procedures by which the public may comment on a proposed Class II penalty order, or participate in a Clean Water Act Class II penalty proceeding, are set forth in 40 CFR 22.45. The deadline for submitting public comment on this proposed final order is November 24, 2000. All comments will be transferred to the Environmental Appeals Board ("EAB") of EPA for consideration. The powers and duties of the EAB are outlined in 40 CFR 22.04(a).

Pursuant to CWA section 311(b)(6)(C), EPA will not issue an order in this proceeding prior to the close of the public comment period.

Dated: October 18, 2000.

David A. Nielsen,

Director, Multimedia Enforcement Division, Office of Enforcement and Compliance Assurance.

[FR Doc. 00–27258 Filed 10–23–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6890–8]

New York State Prohibition on Marine Discharges of Vessel Sewage; Receipt of Petition and Tentative Determination

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that a petition was received from the State of New York on April 29, 1999 requesting a determination by the Regional Administrator, Environmental Protection Agency (EPA), pursuant to section 312(f) of Public Law 92–500, as amended by Public Law 95–217 and Public Law 100–4 (the Clean Water Act), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of the Hudson River and its tributaries including, but not limited to, Rondout Creek, Esopus Creek and Catskill Creek. The southern boundary of the proposed No Discharge Area (NDA) in this application would begin at the Battery in Manhattan, New York and the northern boundary would be the Federal Dam in Troy, New York. This area includes waters up to the New Jersey-New York boundary and does not include waters in New Jersey. EPA is currently reviewing a petition submitted by the New Jersey Department of Environmental Protection requesting a No Discharge Area for the New Jersey waters of the Hudson River. The area proposed by the State of New York is 153 miles long and encompasses approximately 81,000 acres of tidal waters and wetlands.

Following EPA's review of the petition and discussions with EPA, the State revised the application on certain occasions, most recently on August 24, 2000.

Previously, EPA established on December 13, 1995 two NDAs to protect drinking water intake zones. Zone 1 is bounded by the northern confluence of the Mohawk River on the south and Lock 2 on the north. It is approximately 8 miles long. Zone 2 is bounded on the south by the Village of Roseton on the western shore and bounded on the north by the southern end of Houghtaling Island. Zone 2 is approximately 60 miles long.

This petition was made by the New York State Department of State, in conjunction with the New York State Department of Environmental Conservation. Upon receipt of a final affirmative determination in response to this petition, the State of New York would completely prohibit the discharge of sewage, whether treated or not, from any vessel on the Hudson River in the area north of the Battery in Manhattan, New York and south of Federal Dam in Troy, New York in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a).

According to the State's petition, the vessel population for the waters of the Hudson River is approximately 7300 vessels. This number is based on analyses of aerial photographs taken before and during the Labor Day weekend. Each photo was identified by the embayment or reach and all boats were counted. Totals were tabulated by embayment. Surveys of the marinas operating on the Hudson River were also used when estimating the size of the fleet operating on the Hudson River. Information regarding commercial vessels indicates that many of the commercial operators have installed pumpout facilities at their docks to service their vessels. These operators include NY Waterway, Circle Line and World Yacht. Other operators make arrangements with local waste haulers to service their vessels while docked at facilities such as the Brooklyn Naval Yard. Marinas which are capable of providing pumpout service to commercial vessels are Liberty Landing Marina and Port Imperial Marina in New Jersey. Liberty Landing Marina can accommodate essentially any size commercial vessel, while Port Imperial Marina has a draft restriction of 4 feet and a length restriction of 45 feet. In New York, Pancor Marine, Inc., White's Marina and Kingston West Strand provide pumpout service to commercial vessels according to the application submitted by the State of New York.

With 35 pumpout facilities available to vessels, the ratio of boats is approximately 208 vessels per pumpout. Standard guidelines refer to acceptable ratios falling in the range of 300 to 600 vessels per pumpout. The State of New York divided the river into 8 segments and analyzed pumpout availability for each segment. All segments met the more stringent criterion of 300 vessels per pumpout. There are also 21 facilities capable of servicing portable toilets.

The EPA hereby makes a tentative affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Hudson River, New York. A final determination on this matter will be made following the 30-day period for public comment and will result in a New York State prohibition of any sewage discharges from vessels in the Hudson River from the Battery in Manhattan, New York to the Federal Dam at Troy, New York.

Comments and views regarding this petition and EPA's tentative determination may be filed on or before November 24, 2000. Comments or requests for information or copies of the applicant's petition should be addressed to Walter E. Andrews, U.S. Environmental Protection Agency, Region II, Water Programs Branch, 290 Broadway, 24th Floor, New York, New York, 10007–1866. Telephone: (212) 637–3880.

Dated: September 28, 2000.

Jeanne M. Fox,

Regional Administrator, Region II.

[FR Doc. 00–27257 Filed 10–23–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–00–38–A (Auction No. 38); DA 00–2291]

Auction of Licenses for the 700 MHz Guard Bands Scheduled for February 13, 2001; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedural Issues

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the auction of eight Guard Band Manager licenses ("Auction No. 38") in the 700 MHz Guard Bands to commence on February 13, 2001. This auction will include the licenses that remained unsold in Auction No. 33, which closed on September 21, 2000.

DATES: Comments are due on or before October 20, 2000, and reply comments are due on or before October 27, 2000.

ADDRESSES: An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW., TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Howard Davenport, Auctions Attorney, or Craig Bomberger, Auctions Analyst, at (202) 418–0660; or Linda Sanderson, Project Manager, at (717) 338–2888.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released October 13, 2000. The complete text of the public notice, including Attachment A, 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, DC 20036, (202) 857–3800. It is also available on the Commission's web site at *http://www.fcc.gov*.

I. General Information

1. The Wireless Telecommunications Bureau ("Bureau") has before it a "Request for Waiver" filed by Harbor Wireless, LLC (Harbor) on September 26, 2000 and a "Supplement to Request for Waiver" filed by Harbor on September 28, 2000. These filings seek to have the Commission offer Harbor three of the licenses herein on which Harbor formerly held the high bid in Auction No. 33. The Bureau will respond to Harbor's request in a separate Order.

2. Auction No. 38 will include the following licenses:

Market No.	Market name	Block	Bandwidth
MEA012	Pittsburgh, PA	A	2 MHz
MEA014	Columbus, OH	B	4 MHz
MEA028	Little Rock, AR	B	4 MHz
MEA034	Omaha, NE	B	4 MHz
MEA037	Oklahoma City, OK	B	4 MHz
MEA048	Hawaii	B	4 MHz
MEA049	Guam and the Northern Mariana Islands	B	4 MHz
MEA051	American Samoa	B	4 MHz

3. The frequency allocation for the "A" Block license is 746–747/776–777 MHz. The frequency allocation for the "B" Block licenses is 762–764/792–794 MHz.

4. The Balanced Budget Act of 1997 requires the Commission to "ensure that, in the scheduling of any competitive bidding under this subsection, an adequate period is allowed * * * before issuance of bidding rules, to permit notice and comment on proposed auction procedures * * *." Consistent with the provisions of the Balanced Budget Act and to ensure that potential bidders have adequate time to familiarize themselves with the specific rules that will govern the day-to-day conduct of an auction, the Commission directed the Bureau, under its existing delegated authority, to seek comment on a variety of auction-specific procedures prior to the start of each auction. We therefore seek comment on the following issues relating to Auction No. 38.

II. Auction Structure

A. Simultaneous Multiple Round Auction Design

5. We propose to award the licenses in a single stage, simultaneous multiple-round auction. As described further, this methodology offers every license for bid at the same time in successive bidding rounds. We seek comment on this proposal.

B. Upfront Payments and Initial Maximum Eligibility

6. The Bureau has delegated authority and discretion to determine an appropriate upfront payment for each license being auctioned taking into account such factors as the population in each geographic license area, and the value of similar spectrum. As described further, the upfront payment is a refundable deposit made by each bidder to establish eligibility to bid on licenses. Upfront payments related to the specific spectrum subject to auction protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of the auction. For Auction No. 38, we propose to use the same upfront payments used for Auction No. 33. Those calculations were based on information available in the form of a congressional estimate of the value of the spectrum. Accordingly, we list all licenses, including the related license area population and the proposed upfront payment for each, in Attachment A. We seek comment on this proposal.

7. We further propose that the amount of the upfront payment submitted by a bidder will determine the initial maximum eligibility (as measured in bidding units) for each bidder. Upfront payments will not be attributed to specific licenses, but instead will be translated into bidding units to define a bidder's initial maximum eligibility, which cannot be increased during the auction. The maximum eligibility will determine the licenses on which a bidder may bid in each round of the auction. Thus, in calculating its upfront payment amount, an applicant must determine the *maximum* number of bidding units it may wish to bid on (or hold high bids on) in any single round, and submit an upfront payment covering that number of bidding units. We seek comment on this proposal.

C. Activity Rules

8. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to either place a valid bid and/or be the standing high bidder during each round of the auction rather than waiting until the end to participate. A bidder that does not satisfy the activity rule will either use an activity rule waiver, if any remain, or lose bidding eligibility in the auction.

9. We propose a single stage auction with the following activity requirement. In each round of the auction, a bidder desiring to maintain its eligibility to

participate in the auction is required to be active on one hundred (100) percent of its bidding eligibility. Failure to maintain the requisite activity level will result in the use of an activity rule waiver, if any remain, or a reduction in the bidder's bidding eligibility, thus eliminating the bidder from the auction. We seek comment on this proposal.

D. Activity Rule Waivers and Reducing Eligibility

10. 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. Activity waivers are principally a mechanism for auction participants to avoid the loss of auction eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round.

11. The FCC 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 bidding period where a bidder's activity level is below the minimum required unless: (i) there are no activity rule waivers available; or (ii) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

12. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding period 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. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

13. 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 bidding period 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 will not keep the auction open.

14. We propose that each bidder in Auction No. 38 be provided with two activity rule waivers that may be used at the bidder's discretion during the course of the auction. We seek comment on this proposal.

E. Information Relating to Auction Delay, Suspension or Cancellation

15. For Auction No. 38, we propose 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. 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. We seek comment on this proposal.

III. Bidding Procedures

A. Round Structure

16. The Commission will use its Automated Auction System to conduct the electronic simultaneous multiple round auction format for Auction No. 38. The initial bidding schedule will be announced in a public notice to be released at least one week before the start of the auction, and will be included in the registration mailings. The simultaneous multiple round format will consist of sequential bidding rounds, each followed by the release of round results. Details regarding the location and format of round results will be included in the same public notice.

17. The Bureau 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 Bureau 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. We seek comment on this proposal.

B. Reserve Price or Minimum Opening Bid

18. 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 the Commission has accepted mutually exclusive applications for those licenses), unless the Commission determines that a reserve price or minimum bid is not in the public interest. Consistent with this mandate, the Commission has 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.

19. Normally, a reserve price is an absolute minimum price below which an item will not be sold in a given auction. Reserve prices can be either published or unpublished. A minimum opening bid, on the other hand, is the minimum bid price set at the beginning of the auction below which *no bids* are accepted. It is generally used to accelerate the competitive bidding process. Also, in a minimum opening bid scenario, the auctioneer generally has the discretion to lower the amount later in the auction. It is also possible for the minimum opening bid and the reserve price to be the same amount.

20. In light of the Balanced Budget Act, the Bureau proposes to establish minimum opening bids for Auction No. 38. The Bureau believes a minimum opening bid, which has been utilized in other auctions, is an effective bidding tool. A minimum opening bid, rather than a reserve price, will help to regulate the pace of the auction and provides flexibility. For Auction No. 38, we propose to use the same upfront payments used for Auction No. 33. Those calculations were based on information available in the form of a Congressional estimate of the value of the spectrum. Accordingly, we list all licenses, including the related license area population and the proposed minimum opening bid for each, in Attachment A. We seek comment on this proposal.

21. If commenters believe that these minimum opening bids will result in substantial numbers of unsold licenses, or are not reasonable amounts, or should instead operate as reserve prices, they should explain why this is so, and comment on the desirability of an alternative approach. Commenters are advised to support their claims with valuation analyses and suggested reserve prices or minimum opening bid levels or formulas. In establishing the minimum opening bids, we particularly seek comment on such factors as, among other things, the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, issues of interference with

other spectrum bands and any other relevant factors that could reasonably have an impact on valuation of the 700 MHz Guard Bands. Alternatively, comment is sought on whether, consistent with the Balanced Budget Act, the public interest would be served by having no minimum opening bid or reserve price.

C. Minimum Accepted Bids and Bid Increments

22. Once there is a standing high bid on a license, a bid increment will be applied to that license to establish a minimum acceptable bid for the following round. For Auction No. 38, we propose to set a minimum 10 percent increment. This means that a new bid placed by a bidder must be at least 10 percent greater than the previous bid received on the license. The Bureau retains the discretion to change the methodology for determining the minimum bid increment if they determine the circumstances so dictate. Advanced notice of the Bureau's decision to do so will be announced via the Automated Auction System.

23. Bidders will enter their bid as multiples of the bid increment (*i.e.*, with a 10 percent bid increment, a bid of 1 increment will place a bid 10 percent above the previous high bid, a bid of 2 increments will place a bid 20 percent above the previous high bid). We seek comment on this proposal.

D. Information Regarding Bid Withdrawal and Bid Removal

24. For Auction No. 38, we proposed the following bid removal and bid withdrawal procedures. Before the close of a bidding period, a bidder has the option of removing any bid 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 a withdrawal payment. Once a round closes, a bidder may no longer remove a bid. We seek comment on this bid removal procedure.

25. In the *Part 1 Third Report and Order*, 63 FR 2315 (January 15, 1998) the Commission explained that allowing bid withdrawals facilitates efficient aggregation of licenses and the pursuit of efficient backup strategies as information becomes available during the course of an auction. In Auction No. 38, however, aggregation of licenses will not be possible because only eight licenses will be auctioned. Accordingly, for this auction, we propose that bidders not be permitted to withdraw bids in any round. We seek comment on this proposal.

E. Stopping Rule

26. For Auction No. 38, the Bureau proposes to employ a simultaneous stopping rule approach. The Bureau has discretion "to establish stopping rules before or during multiple round auctions in order to terminate the auction within a reasonable time." A simultaneous stopping rule means that all licenses remain open until the first round in which no new acceptable bids or proactive waivers are received. After the first such round, bidding closes simultaneously on all licenses. Thus, unless circumstances dictate otherwise, bidding would remain open on all licenses until bidding stops on every license.

27. The Bureau seeks comment on a modified version of the simultaneous stopping rule. The modified stopping rule would close the auction for all licenses after the first round in which no bidder submits a proactive waiver 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 would not keep the auction open under this modified stopping rule. The Bureau further seeks comment on whether this modified stopping rule should be used unilaterally or only in stage three of the auction.

28. The Bureau proposes to retain the discretion to keep an auction open even if no new acceptable bids or proactive waivers are submitted. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. The activity rule, therefore, will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a remaining activity rule waiver.

29. Finally, we propose 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. The Bureau proposes to exercise this option only in certain circumstances, such as, for example, where the auction is proceeding very slowly, there is minimal overall bidding activity, or 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 would be required to maintain a higher level of bidding activity), increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity. We seek comment on these proposals.

IV. Comments

30. An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW., TW–A325, Washington, DC 20554. In addition, one copy of each pleading must be delivered to each of the following locations: (i) The Commission's duplicating contractor, International Transcription Service, Inc. (ITS), 1231 20th Street, NW., Washington, DC 20036; (ii) Office of Media Relations, Public Reference Center, 445 Twelfth Street, SW., Suite CY–A257, Washington, DC 20554; (iii) Rana Shuler, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, 445 Twelfth Street, SW., Suite 4–A628, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Public Reference Room, Room CY–A257, 445 12th Street, SW., Washington, DC 20554.

Federal Communications Commission.

Margaret Wiener,

Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau.

[FR Doc. 00–27409 Filed 10–23–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the following information collection systems described below.

1. *Type of Review:* Renewal of a currently approved collection.

Title: Application for Consent to Exercise Trust Powers.

Form Number: 6200/09.

OMB Number: 3064–0025.

Annual Burden:

Estimated annual number of respondents: 43

Estimated time per response: 35 applications—8 hours; 8 applications—24 hours

Total annual burden hours: 472 hours

Expiration Date of OMB Clearance: November 30, 2000.

SUPPLEMENTARY INFORMATION: Insured state nonmember banks submit applications to FDIC for consent to exercise trust powers. Applications are evaluated by FDIC to verify qualifications of bank management to administer a trust department and to ensure that bank's financial condition will not be jeopardized as a result of trust operations.

2. *Type of Review:* Renewal of a currently approved collection.

Title: Application for a Bank To Establish a Branch or Move Its Main Office or Branch.

OMB Number: 3064–0070.

Annual Burden:

Estimated annual number of respondents: 1,650

Estimated time per response: 5 hours

Total annual burden hours: 8,250 hours

Expiration Date of OMB Clearance: November 30, 2000.

SUPPLEMENTARY INFORMATION: Section 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)) provides that no state nonmember insured bank shall establish and operate any new domestic branch or move its main office or branch from one location to another without the prior written consent of the FDIC.

3. *Type of Review:* Renewal of a currently approved collection.

Title: Application for Consent To Reduce or Retire Capital.

OMB Number: 3064–0079.

Annual Burden:

Estimated annual number of respondents: 100

Estimated time per response: 1 hour

Total annual burden hours: 100 hours

Expiration Date of OMB Clearance: November 30, 2000.

SUPPLEMENTARY INFORMATION: This collection requires insured state nonmember banks that propose to change their capital structure to submit an application containing information about the proposed change in order to obtain FDIC's consent to reduce or retire capital. The FDIC evaluates the information contained in the letter application in relation to statutory considerations and makes a decision to grant or to withhold consent.

4. *Type of Review:* Renewal of a currently approved collection.

Title: Activities and Investments of Savings Associations.

OMB Number: 3064–0104.

Annual Burden:

Estimated annual number of respondents: 20.

Estimated time per response: 5 hours.

Total annual burden hours: 100 hours.

Expiration of OMB Clearance: November 30, 2000.

SUPPLEMENTARY INFORMATION: The collection of information identifies the information that state savings associations and/or their subsidiaries must submit to obtain the FDIC's approval or objection to engage in certain activities.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

Comments: Comments on these collections of information are welcome and should be submitted on or before November 24, 2000 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collections of information, may be obtained by calling or writing the FDIC contact listed above.

Dated: October 18, 2000.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 00–27255 Filed 10–23–00; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1345–DR]

Florida; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA–1345–DR), dated October 4, 2000, and related determinations.

EFFECTIVE DATE: October 4, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 4, 2000, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Florida, resulting from severe storms and flooding beginning on October 3, 2000, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 *et seq.* (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Public Assistance is later requested and determined to be warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Justo Hernandez of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared major disaster:

Broward, Collier, Miami-Dade, and Monroe Counties for Individual Assistance.

All counties within the State of Florida are eligible to apply for

assistance under the Hazard Mitigation Grant Program.

(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.)

James L. Witt,

Director.

[FR Doc. 00–27208 Filed 10–23–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1345–DR]

Florida; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida (FEMA–1345–DR), dated October 4, 2000, and related determinations.

EFFECTIVE DATE: October 11, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective October 11, 2000.

(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. 00–27209 Filed 10–23–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3155–EM]

New York; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of New York (FEMA–3155–EM), dated October 11, 2000, and related determinations.

EFFECTIVE DATE: October 11, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 11, 2000, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of New York, as a result of the West Nile Virus on July 15, 2000, and continuing is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the Stafford Act). I, therefore, declare that such an emergency exists in the State of New York.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide emergency protective measures (Category B) at 75 percent Federal funding for eligible expenses incurred by local governments. This assistance excludes regular time costs for subgrantees regular employees. In addition, you are authorized to provide such other forms of assistance under Title V of the Stafford Act, as you may deem appropriate.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. However, pursuant to 42 U.S.C. § 5193 (b), Federal assistance under this declaration will be limited to $5 million. In the event the assistance exceeds $5 million, you shall report to Congress on the nature and extent of emergency assistance and shall propose additional legislation if necessary, in accordance with 42 U.S.C. § 5193 (b)(3).

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Michael Byrne of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of New York to have been affected adversely by this declared emergency:

New York City and the counties of Albany, Allegany, Broome, Cattaraugus, Cayuga, Chemung, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Lewis, Monroe, Montgomery, Nassau, Niagara, Oneida, Onondaga, Orange, Otsego, Putnam, Rensselaer, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Ulster, Warren, Washington, Westchester, and Yates for assistance as specified in the declaration letter quoted above.

(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.)

James L. Witt,

Director.

[FR Doc. 00–27210 Filed 10–23–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Open Meeting, Technical Mapping Advisory Council

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of meeting.

SUMMARY: In accordance with § 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, the Federal Emergency Management Agency gives notice that the following meeting will be held:

Name: Technical Mapping Advisory Council.

Date of Meeting: October 26–27, 2000.

Place: Wyndam Emerald Plaza Hotel 400 West Broadway, San Diego, CA 92101.

Times: 8:30 a.m. to 5 p.m., each day.

Proposed Agenda:

1. Call to Order and Announcements.
2. Action on Minutes of Previous Meetings.
3. Finalize Council's Annual and Final Reports.
4. New Business.
5. Adjournment.

Status: This meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Federal Emergency Management Agency, 500 C Street SW., room 421, Washington, DC 20472, telephone (202) 646–2756 or by facsimile at (202) 646–4596.

SUPPLEMENTARY INFORMATION: This meeting is open to the public with limited seating available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact Ms. Sally P. Magee, Federal Emergency Management Agency, 500 C Street SW., room 442, Washington, DC 20472, telephone (202) 646–8242 or by facsimile at (202) 646–4596 on or before May 29, 2000.

Minutes of the meeting will be prepared and will be available upon request 30 days after they have been approved by the next Technical Mapping Advisory Council meeting in November 2000.

Dated: October 16, 2000.

Margaret Lawless,

Deputy Associate Director for Mitigation.

[FR Doc. 00–27211 Filed 10–23–00; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 7, 2000.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Friedman, Billings, Ramsey Group, Inc., and its subsidiaries, FBR Bancorp, Inc.; Money Management Associates, Inc.; and Money Management Associates (LP), Inc.; of Arlington, Virginia; to become bank holding companies by acquiring 100 percent of the voting interest in Money Management Associates, L.P., Bethesda, Maryland, and its subsidiary, Rushmore National Bank, Bethesda, Maryland (successor to Rushmore Trust and Savings, FSB, Bethesda, Maryland, by its conversion to a national bank). On consummation of the proposal, Money Management Associates, L.P. also would become a bank holding company for Rushmore National Bank.

In connection with this application, Friedman, Billings, Ramsey Group, Inc., Arlington, Virginia, also has applied to retain 6.34 percent of the voting shares of Pocahontas Bancorp, Inc., Pocahontas, Arkansas, and its sole thrift subsidiary, Pocahontas Federal Savings and Loan Association, Pocahontas, Arkansas, and thereby engage in owning shares in a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, October 18, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–27193 Filed 10–23–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 17, 2000.

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervision) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. F.N.B. Corporation, Hermitage, Pennsylvania; to acquire 20 percent of the voting shares of Sun Bancorp, Inc., Selinsgrove, Pennsylvania, and thereby indirectly acquire Sun Bank, Selinsgrove, Pennsylvania.

B. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Yankee Ridge, Inc., Allerton, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of Allerton, Allerton, Illinois, and thereby indirectly acquire Philo Exchange Bank, Philo, Illinois.

C. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. TTAC Corp., Manhattan, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Community First National Bank, Manhattan, Kansas, a *de novo* bank in organization.

Board of Governors of the Federal Reserve System, October 18, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–27195 Filed 10–23–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 7, 2000.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. Dresdner Bank Aktiengesellschaft, Frankfurt, Germany; to acquire indirectly all the voting shares of Wasserstein Perella Group, Inc, New York, New York, and its subsidiaries, including Wasserstein Perella & Co., Inc., New York, New York, and thereby engage in financial and investment advisory activities, including among other things providing advice in connection with mergers, acquisitions, divestitures, investments, joint ventures, leveraged buyouts, recapitalizations, capital structuring, financing transactions, and similar transactions, and conducting financial feasibility studies, pursuant to § 225.28(b)(6) of Regulation Y; and Wasserstein Perella Securities, Inc., New York, New York, a registered broker-dealer, and thereby engage in underwriting and dealing in, to a limited extent, all types of debt and equity securities (other than ownership interests in open-end investment companies) both in the United States and globally, see Travelers Group, Inc., 84 Fed. Res. Bull. 985 (September 1998); Fleet Financial Group, Inc., 84 Fed. Res. Bull. 227 (March 1998); SunTrust Banks, Inc., 84 Fed. Res. Bull. 126 (February 1998); First Union Corporation, 84 Fed. Res. Bull. 59 (January 1998); Canadian Imperial Bank of Commerce, 83 Fed. Res. Bull. 1008 (December 1997); BankBoston Corporation, 84 Fed. Res. Bull. 850 (1998); BankAmerica Corporation, 83 Fed. Res. Bull. 913 (November 1997); BB&T Corporation, 83 Fed. Res. Bull. 919 (November 1997); KeyCorp, 83 Fed. Res. Bull. 921 (November 1997); NationsBank Corporation, 83 Fed. Res. Bull. 924 (November 1997); Swiss Bank Corporation, 83 Fed. Res. Bull. 786 (September 1997); First Chicago NBD Corporation, 83 Fed. Res. Bull. 784 (September 1997); Bankers Trust New York Corporation, 83 Fed. Res. Bull. 780 (September 1997); and in the following listed nonbanking activities both in the United States and globally (with the revenues derived from these activities considered to be eligible revenues); extending credit and servicing loans, pursuant to § 225.28(b)(1) of Regulation Y; acquiring debt that is in default at the time of acquisition, pursuant to § 225.28(b)(2)(vii) of Regulation Y; providing financial and investment advice, pursuant to § 225.28(b)(6) of Regulation Y; providing securities brokerage services as agent for customers, pursuant to § 225.28(b)(7)(i) of Regulation Y; buying and selling in the secondary market all types of securities on the order of customers as a riskless principal, pursuant to § 225.28(b)(7)(ii) of Regulation Y; acting as agent for the private placement of securities, pursuant to § 225.28(b)(7)(iii) of Regulation Y; and buying and selling permissible derivatives contracts as principal, pursuant to § 225.28(b)(8)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, October 18, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–27194 Filed 10–23–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Meeting Act

TIME AND DATE: 11:00 a.m., Monday, October 30, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: October 20, 2000.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–27447 Filed 10–20–00; 3:51 pm]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Interest Rate on Overdue Debts

Section 30.13 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that HHS becomes entitled to recovery. The rate generally cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of Maturities." This rate may be revised quarterly by the Secretary of the Treasury and shall be published quarterly by the Department of Health and Human Services in the **Federal Register.**

The Secretary of the Treasury has certified a rate of 13⅞% for the quarter ended September 30, 2000. This interest rate will remain in effect until such time as the Secretary of the Treasury notifies HHS of any change.

Dated: October 17, 2000.

George Strader,

Deputy Assistant Secretary, Finance.

[FR Doc. 00–27192 Filed 10–23–00; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01010]

Pregnancy Risk Assessment Monitoring System; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for a Pregnancy Risk Assessment Monitoring System (PRAMS) program. CDC is committed to achieving the health promotion and disease prevention objectives of "Healthy People 2010," a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the focus area of Maternal, Infant, and Child Health. For the conference copy of "Healthy People 2010," visit the Internet site: www.health.gov/healthypeople.

The purpose of the program is to assist State public health agencies in generating State-specific data for informing perinatal health programs and policies. This will be accomplished by assisting the State public health agencies to (1) establish or maintain State-specific, population-based surveillance of selected maternal behaviors and experiences that occur around the time of pregnancy and early infancy, (2) enhance the basic PRAMS surveillance system in order to more effectively reach special or related populations which are typically considered hard-to-reach populations, and (3) to implement alternative methodologies for surveying women about selected maternal behaviors and experiences. This announcement includes three separate categories:

Category A (Core Activities): To establish or maintain State-specific population-based surveillance of selected maternal behaviors and experiences that occur around the time of pregnancy and early infancy.

Category B (Enhanced Activities): To enhance regular PRAMS surveillance to reach special population groups, to test new data collection or analytic methodologies related to pregnancy or infant health, or to gather additional information on specific topics from women or others. Category B funds cannot be used for ongoing sampling from data sources other than vital records.

1. Special or related population groups: Special populations may include teenagers, groups with low response rates, cultural groups, women whose first language is something other than English, low-income women, women from urban or rural areas, or incarcerated women. Related populations could include follow-up of women who have experienced a fetal death and women with children less than 5 years of age. Special or related populations to be considered for ongoing surveillance must be identifiable for sampling from vital records.

2. New data collection or analytic methodologies: Methodologies that might enhance regular PRAMS mail/telephone data collection could include in-person interviews, additional mail and telephone follow-up with in-person interviews, Internet-administered surveys, or use of community health workers or an organization (*e.g.,* church, civic, cultural groups) to deliver the surveys. Methodologies that might enhance analytic capacity could include conducting small area analysis or GIS (Geographic Information Science), testing the validity and reliability of measures, or performing linkages with other data sets that focus on maternal and infant health issues (*e.g.,* Medicaid data, WIC (Women, Infant, and Children) data, databases with potential contact information for pregnant women).

3. Specific topics: Special surveys focusing on specific topics or specific populations might include in-depth surveys of the PRAMS sample on a time-limited basis (*e.g.,* additional detailed questions on a specific topic added to existing an questionnaire) or special surveys of other populations on topics related to PRAMS (*e.g.,* prenatal care providers, hospitals, health insurance providers).

Category C (Alternative Methodologies): To implement one time (point-in-time) surveys for State-specific, population-based surveillance of selected maternal behaviors and experiences that occur around the time of pregnancy and early infancy.

B. Eligible Applicants

Applicants may apply for core activities (Category A), either as an existing grantee or as a new grantee, or they may apply for alternative methodologies (Category C). In order to apply for enhanced activities (Category B), applicants must also apply for and receive Category A funding. A separate narrative must be provided for each category for which an applicant applies. Applications in each category will be evaluated separately.

For Category A (Core Activities): Assistance will be provided only to the official State or territorial public health agencies designated as registration areas for vital statistics, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Applicants can apply for Category A funds, either as an existing or new state.

Existing PRAMS States are States that are funded under program announcement 96059 or 99070. These are: Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Hawaii, Illinois, Louisiana, Maine, Maryland, Mississippi, Nebraska, New Mexico, New York State, New York City, North Carolina, Ohio, Oklahoma, South Carolina, Utah, Vermont, Washington, and West Virginia. All other States must apply as a new State.

All applicants for Category A must provide the following evidence of support letters:

1. Written assurance, signed by the head of the State's Vital Statistics unit, that:

a. the recipient PRAMS program will have timely (*i.e.,* able to draw a sample from birth certificates within 2 to 4 months after delivery) access to edited birth certificate information needed for sampling and data collection,

b. the recipient program will identify and commit a person from the Vital Statistics unit to act as a liaison to the PRAMS program to develop and maintain the sampling program and make any modifications needed throughout the life of the program,

c. final birth tape will be available by December 1 of the following data year for the purpose of weighting the annual data set, and,

d. any changes in the vital statistics system, such as with file layouts, will be communicated in writing to the recipient PRAMS program in a timely fashion, as it can affect the monthly sampling process.

2. A joint letter of commitment from the State Directors of the Maternal and Child Health (MCH), the Vital Statistics, and the Data Processing units, that they will work collaboratively to support the PRAMS program. This letter should

specify evidence of past collaboration among these groups and identify which unit will be the lead in implementing the PRAMS program and what roles each unit will play.

For Category B (Enhanced Activities): Assistance will be provided only to applicants funded under Category A. All applicants for Category B must provide:

1. Written assurance from all potential data sources that the applicant's project will have access to the needed data for conducting the enhanced activities.

2. A joint letter of commitment from all the units participating in the core PRAMS activities and the enhanced activities that they will work together to support the enhanced activities.

For Category C (Alternative Methodologies): Assistance will be provided to the official State or territorial public health agencies. In addition, Federally recognized Indian tribal governments with more than 1,000 births per year may apply if the population to be surveyed does not reside in a State or territory with an existing PRAMS project. Tribal applications must include co-investigators from the State or territorial health departments providing vital statistics data. Tribes located within States with existing PRAMS projects should work with the State's health department to develop a category A or B proposal to sample tribal women.

In Category C, a State, territory or tribal government may propose to include other States, territories, or tribes. Throughout this document for Category C, the term "State" is used to define any State, territory, or tribe that meets the eligibility requirements.

Applicants that apply for Category C can not apply for Category A or Category B. Category C is an opportunity for States or territories that want to collect population-based data but not on an on-going basis.

All applicants for Category C must provide the following evidence of support letters:

1. Written assurance, signed by the head of the State's Vital Statistics unit, that:

a. the recipient PRAMS program will have timely (*i.e.*, able to draw a sample from birth certificates within 2 to 4 months after delivery) access to edited birth certificate information needed for sampling and data collection,

b. the recipient program will identify and commit a person from the Vital Statistics unit to act as a liaison to the PRAMS program to develop and maintain the sampling program and make any modifications needed throughout the life of the program.

2. A joint letter of commitment from the State Directors of the Maternal and Child Health (MCH), the Vital Statistics, and the Data Processing units, that they will work collaboratively to support the PRAMS program. This letter should describe past collaboration among these groups, specify which unit will be the lead in implementing the PRAMS program, and define the roles each unit will play.

In Category C applications, projects that span more than one State or territory must provide letters from each State and territory involved.

C. Availability of Funds

For Category A (New States): Approximately $1,500,000 is available in FY 2001 to fund approximately 8–12 awards. It is expected that the average award will be $150,000, ranging from $75,000 to $175,000. It is expected that the awards will begin on or about April 1, 2001, and will be made for a 12-month budget period within a project period of up to 5 years. Funding estimates may change.

For Category A (Existing States): Approximately $3,750,000 is available in FY 2001 to fund approximately 25 awards. It is expected that the average award will be $150,000, ranging from $75,000 to $175,000. It is expected that the awards will begin on or about April 1, 2001, and will be made for a 12-month budget period within a project period of up to 5 years. Funding estimates may change.

For Category B (New or Existing States): Approximately $2,500,000 is available in FY 2001 to fund approximately 5 awards. It is expected that the average award will be $500,000, ranging from $175,000 to $750,000. It is expected that the awards will begin on or about April 1, 2001, and will be made for a 12-month budget period within a project period of up to 3 years. Funding estimates may change.

For Category C: Approximately $500,000 is available in FY 2001 to fund approximately 5 awards. It is expected that the average award will be $100,000, ranging from $75,000 to $125,000. It is expected that the awards will begin on or about April 1, 2001, and will be made for a 12-month budget period within a project period of up to 3 years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

Funds awarded under this program may not be used to supplant existing program efforts funded through other Federal or non-Federal sources.

Recipient Financial Participation

CDC funding covers some costs for PRAMS but it is not intended to fully support all aspects of the program. Current recipients contribute their own resources to PRAMS—mostly in the form of operational resources and staff support.

D. Program Requirements

Program Requirements are described separately for each category.

All recipients for Category B must obtain review and approval from an Office for Human Research Protection (OHRP)-approved Institutional Review Board (IRB). No data collection may begin until the provisions of 45 CFR 46, Protection of Human Subjects, have been met (See "Other Requirements" section below). Each project will be reviewed by CDC's IRB.

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1, (Recipient Activities), and CDC will be responsible for the activities listed under 2, (CDC Activities).

For Category A (Core Activities, New States):

1. Recipient Activities:

a. Adopt the standard PRAMS written protocol.

b. Identify appropriate staff dedicated to overall coordination and operations of PRAMS. Also identify a person in Vital Records indicating the percentage of their time dedicated to assuring the sampling procedures.

c. Form a steering committee consisting of representatives from the organizational units housing and collaborating on PRAMS, as well as other public and private health community representatives. The committee should provide oversight and set directions for the program and serve in an advocacy role promoting the use of PRAMS findings. At a minimum, this group will meet once per year.

d. Assure active cooperation and collaboration among the participating organizational units such as MCH, Vital Records, and Data Processing units.

e. Design a State-wide PRAMS program that assures access to needed vital record information. Timely (able to draw a sample from birth certificates within 2 to 4 months after delivery) access to birth certificates is essential.

f. Prepare State-specific questions and their rationale and pretest the questionnaire, if needed. Collaborate to revise the common questions at agreed-upon intervals.

g. Define the study population and design and maintain a representative PRAMS sample.

h. Develop a cycle of sampling and data collection in accordance with the protocol and PRAMS software.

i. Train interviewers to conduct telephone interviewing in accordance with PRAMS standards for phone interviewing and ensure that they follow the standard PRAMS protocol.

j. Develop, maintain, and make available, using the standardized PRAMS protocol, electronic files on birth certificate information of the sampling frame and of sampled women, data collection activities, and questionnaire data on a timely basis for data management, *i.e.*, sampling, cleaning, and weighting.

k. Monitor, at least monthly, the quality of data collected and its management (through verification and validation efforts).

l. Develop and implement an analysis plan, including potential partners and collaborators in and outside of the health departments. The analysis plan should be updated annually.

m. Collaborate on multi-State analyses combining or comparing data across PRAMS States.

n. Disseminate PRAMS findings through presentations and publications to health departments, professional societies, voluntary agencies, universities, other PRAMS States, and other interested individuals and organizations.

o. Share program translation and dissemination material and products and examples of how the data have been used to affect programs and policy.

p. Participate in training, workshops, meetings, and advisory committees at least once per year.

q. Assure that a final birth tape is available by December 1 of the following data year. The birth tape is needed for weighting the annual data set which is returned to the State for analyses.

2. CDC Activities:

a. Provide model protocol and assist with development of State-specific written protocols.

b. Assist the recipient agencies with development and revisions of State-specific questions and core questions for States.

c. Provide program software, training, and ongoing technical support for operations management, questionnaire data entry, and development of the PRAMS analysis database.

d. Assist with the specification of variable descriptions and format layouts of all data files.

e. Provide technical assistance for data editing.

f. Assist with the development of computer programs for sampling.

g. Provide technical assistance to resolve problems in data collection procedures, response rates, sampling procedures (unbiased sampling and estimate omissions), and database files (completeness).

h. Assist in the development of annual weighted analysis data sets for recipient agencies, including developing statistical weights.

i. Assist recipient agency staff in obtaining training in sample survey analysis software.

j. Provide recipients with epidemiological and statistical technical assistance.

k. Conduct multi-State and single-State analyses, in collaboration with the States, and facilitate dissemination and translation of findings.

l. Participate with recipient agencies in workshops, training, meetings, and advisory committees to exchange information among States.

m. Establish and maintain a PRAMS advisory committee comprised of all recipients to promote exchange of information.

For Category A (Core Activities, Existing States):

1. Recipient Activities:

a. Review operational components to assure concordance with standard PRAMS written protocol. Adapt the State-specific portions of the written protocol to meet State needs.

b. Maintain a State-wide PRAMS program that assures access to needed vital record information. Timely (able to draw a sample from birth certificates within 2 to 4 months after delivery) access to birth certificates is essential.

c. Maintain a prescribed cycle of sampling and data collection in accordance with the PRAMS written protocol.

d. Use the PRAMS standard software for the operational components of the program.

e. Select the State-specific questions and their rationale and pretest the questionnaire, if needed. With other participating States, revise the common questions at agreed-upon intervals.

f. Maintain and make available, using the standardized PRAMS protocol, electronic files on birth certificate information of the sampling frame, and of sampled women, data collection activities, and questionnaire data on a timely basis for data management, *i.e.*, sampling, cleaning, and weighting.

g. Conduct an annual sampling evaluation and adjustment of the sample to ensure it is representative of the study population.

h. Maintain a Steering Committee consisting of representatives from organizational units housing and collaborating on PRAMS, as well as other public and private health community representatives. The committee should provide oversight and set directions for the program as well as serve in an advocate role promoting the use of PRAMS findings. At a minimum, this group will meet once per year.

i. Assure appropriate staff dedicated to overall coordination and operations of PRAMS. Also specify a person in Vital Records indicating the percentage of their time dedicated to assuring the sampling procedures.

j. Assure active cooperation and collaboration among the participating organizational units such as MCH, Vital Records, and Data Processing units.

k. Monitor, at least monthly, the quality of data collected and its management (through verification and validation efforts).

l. Train interviewers to conduct telephone interviewing in accordance with PRAMS standards for phone interviewing and ensure that they follow the standard PRAMS protocol.

m. Develop and implement an analysis plan including potential partners and collaborators in and outside of the health departments. Update the analysis plan annually.

n. Collaborate on multi-State analyses combining or comparing data across PRAMS States.

o. Disseminate PRAMS findings through presentations and publications to health departments, professional societies, voluntary agencies, universities, other PRAMS States, and other interested individuals and organizations.

p. Share examples of dissemination products and examples of how the data have been used to affect programs and policy.

q. Participate with other States in training, workshops, meetings, and advisory committees at least once per year.

r. Assure that a final birth tape is available by December 1 of the following data year. The birth tape is needed for weighting the annual data set for analyses.

2. CDC Activities:

a. Provide model PRAMS protocol and assist with development of State-specific written protocols.

b. Assist the recipient agencies with development and revisions of State-specific questions and core questions for new States.

c. Provide program software, training, and ongoing technical support for operations management, questionnaire data entry, and development of the PRAMS analysis database.

d. Assist with the specification of variable descriptions and format layouts of all data files.

e. Provide technical assistance for data editing.

f. Assist with the development of computer programs for sampling.

g. Provide technical assistance to resolve problems in data collection procedures, response rates, sampling procedures (unbiased sampling and estimate omissions), and database files (completeness).

h. Assist in the development of annual weighted analysis data sets for recipient agencies, including developing statistical weights.

i. Assist recipient agency staff in obtaining training in sample survey analysis software.

j. Provide recipients with epidemiological and statistical technical assistance.

k. Conduct multi-State and single-State analyses, in collaboration with the States, and facilitate dissemination and translation of findings.

l. Participate with recipient agencies in workshops, training, meetings, and advisory committees to exchange information among States.

m. Establish and maintain a PRAMS advisory committee comprised of all recipients to promote exchange of information.

For Category B (Enhanced Activities):

1. Recipient Activities:

a. Develop a written protocol that includes a plan for staffing, sampling, design, methodology, analyses, and dissemination and translation of data.

b. Identify special features that distinguish the enhanced activities from the core activities and describe their impact on the core activities, assuring that the integrity of the core PRAMS activities is maintained.

c. Acquire resources and technical assistance to carry out the enhanced activities including staff, software, data systems, and analytic expertise, as needed.

d. Assure active cooperation and collaboration among all units involved with the core PRAMS activities and the enhanced activities.

e. Identify and assure access to all needed sources of data.

f. Form a special advisory committee to advise and oversee the enhanced activities. This group should include representatives from the core PRAMS project.

g. Define the study population and sampling design.

h. Prepare the data collection instruments, if needed.

i. Carry out data collection in accordance with the written protocol for the enhanced activities.

j. Train interviewers and assure that they follow the written protocol for enhanced activities.

k. Develop, maintain, clean, and edit electronic files with information on the sampling frame, sampled women, data collection activities, and questionnaire data.

l. Monitor, at least monthly, the quality of data collected and its management (through verification and validation efforts).

m. Develop and implement an analysis, dissemination, and translation plan for the enhanced activities including potential partners and collaborators in and outside the health department.

n. Disseminate PRAMS findings through multiple sources such as presentations, publications, and special training.

o. Provide examples of how, through the enhanced activities, the program has been able to translate findings in order to influence policy and programs for special populations.

p. Summarize and evaluate the enhanced activities and share widely.

q. Collaborate with other States on multi-State projects.

2. CDC Activities:

a. Review and provide recommendations on the protocol for the enhanced activities, including staffing, sample design, methodology, analyses, and dissemination and translation of data.

b. Review the impact of the enhanced activities on the core PRAMS activities.

c. Provide technical assistance to resolve issues that arise in performing the enhanced activities.

d. Provide recipients with epidemiological and statistical technical assistance.

e. Collaborate on analytic projects that summarize the multi-State efforts to carry out enhanced activities to reach special populations through alternative methodologies.

f. Provide a forum for recipient agencies to exchange information from their enhanced activities.

g. Assist in the development of a research protocol for IRB review by all cooperating institutions participating in the research project.

h. The CDC IRB will review and approve the protocol initially and on at least an annual basis until the research project is completed.

For Category C (Alternative Methodologies):

1. Recipient Activities:

a. Adopt the standard PRAMS written protocol for one time (point-in-time) surveys.

b. Identify appropriate staff dedicated to overall coordination and implementation of PRAMS, analytic staff, and support staff for the actual survey period. Also specify a person in Vital Records in each involved registration area responsible for assuring the sampling procedures.

c. Form an Advisory Committee consisting of representatives from the organizational units collaborating on PRAMS, as well as other public and private health community representatives. The committee should provide oversight and set directions for the program as well as serve in an advocacy role promoting the use of PRAMS findings. At a minimum, this group will meet once per year.

d. Assure active cooperation and collaboration for all recipient areas among the participating organizational units such as MCH, Vital Records, and Data Processing units.

e. Design a State-wide PRAMS survey that assures access to needed vital records information. Timely (able to draw a sample from birth certificates within 2 to 4 months after delivery) access to birth certificates is essential.

f. Prepare State-specific questions and their rationale and pretest the questionnaire, if needed.

g. Define the study population and design and select a representative PRAMS sample.

h. Develop a cycle of sampling and data collection in accordance with the protocol and PRAMS software during the survey period.

i. Train interviewers to conduct telephone interviewing in accordance with PRAMS standards for phone interviewing and ensure that they follow the standard PRAMS protocol.

j. Develop, maintain, and make available, using the standardized PRAMS protocol, electronic files on birth certificate information of the sampling frame, and of sampled women, data collection activities, and questionnaire data on a timely basis for data management, *i.e.*, sampling, cleaning, and weighting.

k. Monitor the quality of data collected and its management (through verification and validation efforts).

l. Develop and implement an analysis plan including potential partners and collaborators in and outside of the health departments.

m. Collaborate on multi-State analyses combining or comparing data across PRAMS States.

n. Disseminate PRAMS findings through presentations and publications to health departments, professional societies, voluntary agencies, universities, other PRAMS States, and other interested individuals and organizations.

o. Share examples of dissemination products and examples of how the data have been used to affect programs and policy.

p. Participate with other States in training, workshops, meetings, and advisory committees at least once per year.

q. Provide a final birth tape covering the survey period by December 1 of the year following the data year. The birth tape is needed to check for adequate coverage of the sampling frame.

2. CDC Activities:

a. Provide model PRAMS protocol and assist with development of State-or area-specific written protocols.

b. Assist the recipients with development of State-specific questions.

c. Provide program software, training, and technical support for operations management, questionnaire data entry, and development of the PRAMS analysis database.

d. Assist with the specification of variable descriptions and format layouts of all data files.

e. Provide technical assistance for data editing.

f. Assist with the development of computer programs for sampling.

g. Provide technical assistance to resolve problems regarding data collection procedures.

h. Assist in the development of a weighted analysis data set for recipient agencies, including developing statistical weights.

i. Assist recipient agency staff in obtaining training in sample survey analysis software.

j. Provide recipients with epidemiological and statistical technical assistance.

k. Conduct multi-State and single-State analyses, in collaboration with the State, and facilitate dissemination and translation of findings.

l. Participate with recipient agencies in workshops, training, meetings, and advisory committees to exchange information among States.

m. Establish and maintain a PRAMS advisory committee comprised of all recipients to promote exchange of information.

R. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. Provide a separate narrative for each of the Categories (A, B, and C). Each narrative should be no more than 30 double-spaced pages, printed on one side, with one inch margins, and unreduced (12 CPI)font.

For Category A (Core Activities, New States):

1. Background and Need:

a. Describe the composition of the birth population, giving the numbers of overall births and births in each sub-population of interest. Describe the scope and severity of the problems of poor pregnancy outcomes, including infant mortality, low birth weight, and related risk factors such as inadequate prenatal care or unintended pregnancy. This may apply on a Statewide basis or to high risk sub-populations in defined geographical areas and may be assessed in relation to relevant national rates, Maternal and Child Health Bureau indicators, or the "Healthy People 2010 Objectives".

b. Describe the reproductive health and maternal and child health priorities for the State and how PRAMS data can be integrated into the State's activities to address those priorities.

c. Identify gaps in needed information concerning adverse pregnancy and infant outcomes, pregnancy and infant risk factors, and provide a description of how PRAMS data may be used to fill these gaps.

d. Describe how data from PRAMS will complement the analyses of vital records by increasing understanding of previously identified maternal and infant health problems and identifying new problems.

2. Profile of State Birth Registration Process:

a. Describe, in detail, the State process for registering births, to include each step from collection of information at the birth site, having an initial computerized file (the sampling frame from which the PRAMS sample will be drawn), and having a clean, edited file from which other information can be drawn. Present a time line for the cleaning of critical variables, such as name, address, and date of birth. Document that the sample could be drawn from birth certificate information within 2 to 4 months after the date of birth. Describe any validity and reliability studies that have been conducted on birth certificate data.

b. Describe the schedule on which vital records information (frame files and end-of-year birth files, such as NCHS standard birth files) will be available.

c. Describe the extent to which you can link birth certificate data to other data sources, *e.g.*, infant deaths, Supplemental Nutrition Program for Women, Infants, and Children (WIC), Medicaid.

d. Describe any State laws or policies that place restrictions on the release of vital records data for research purposes and indicate the impact of these laws or policies on PRAMS.

e. Describe any plans for dealing with the upcoming revision of the birth certificate.

3. Plan of Operation:

a. Describe how and when the major project components, such as sampling, mail and telephone operations, data analysis, staffing plan, protocol development, steering committee, will be developed and implemented.

b. Provide any available data that describe the extent to which the data collection approach is likely to produce adequate response rates among the sampled population, including high-risk sub-populations. Provide examples of previous surveys, including past experiences with PRAMS or other data collection activities, and the response rates in the proposed populations. Describe and provide for the inclusion of women, racial, and ethnic minority populations in the proposed project to include:

(1) The proposed plan for the inclusion of women, racial, and ethnic minority populations for appropriate representations.

(1) The proposed justification when representation is limited or absent.

(3) A statement whether the design of the study is adequate to measure differences when warranted.

(4) A statement whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with communities and recognition of mutual benefits.

c. Describe the roles, responsibilities, and supervision of key personnel who will be contributing to the PRAMS program during the next budget period.

d. Document, with curriculum vitae, the relevant expertise and experience of proposed personnel involved in PRAMS program direction, operational management, and data analysis and dissemination, and their placement within the organization. It is strongly recommended that a minimum of two full-time equivalents at the State level be committed to working on daily operations and coordination of PRAMS.

e. Describe the specific roles and responsibilities of participating organizational units, such as MCH, vital records, and data processing units. Provide an organizational chart that shows the location of units that participate in PRAMS.

f. Describe a plan for data analysis that integrates the MCH priorities

previously identified that can be addressed by PRAMS.

g. Describe how findings from PRAMS analyses will be disseminated through various channels, including steering committee members, health policy makers, and health providers and translated into public health action. Describe existing partnerships and how findings from previous studies have been disseminated. Identify future partnerships for dissemination and translation activities.

4. Timetable:

Provide a general time-line of major milestones for the project period and a schedule of activities for the first 12 months of the project period.

5. Budget:

Provide a detailed budget and line-item justification of all operating expenses that are consistent with the planned activities of the project. The budget should also address funds requested, as well as in-kind or direct support. Indicate if funds are already committed to PRAMS and adjust the amount requested under this announcement accordingly.

For Category A (Core Activities, Existing States):

1. Background and Need:

a. Describe the composition of the birth population giving the numbers of overall births and births in each sub-population of interest. Describe the scope and severity of the problems of poor pregnancy outcomes, including infant mortality, low birth weight, and related risk factors such as inadequate prenatal care or unintended pregnancy. This may apply on a Statewide basis or to high risk sub-populations in defined geographical areas and may be assessed in relationship to relevant national rates, Maternal and Child Health Bureau indicators, or the "Healthy People 2010 Objectives."

b. Describe the reproductive health and maternal and child health priorities for your State and how PRAMS data can be integrated into your State's activities to address those priorities.

c. Identify gaps in needed information concerning adverse pregnancy and infant outcomes, pregnancy and infant risk factors, and describe how PRAMS data can be used to fill these gaps.

d. Describe how data from PRAMS will complement the analyses of vital records by increasing understanding of previously identified maternal and infant health problems and identifying new problems.

2. Capacity:

Note: States that have been in PRAMS for less than 2 years may not be able to report on certain elements in this section. If you have been in PRAMS for less than 2 years, focus on process and implementation issues and indicate where you are not able to comment on a section because of lack of data.

a. Describe progress to date in implementing PRAMS operational activities, including sampling, data collection, and data management; and any barriers that precluded complete and successful implementation of the project, *e.g.*, sources of contact information or staffing patterns.

b. Document the staffing pattern for the project over the last 2 years and any impact of that pattern on the project.

c. Identify and describe the State staff who contribute to the PRAMS project (project coordinator, data manager, data analyst, vital records contact, and other PRAMS participants), including their roles, the proportion of their time spent on PRAMS, and a summary of their activities and accomplishments during the last funding period.

d. Document PRAMS response rates, overall and by stratification variables (70 percent is considered a minimum level of response) for the last 12 months.

e. Document the extent to which PRAMS data are available for analysis and have been analyzed.

f. Describe the extent to which PRAMS data have been used for program planning, policy development, and resource allocation. Provide specific examples of dissemination and translation of PRAMS data and existing partners in these efforts.

g. Describe data linkages that have been accomplished between PRAMS and other data sources and identify how the linked data sets have been used.

3. Profile of State Birth Registration Process:

a. Summarize the State process for registering births. Include each step from collection of information at the birth site, having an initial computerized file (the sampling frame from which the PRAMS sample will be drawn), and having a clean, edited file from which other information can be drawn. Present a time line for the cleaning of critical variables, such as name, address, and date of birth. Document that the sample could be drawn from birth certificate information within 2 to 4 months after the date of birth. Describe any validity and reliability studies that have been conducted on birth certificate data.

b. Describe the schedule on which vital records information (frame files and end-of-year birth files, such as NCHS standard birth files) will be available. These files are used to assist the State with evaluation of the sample and weighting the data.

c. Describe the extent to which you can link birth certificate data to other data sources, *e.g.*, infant deaths, Supplemental Nutrition Program for Women, Infants, and Children (WIC), Medicaid.

d. Describe any State laws or policies that place restrictions on the release of vital records data for research purposes and indicate the impact of these laws or policies on PRAMS.

e. Describe any plans for dealing with the upcoming revision of the birth certificate.

4. Plan of Operation:

a. Describe how and when major project components (sampling, mail and telephone operations, data analysis) are carried out and any proposed changes for the next budget period.

b. Provide any available data that describe the extent to which the data collection approach is likely to produce adequate response rates among the sampled population, including high-risk sub-populations. Provide examples of previous surveys, especially past experiences with PRAMS or other data collection activities, and their response rates in the proposed populations. Describe and provide for the inclusion of women, racial, and ethnic minority populations in the proposed research to include:

(1) The proposed plan for the inclusion of women, racial, and ethnic minority populations for appropriate representations.

(2) The proposed justification when representation is limited or absent.

(3) A statement whether the design of the study is adequate to measure differences when warranted.

(4) A statement whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with communities and recognition of mutual benefits.

c. Describe the roles and responsibilities of key personnel who will be contributing to the PRAMS program during the next budget period.

d. Document, with curriculum vitae, the relevant expertise and experience of key personnel involved in PRAMS program direction, operational management, data analysis and dissemination, and their placement within the organization. It is suggested that a minimum of two full-time equivalents at the State level be committed to working on daily operations and coordination of PRAMS.

e. Describe the specific roles and responsibilities of participating organizational units, such as MCH, vital records, and data processing units. Provide an organizational chart that shows the location of units participating in PRAMS.

f. Describe a plan for data analysis that integrates the MCH priorities previously identified that can be addressed by PRAMS.

g. Describe how findings from PRAMS analyses will be disseminated through various channels, including steering committee members, health policy makers, and health providers and translated into public health action. Identify future partnerships for dissemination and translation activities.

5. Timetable:

Submit a general time-line of major milestones for the project period and a schedule of activities for the first 12 months of the project period.

6. Budget:

Provide a detailed budget and line-item justification of all operating expenses that is consistent with the planned activities of the project. Address funds requested, as well as in-kind or direct support.

For Category B (Enhanced Activities):

1. Background and Need:

a. Describe the rationale for conducting the enhanced activities.

b. Describe the maternal and child health priorities for your State indicating how the enhanced activities can be integrated into your State's efforts to address those priorities.

c. Describe how the information gained by the enhanced activities may be used for health program planning, policy development, and resource allocation.

2. Plan of Operation:

a. Describe how the major program components of the enhanced activities (such as staffing, sample design, methodology, data analysis, data dissemination and translation, and advisory committee) will be developed and implemented.

b. Describe special features that distinguish the enhanced activities from the core activities and describe their impact on the core activities, assuring that the integrity of the core PRAMS is maintained.

c. Describe how resources and technical assistance (including staff, software, data systems, and analytic expertise) needed to carry out the enhanced activities will be obtained.

d. Describe the study population and provide for the inclusion of women, racial, and ethnic minority populations in the proposed research to include:

(1) The proposed plan for the inclusion of women, racial, and ethnic minority populations for appropriate representations.

(2) The proposed justification when representation is limited or absent.

(3) A statement whether the design of the study is adequate to measure differences when warranted.

(4) A statement whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with communities and recognition of mutual benefits.

e. Describe all phases of the data collection process, identifying the data collection instruments, data sources, persons responsible for collecting data, and the steps involved.

f. Describe the plan for obtaining resources and expertise to carry out the enhanced activities.

g. Describe how all units involved with the core PRAMS activities and the enhanced activities will cooperate and collaborate.

h. Describe the composition and function of the advisory committee that will advise and oversee the enhanced activities.

i. Describe the roles, responsibilities, and supervision of key personnel who will be contributing to the enhanced activities during the duration of the project. Document the relevant expertise and experience of proposed personnel involved in enhanced activities, and their placement within the organization.

j. Describe the specific roles and responsibilities of any additional participating organizational units or groups.

k. Describe a plan for data analysis that integrates the MCH priorities for the targeted special populations.

l. Describe how findings from PRAMS analyses will be disseminated through various channels and translated into public health actions.

3. Applicability of the Proposed Enhanced Activities to MCH Surveillance:

Describe the merit of the enhanced activities in terms of reaching special populations, using alternative methodologies, or expanding knowledge about MCH issues.

4. Timetable:

Provide a general time-line of major milestones for the project period and a schedule of activities for the first 12 months of the project period.

5. Budget:

Provide a detailed budget and line-item justification of all operating expenses that is consistent with the planned activities of the project. Address funds requested, as well as in-kind or direct support.

For Category C (Alternative Methodologies):

1. Background and Need:

a. Describe the composition of the birth population, giving the numbers of overall births and births in each sub-population of interest. Describe the scope and severity of the problems of poor pregnancy outcomes, including infant mortality, low birth weight, and related risk factors such as inadequate prenatal care or unintended pregnancy. This may apply on a State-wide basis or to high risk sub-populations in defined geographical areas and may be assessed in relationship to relevant national rates, Maternal and Child Health Bureau indicators, or the "Healthy People 2010 Objectives."

b. Describe the reproductive health and maternal and child health priorities for the State and how PRAMS data can be integrated into the State's activities to address those priorities.

c. Identify gaps in needed information concerning adverse pregnancy and infant outcomes, pregnancy and infant health risk factors, and provide a description of how PRAMS data may be used to fill these gaps.

d. Describe how data from PRAMS will complement the analyses of vital records by increasing understanding of previously identified maternal and infant health problems and identifying new problems.

e. Describe how a point-in-time survey would meet your needs (*e.g.*, a small birth population, lack of electronic birth records, inadequate resources to maintain ongoing surveillance).

2. Profile of State Birth Registration Process (if more than one State is involved, provide the following information for each State):

a. Describe, in detail, the State process for registering births. Include each step from collection of information at the birth site to availability of a clean, edited file from which other information can be drawn. Present a time line for the cleaning of critical variables, such as name, address, and date of birth. Document that the sample could be drawn from birth certificate information within 2 to 4 months after the date of birth. Describe any validity and reliability studies that have been conducted on birth certificate data.

b. Describe any State laws or policies that place restrictions on the release of vital records data for research purposes and indicate the impact of these laws or policies on PRAMS.

3. Plan of Operation:

a. Describe how and when the major project components, such as sampling, mail and telephone data collection procedures, data analysis, staffing plan, protocol development, advisory committee, will be developed and implemented. Include details of proposed sample size and sampling scheme.

b. Provide any available data that describe the extent to which the data

collection approach is likely to produce adequate response rates among the sampled population, including high-risk sub-populations. Provide examples of previous surveys, including past experiences with PRAMS or other data collection activities, and their response rates in the proposed populations.

c. Describe and provide for the inclusion of women, racial, and ethnic minority populations in the proposed project to include:

(1) The proposed plan for the inclusion of women, racial, and ethnic minority populations for appropriate representation.

(2) The proposed justification when representation is limited or absent.

(3) A statement whether the design of the study is adequate to measure differences when warranted.

(4) A statement whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with communities and recognition of mutual benefits.

d. Describe the roles, responsibilities, and supervision of key personnel who will be contributing to the PRAMS program. Document the relevant expertise and experience of proposed personnel involved in PRAMS program direction, operational management, and data analysis and dissemination, and their placement within the organization.

e. Describe the specific roles and responsibilities of participating organizational units, such as MCH, vital records, and data processing units. Provide an organizational chart that shows the proposed location of units that participate in PRAMS.

f. Describe a plan for data analysis that integrates the MCH priorities previously identified that can be addressed by PRAMS.

g. Describe how findings from PRAMS analyses will be disseminated through various channels, including advisory committee members, health policy makers, and health providers and translated into public health action. Provide a description of existing partnerships and how findings from previous studies have been disseminated. Identify future partnerships for dissemination and translation activities.

4. Timetable:

Provide a general time-line of major milestones for the project period and a schedule of activities for the entire three years of the project period.

5. Budget:

Provide a detailed budget and line-item justification of all operating expenses that is consistent with the planned activities of the project. Address funds requested, as well as in-kind or direct support. Indicate if funds are already committed to PRAMS and adjust the amount requested under this announcement accordingly.

F. Submission and Deadline

Application

Submit the original and two copies of CDC 0.1246. Forms are available at the following Internet address: www.cdc.gov/od/pgo/forminfo.htm. On or before January 12, 2001, submit the application to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications that do not meet the criteria in 1 or 2 above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC. Application for each category will be evaluated separately against the criteria as listed below.

For Category A (Core activities, New States) (Total 100 points):

1. Background and Need (25 points):

a. The extent to which problems of poor pregnancy outcome exist, their severity, and whether they exist on a Statewide basis, within high-risk sub-populations, or defined geographical areas, and may be assessed in relation to relevant national rates, the Maternal and Child Health Bureau indicators, and the "Healthy People 2010 Objectives" (5 points).

b. The programmatic relevance of PRAMS data to the reproductive health and maternal and child health program priorities (8 points).

c. The extent to which the applicant describes the surveillance information needed and how it may be used for health program planning, policy development, and resource allocation (7 points).

d. The extent to which the applicant has used vital records data or other data sources, (*e.g.*, infant deaths, WIC, Medicaid, or PRAMS) to identify and analyze maternal and infant health problems (5 points).

2. Profile of State Birth Registration Process (30 points):

a. The extent to which the process is thorough; birth certificate information is computerized, edited, and available for sampling within 2 to 4 months after date of birth (10 points).

b. The extent to which vital records information schedule provides timely access for sample evaluation and weighting (7 points).

c. The extent to which the applicant can link to other data sources (*e.g.*, infant deaths, WIC, Medicaid) (3 points).

d. The extent to which State laws and policies support the release of vital records data for surveillance purposes (5 points).

e. The extent to which the Vital Records Unit has a plan for dealing with the upcoming revision of the birth certificate (5 points).

3. Plan of Operation (40 points):

a. The adequacy of the plan to carry out major project components (*i.e.*, sampling, mail and telephone operations, data analysis, staffing plan, protocol development, steering committee) (10 points).

b. The extent to which the sampling method appears appropriate and likely to produce adequate response rates among the sampled populations. Applicants have provided evidence of previous experience, including PRAMS, with the sample populations. (10 points).

c. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups (4 points). This includes:

(1) The proposed plan for the inclusion of women, racial, and ethnic minority populations for appropriate representation.

(2) The proposed justification when representation is limited or absent.

(3) A statement as to whether the design of the study is adequate to measure differences when warranted.

(4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with communities and recognition of mutual benefits.

d. The extent to which the roles and responsibilities for organizational units, such as MCH, vital records, and data processing units; and key personnel and their expertise and experience, are

documented and appear reasonable and appropriate; and whether two full-time equivalents are committed to working on PRAMS (8 points).

e. The extent to which the plan for data analysis assures attention to reproductive health and MCH priorities, dissemination of findings through multiple channels, to include steering committee members, health policy makers, and health providers and formation of partnerships for dissemination and translation activities (8 points).

4. Timetable (5 Points):

The extent to which the timetable incorporates major PRAMS activities and milestones and is specific, measurable, and realistic.

5. Budget (Not Scored):

The extent to which the budget is detailed, clear, justified, provides in-kind or direct project support, and is consistent with the proposed program activities.

For Category A (Core activities, Existing States) (Total 100 points):

1. Background and Need (5 points):

a. The extent to which problems of poor pregnancy outcome exist, their severity, and whether they exist on a Statewide basis, within high-risk sub-populations, or defined geographical areas, and may be assessed in relationship to relevant national rates, Maternal and Child Health Bureau indicators, or "Healthy People 2010 Objectives".

b. The programmatic relevance of PRAMS data to reproductive health and maternal and child health program priorities.

c. The extent to which the applicant describes the surveillance information needed and how it may be used for health program planning, policy development, and resource allocation.

d. The extent to which the applicant has used vital records data, PRAMS, or other data sources, (*e.g.*, infant deaths, WIC, and Medicaid) to identify and analyze maternal and infant health problems.

2. Capacity (30 points):

Note: States that entered PRAMS under the program announcement 99070 and do not yet have their first year's analytic data set will only be scored on criteria a through d. The scores for these States will be: a (20 points); b (5 points); and c (5 points).

a. The extent to which the applicant describes the progress to date in carrying out PRAMS operational activities including a discussion of any barriers that precluded complete and successful implementation of the project (8 points).

b. The extent to which the program has remained fully staffed with vacancies minimized and the extent to which staff contributions, roles, time, and accomplishments in support of the PRAMS program appear reasonable and appropriate (3 points).

c. The extent to which the applicant has maintained minimal levels of response (70 percent) overall and strata-specific (5 points).

d. The extent to which the available PRAMS data have been analyzed and linkages have been made with other data sources (6 points).

e. The extent to which PRAMS data have been used for program planning, policy development, and resource allocation. Specific examples of dissemination and translation have been shared and partners in these activities identified (8 points).

3. Profile of State Birth Registration Process (20 points):

a. The extent to which the process is thorough; birth certificate information is computerized, edited, and available for sampling within 2 to 4 months after date of birth (6 points).

b. The extent to which the vital records information schedule provides timely access for sample evaluation and weighting (6 points).

c. The extent to which applicant can link to other data sources (*e.g.*, infant deaths, WIC, Medicaid) (2 points).

d. The extent to which State laws and policies support the release of vital records data for surveillance purposes (3 points).

e. The extent to which the Vital Records Unit has a plan for dealing with the upcoming revision of the birth certificate (3 points).

4. Plan of Operation (40 points):

a. The adequacy of the plan to carry out major project components (*i.e.*, sampling, mail and telephone operations, data analysis, staffing plan, protocol development, steering committee) (8 points).

b. The extent to which the sampling method appears appropriate and likely to produce adequate response rates among the sampled populations. Applicant has provided evidence of previous experiences, including PRAMS, with the sampled populations (8 points).

c. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups (4 points). This includes:

(1) The proposed plan for the inclusion of women, racial, and ethnic minority populations for appropriate representation.

(2) The proposed justification when representation is limited or absent.

(3) A statement as to whether the design of the study is adequate to measure differences when warranted.

(4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with communities and recognition of mutual benefits.

d. The extent to which the roles and responsibilities for organizational units, such as MCH, vital records, and data processing units; and key personnel and their expertise and experience, are documented and appear reasonable and appropriate; and whether two full-time equivalents are committed to working on PRAMS (10 points).

e. The extent to which the plan for data analysis assures the attention to reproductive health and MCH priorities, dissemination of findings through multiple channels, to include steering committee members, health policy makers, and health providers and formation of partnerships for dissemination and translation activities (10 points).

5. Timetable (5 Points):

The extent to which the timetable incorporates major PRAMS activities and milestones and is specific, measurable, and realistic.

6. Budget (Not Scored):

The extent to which the budget is detailed, clear, justified, provides in-kind or direct project support, and is consistent with the proposed program activities.

For Category B (Enhanced Activities, New or Existing States) (Total 100 points):

1. Background and Need (20 points):

a. The extent to which the rationale for conducting the enhanced activities is appropriate (8 points).

b. The programmatic relevance of the enhanced activities in terms of the State's maternal and infant health program priorities is evident (6 points).

c. The extent to which the applicant describes how the information gained from the enhanced activities may be used for health program planning, policy development, and resource allocation (6 points).

2. Plan of Operation (60 points):

a. The adequacy of the plan to carry out major project components (i.e., staffing, sampling, design, methodology, data analysis, data dissemination and translation, and advisory committee) (10 points).

b. The extent to which special features of the enhanced activities are described and enhanced activities interface smoothly with the core PRAMS activities (10 points).

c. The extent to which the applicant has adequately described the study

population and the degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research (4 points). This includes:

(1) The proposed plan for the inclusion of women, racial, and ethnic minority populations for appropriate representation.

(2) The proposed justification when representation is limited or absent.

(3) A statement as to whether the design of the study is adequate to measure differences when warranted.

(4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with communities and recognition of mutual benefits.

d. The extent to which the data collection process has been adequately described including the data collection instruments, data sources, persons responsible for collecting data, and steps involved (8 points).

e. The extent to which the plan for obtaining resources and expertise to carry out the enhanced activities is detailed and appropriate (8 points).

f. The extent to which the composition of the advisory committee and the roles, responsibilities, and supervision of key personnel contributing to the enhanced activities and their expertise and experience are documented and appear reasonable and appropriate (5 points).

g. The extent to which specific roles and responsibilities of any additional participating organizational units or groups are documented and appropriate (5 points).

h. The extent to which the plan for data analysis integrates the MCH priorities for the targeted special populations (5 points).

i. The extent to which findings from analyses will be disseminated through multiple channels and translated into public health action (5 points).

3. Applicability (15 points):

The extent to which the enhanced activities will add to MCH surveillance in terms of reaching special populations, utilizing alternative methodologies, or expanding knowledge about MCH issues.

4. Timetable (5 points):

The extent to which the timetable incorporates major PRAMS activities and milestones and is specific, measurable, and realistic.

5. Budget (not scored):

The extent to which the budget is detailed, clear, justified, provides in-kind or direct project support, and is consistent with the proposed program activities.

6. Human Subjects: (not scored):

Does the application include a plan to adequately address the requirements of Title 45 CFR Part 46 for the protection of human subjects (see AR–1 below)?

For Category C (Alternative Methodologies) (Total 100 points):

1. Background and Need (35 points):

a. The extent to which problems of poor pregnancy outcome exist, their severity, and whether they exist on a State-wide basis, within high-risk sub-populations, or defined geographical areas, and may be assessed in relationship to relevant national rates, the Maternal and Child Health Bureau indicators, and the "Healthy People 2010 Objectives" (5 points).

b. The programmatic relevance of PRAMS data to the reproductive health and maternal and child health program priorities (8 points).

c. The extent to which the applicant describes the surveillance information needed and how it may be used for health program planning, policy development, and resource allocation (7 points).

d. The extent to which the applicant has used vital records data or other data sources, (*e.g.,* infant deaths, WIC, Medicaid, or PRAMS) to identify and analyze maternal and infant health problems (5 points).

e. The extent to which a point-in-time survey methodology is justified and appropriate, such as a small birth population, lack of electronic birth records, or inadequate resources to maintain ongoing surveillance. (10 points)

2. Profile of State Birth Registration Process (20 points):

a. The extent to which the process is thoroughly documented; birth certificate information is cleaned, edited, and available for sampling within 2 to 4 months after date of birth (15 points).

b. The extent to which the State laws and policies support the release of vital records data for surveillance purposes (5 points).

3. Plan of Operation (40 points):

a. The adequacy of the plan to carry out major project components (*i.e.,* sampling, mail and telephone operations, data analysis, staffing plan, protocol development, steering committee) (10 points).

b. The extent to which the sampling method appears appropriate and likely to produce adequate response rates among the sampled populations. Applicant has provided evidence of previous experiences with the sampled populations (10 points).

c. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups (4 points). This includes:

(1) The proposed plan for the inclusion of women, racial, and ethnic minority populations for appropriate representation.

(2) The proposed justification when representation is limited or absent.

(3) A statement as to whether the design of the study is adequate to measure differences when warranted.

(4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with communities and recognition of mutual benefits.

d. The extent to which the roles and responsibilities for organizational units, such as MCH, vital records, and data processing units; and key personnel and their expertise and experience, are documented and appear reasonable and appropriate; and whether sufficient staff are committed to working on PRAMS (8 points).

e. The extent to which the plan for data analysis assures attention to reproductive health and MCH priorities, dissemination of findings through multiple channels, to include steering committee members, health policy makers, and health providers and formation of partnerships for dissemination and translation activities (8 points).

4. Timetable (5 Points):

The extent to which the timetable incorporates major PRAMS activities and milestones and is specific, measurable, and realistic.

5. Budget (Not Scored):

The extent to which the budget is detailed, clear, justified, provides in-kind or direct project support, and is consistent with the proposed program activities.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. progress report, no more than 90 days after the end of the budget period;

2. financial status report, no more than 90 days after the end of the budget period; and

3. final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

The following additional requirements are applicable to this program. For a complete description of

each, see Attachment I in the application kit.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–7 Executive Order 12372 Review
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301(a) and 317(k) of the Public Health Service Act, [42 U.S.C. sections 241(a) and 247b(k)], as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—http://www.cdc.gov Click on "Funding" then "Grants and Cooperative Agreements."

To obtain additional information, contact:

Van A. King, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 01010, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone: (770) 488–2751, Email Address: vbk5@cdc.gov

For program technical assistance, contact:

Mary M. Rogers, Dr. P.H., Project Officer, PRAMS, Division of Reproductive Health, National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), 4770 Buford Highway, NE, MS K–22, Atlanta, Georgia 30341, Telephone: (770) 488–5220, E-Mail Address: mjr3@cdc.gov

Dated: October 16, 2000.

Sandra Manning,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–27303 Filed 10–23–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Development Disabilities State Plan.

OMB No.: 0980–0162.

Description: A Developmental Disabilities Council State Plan is required by federal statute. Each State Developmental Disabilities Council must develop the plan, provide for public comments in the State, provide for approval by the State's Governor, and finally submit the plan once every five years. On an annual basis, the Council must review the plan and make any amendments. The State Plan will be used (1) by the Council as a planning document; (2) by the citizenry of the State as a mechanism for commenting on the plans of the Council; and (3) by the Department as a stewardship tool, for ensuring compliance with the Developmental Disabilities Assistance and Bill of Rights Act and as one basis for providing technical assistance (*e.g.*, during site visits).

Respondents: State Government.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Developmental Disabilities State Plan	55	1	80	4,400

Estimated Total Annual Burden Hours: 4,400.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: October 16, 2000.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 00–26929 Filed 10–23–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Head Start Family and Child Experiences Survey (FACES).

OMB No.: Revision of a currently approved collection (OMB No. 0970–0151).

Description: The Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF) of the Department of Health and Human Services (DHHS) is requesting comments on plans to extend the Head Start Family and Child Experiences Survey (FACES). This study is being conducted under contract with Westat, Inc. (with Ellsworth Associates and the CDM Group as their

subcontractors) (#105–96–1912) to collect information on Head Start performance measures. This revision is intended to extend the current design to a national probability sample of 43 additional Head Start programs in order to ascertain what progress has been made since 1997 in meeting Head Start program performance goals.

FACES currently involves seven phases of data collection. The first phase was a Spring 1997 Field test in which approximately 2400 parents and children were studied in a nationally stratified random sample of 40 Head Start programs. The second and third phases occurred in Fall 1997 (Wave 1) and Spring 1998 (Wave 2) when data were collected on a sample of 3200 children and families in the same 40 programs. Spring 1998 data collection included assessments of both Head Start children completing kindergarten (kindergarten field test) as well as interviews with their parents and ratings by their kindergarten teachers. In the fourth and fifth phases, follow-up continued for a second program year, plus a kindergarten follow-up. The sixth and seventh waves of data collection involve data collection in spring of the first-grade year for both cohorts of children, those completing kindergarten in spring 1999, and those completing kindergarten in spring 2000. The current plan is to extend data collection to a new cohort of 2825 children and families in a new sample of 43 Head Start programs.

This schedule of data collection is necessitated by the mandates of the Government Performance and Results Act (GPRA) of 1993 (Pub. L. 103–62), which requires that the Head Start Bureau move expeditiously toward development and testing of Head Start Performance Measures, and by the 1994 reauthorization of Head Start (Head Start Act, as amended, May 18, 1994, Section 649(d)), which requires periodic assessments of Head Start's quality and effectiveness.

Respondents: Federal Government, Individuals or Households, and Not-for-profit institutions.

Annual Burden Estimates: Estimated Response Burden for Respondents to the Head Start Family and Child Experiences Survey (FACES 2000)—Fall 2000, Spring 2001, Spring 2002, Spring 2003

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Year 1 (2000):				
Head Start parents	2825	1	1.00	2825
Head Start children	2825	1	0.66	1865
Head Start teachers (child ratings)	195	14	0.25	706
Center directors	172	1	1.00	172
Education coordinators	172	1	0.75	129
Classroom teachers	195	1	1.00	195
Year 2 (2001):				
Head Start parents	2400	1	0.75	1800
Head Start children	2400	1	0.66	1584
Head Start teachers (child ratings)	195	12	0.25	600
Family services coordinators	172	1	0.75	129
Year 3 (2002):				
Head Start parents	800	1	0.75	600
Head Start children	800	1	0.66	528
Head Start teachers (child ratings)	65	12	0.25	200
Kindergarten parents	1600	1	0.75	1200
Kindergarten children	1600	1	0.75	1200
Kindergarten teachers	1600	1	0.50	800
Year 4 (2003):				
Kindergarten parents	800	1	0.75	600
Kindergarten children	800	1	0.75	600
Kindergarten teachers	800	1	0.50	400
Annualized totals:				
Year 1				5892
Year 2				4113
Year 3				4528
Year 4				1600
Estimated average annual burden hours				4033

Note: The 4033 Estimated Average Annual Burden Hours is based on an average of 2000, 2001, 2002, and 2003 estimated burden hours.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: October 16, 2000.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 00–26928 Filed 10–23–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Vaccines and Related Biological Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 3, 2000, 8 a.m. to 5:30 p.m.

Location: Holiday Inn, Versailles I and II, 8120 Wisconsin Ave., Bethesda, MD.

Contact Person: Nancy T. Cherry or Denise H. Royster, Center for Biologics Evaluation and Research (HFM 71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12391. Please call the Information Line for up-to-date information on this meeting.

Agenda: On November 3, 2000, the committee will hear an update on issues relating to transmissible spongiform encephalopathy and will review safety and efficacy data pertaining to a diphtheria/tetanus/acellular pertussis vaccine manufactured by Aventis Pasteur Ltd.

Procedure: On November 3, 2000, from 8:30 a.m. to 5:30 a.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by October 26, 2000. Oral presentations from the public will be scheduled between approximately 1:50 p.m. and 2:20 p.m., and between approximately 3:20 p.m. and 3:50 p.m. on November 3, 2000. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 26, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On November 3, 2000, from 8 a.m. to 8:20 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential information. (5 U.S.C. 552b(c)(4)). This portion will be closed to permit discussion of pending investigational new drug applications or pending product licensing applications.

FDA regrets that it was unable to publish this notice 15 days prior to the November 3, 2000, meeting of the Vaccines and Related Biological Products Advisory Committee. Because the agency believes there is some urgency to bring this issue to public discussion and qualified members of the Vaccines and Related Biological Products Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 17, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–27229 Filed 10–23–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–3058–N]

Medicare Program; Meeting of the Executive Committee of the Medicare Coverage Advisory Committee—November 7, 2000

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a public meeting of the Executive Committee (the Committee) of the Medicare Coverage Advisory Committee (MCAC). The Committee will hear and discuss presentations from interested parties and deliberate the scientific evidence and potential clinical utility concerning FDG Positron Emission Tomography (PET). Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)).

DATES: The Meeting will be held on November 7, 2000, from 8 a.m. until 4 p.m., EST.

Deadline for Presentations and Comments: October 31, 2000, 5 p.m., EST.

Special Accommodations: Persons attending the meeting who are hearing-impaired and require sign language interpretation, or have a condition that requires other special assistance or accommodations, are asked to notify the Executive Secretary by October 31, 2000.

ADDRESSES: The meeting will be held at the Baltimore Convention Center, One West Pratt Street, Baltimore, Maryland 21201.

Presentations and Comments: Submit formal presentations and written comments to Constance A. Conrad, Executive Secretary, Office of Clinical Standards and Quality, Health Care Financing Administration, 7500 Security Boulevard, Mail Stop S3–02–01, Baltimore, MD 21244.

Website: You may access up-to-date information on this meeting at www.hcfa.gov/quality/8b.htm.

Hotline: You may access up-to-date information on this meeting on the HCFA Advisory Committee Information Hotline, 1–877–449–5659 (toll free) or in the Baltimore area (410) 786–9379.

FOR FURTHER INFORMATION CONTACT: Constance A. Conrad, Executive Secretary, 410–786–4631.

SUPPLEMENTARY INFORMATION: On April 27, 1999, we published a notice in the **Federal Register** (64 FR 22619) to describe the Medicare Coverage Advisory Committee (MCAC), which provides advice and recommendations to HCFA regarding clinical issues.

In that notice, we announced that we would generally give at least 30 days advance notice of MCAC public meetings. We also stated that persons wishing to make presentations should submit the presentations to us at least 20 days before the meeting. We now realize that this could create a problem if we shorten the 30-day notice for the meeting. In some instances, there may be less than 20 days before the meeting, making it impossible to afford the public that amount of time to submit materials. Finally, it has also been our practice to afford the public an additional period of up to 20 days following an MCAC meeting to submit any further comments they may have. Experience has shown that there will be instances when public interest in prompt consideration of an issue outweighs the 30-day advance notice, the 20-day pre-meeting deadline for presentation materials, and the 20-day

post-meeting deadline for submission of additional comments.

This notice clarifies that we may not apply the 30-day notification, the 20-day pre-meeting presentation deadline, or the 20-day post-meeting deadline for submission of additional comments when it is in the public interest to reach an expeditious decision with respect to a coverage matter, and when we are assured that parties interested in the topic of the meeting are well aware of HCFA's consideration, and have ample time to establish and document their positions. Therefore, this notice announces the following public meeting of the MCAC, which is being convened under the terms of the exception policy detailed above. This exception policy is being exercised in the interest of reaching an expeditious decision on the scientific evidence of FDG PET.

Current Panel Members: Harold C. Sox, MD (Chairperson); Thomas V. Holohan, MD (FACP); Leslie P. Francis, JD, PhD; John H. Ferguson, MD; Robert L. Murray, PhD; Alan M. Garber, MD, PhD; Michael D. Maves, MD, MBA; Frank J. Papatheofanis, MD, PhD; Ronald M. Davis, MD; Daisy Alford-Smith, PhD; Joe W. Johnson, DC; Robert H. Brook, MD, ScD; Linda A. Bergthold, PhD; Randel E. Richner, MPH.

In addition, to augment the panel's consideration of PET coverage issues, HCFA has asked Dr. Richard Klausner, Director of the National Cancer Institute (NCI) to designate a representative to participate in the MCAC review. Dr. Ellen Feigal, Deputy Director of the Division of Cancer Treatment and Diagnosis of the NCI, will serve as the NCI representative. The Division of Cancer Treatment and Diagnosis is a national program of funding cancer research in biomedical imaging, diagnostics, radiation biology and therapy, drug discovery and development, and clinical trials.

Meeting Topic: The Committee will hear and discuss presentations from interested parties and deliberate the scientific evidence of FDG PET.

Procedure and Agenda: This meeting is open to the public. The Committee will hear oral presentations from the public and may limit the number and duration of oral presentations to the time available. If you wish to make formal presentations, you must notify the For Further Information Contact, and submit the following by the Deadline for Presentations and section of this notice: a Comments date listed in the **DATES** brief statement of the general nature of the evidence or arguments you wish to present, the names and addresses of proposed participants, and an estimate of the time required to make the presentation. We will request that you declare at the meeting whether or not you have any financial involvement with manufacturers of any items or services being discussed (or with their competitors).

After public presentation, we will make a presentation to the Committee, after which the Committee will deliberate openly. Interested persons may observe the deliberations, but the Committee will not hear further comments during this time, except at the request of the chairperson. The Committee will then allow an open public session for any attendee to address issues specific to the topic. Following the open session, the members will vote, and the Committee will make its recommendation.

Authority: 5 U.S.C. App. 2, section 10(a)(1) and (a)(2).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 20, 2000.

Jeffrey L. Kang,

Director, Office of Clinical Standards and Quality, Health Care Financing Administration.

[FR Doc. 00–27410 Filed 10–20–00; 3:37 pm]

BILLING CODE 4120–01–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4497–N–09]

RIN 2577–AC08

Public Housing Assessment System (PHAS); Notice of PHAS Transition Assistance for Certain PHAs Concerning PHA Inspection of Occupied Units

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, and Office of the Director of the Real Estate Assessment Center, HUD.

ACTION: Notice.

SUMMARY: This document notifies public housing agencies (PHAs) with fiscal years ending September 30, 2000, December 31, 2000, March 31, 2001, and June 30, 2001, that they may conduct annual physical inspections of their units in accordance with HUD's Housing Quality Standards.

FOR FURTHER INFORMATION CONTACT: For further information contact the Real Estate Assessment Center (REAC), Attention: Wanda Funk, U. S. Department of Housing and Urban Development, 1280 Maryland Avenue, SW, Suite 800, Washington DC, 20024; telephone Technical Assistance Center at (888)–245–4860 (this is a toll free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Additional information is available from the REAC Internet Site, http://www.hud.gov/reac.

SUPPLEMENTARY INFORMATION:

I. Background

On January 11, 2000 (65 FR 1712), HUD issued a final rule, as amended June 6, 2000 (65 FR 36042), that made certain amendments to the Public Housing Assessment System (PHAS) regulations. The PHAS was implemented by final regulations published on September 1, 1998. The amendments published to the PHAS regulations on January 11, 2000, followed a proposed rule published on June 22, 1999, and were prompted by both statutory and administrative changes to the PHAS.

II. Additional Transition Assistance to Certain PHAs

Following publication of the January 11, 2000, final rule, HUD was asked to provide further transition assistance to PHAs with fiscal years ending March 31, 2000, and June 30, 2000, by allowing these PHAs to inspect occupied units in accordance with HUD's Housing Quality Standards (HQS). Under sub-indicator #3 of PHAS Indicator #3, Management Operations, PHAs are assessed on the percentage of units and systems that a PHA inspects on an annual basis in order to determine short-term maintenance needs and long-term Capital Fund needs. PHAs must inspect these units in accordance with HUD's Uniform Physical Condition Standards (UPSC). In a June 6, 2000 (65 FR 36047) notice, HUD advised PHAs with fiscal years ending March 31, 2000 and June 30, 2000, of the extended transition assistance permitting these PHAs to inspect their units in accordance with HQS because HUD only recently released its physical inspection and training guidebook.

Through this notice, HUD advises that it will further extend the transition assistance provided in the June 6, 2000, notice to PHAs with fiscal years ending September 30, 2000, December 31, 2000, March 31, 2001, and June 30, 2001. All PHAs with fiscal years ending on or after September 30, 2001, must inspect units in accordance with HUD's UPCS.

Dated: October 16, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

Donald J. LaVoy,

Director, Real Estate Assessment Center.

[FR Doc. 00–27188 Filed 10–23–00; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4280–N–06]

Uniform Physical Condition Standards and Physical Inspection Requirements; Notice of Availability of Physical Inspection Software and Guidebook and Notice of Compliance Date With Physical Inspection Procedures

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, and Office of the Director of the Real Estate Assessment Center, HUD.

ACTION: Notice.

SUMMARY: On September 1, 1998, HUD published its final rule on Uniform Physical Conditions Standards and Uniform Physical Inspection Requirements for Certain HUD Housing. In that rule, HUD stated that when HUD issued the physical inspection software and guidebook, the availability would be announced by **Federal Register** notice. The rule also provided that the availability notice would provide the covered entities with 30 days notice to prepare to conduct physical inspections in accordance with the requirements of 24 CFR part 5, subpart G. This notice announces the availability of the software and guidebook, and provides the 30-day notice required by the rule.

FOR FURTHER INFORMATION CONTACT: For further information about housing entities covered by this notice, contact Kenneth Hannon, Office of Housing, Department of Housing and Urban Development, 451 Seventh St, SW., Room 6160, Washington, DC 20410, (202) 708–0547, ext. 2599. For further information about other matters covered by this notice, contact Wanda Funk, Real Estate Assessment Center, Department of Housing and Urban Development, 1280 Maryland Avenue, SW., Suite 800, Washington, DC 20024; telephone Customer Service Center at 1–888–245–4860 (this is a toll-free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Additional information is available from the REAC Internet Site, http://www.hud.gov/reac.

SUPPLEMENTARY INFORMATION:

Background

Uniform Physical Conditions Standards (UPCS)

On September 1, 1998 (63 FR 46566), HUD published its final rule on Uniform Physical Conditions Standards (UPCS) and Uniform Physical Inspection Requirements for Certain HUD Housing. The standards provided in the September 1, 1998 final rule, and codified at 24 CFR part 5, subpart G, are intended to ensure that housing insured and/or assisted under certain HUD programs is decent, safe, sanitary and in good repair. The September 1, 1998, final rule also generally established new physical inspection procedures that allow HUD to determine that the housing is in conformity with the standards.

In the preamble to the September 1, 1998, final UPCS rule (64 FR 46566) and in § 5.705(b) of the regulation itself, HUD advised that entities responsible for conducting inspections to determine compliance with the UPCS would not be required to conduct inspections in accordance with the UPSC until HUD issued the inspection software and accompanying guidebook. HUD advised that when these two items have been issued, HUD would publish a notice in the **Federal Register** to inform the public of the availability of the software and guidebook. HUD also advised that the notice, when issued, would provide 30 days within which those entities must prepare to conduct the physical inspections in accordance with the requirements of 24 CFR part 5, subpart G.

UPCS—Administrative Process for Assessment of Insured and Assisted Properties

On November 26, 1999 (64 FR 66530), HUD published a proposed rule titled Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing: Administrative Process for Assessment of Insured and Assisted Properties. This proposed rule establishes for multifamily housing (non-public housing as more fully described) certain administrative processes by which HUD will notify owners of HUD's assessment of the physical condition of their multifamily housing; the owners, under certain circumstances, will be provided an opportunity to seek technical or other review of HUD's physical condition assessment of multifamily housing properties; and HUD may take action in certain cases when a property is found not to be in compliance with the UPCS.

HUD anticipates the final rule implementing the proposed rule will be published in the **Federal Register** within the next several weeks. The final rule will be effective 30 days after the date of publication in the **Federal Register**.

Thirty Day Notice

This notice constitutes the notice referred in the September 1, 1998, final UPSC rule, now codified in 24 CFR 5.705(b). Physical inspection software for public use and the accompanying guidebook may be obtained, at no cost, by contacting: Technical Assistance Center, Real Estate Assessment Center, Department of Housing and Urban Development, 1280 Maryland Avenue, SW, Suite 800, Washington, DC 20024; telephone 1–888–245–4860 (this is a toll-free number). Both items also may be downloaded, at no cost, from the REAC Internet Site, at http://www.hud.gov/reac/products/pass/pass-demo.html. In addition, training in the uniform physical condition standards and inspection protocol is available from the trainers on the approved training list on the REAC Internet Site, at http://www.hud.gov/reac/products/pass/pass_srclist.html.

All covered entities that are required to conduct physical inspections of properties to determine compliance with the UPCS regulations, must begin using HUD's physical inspection procedures by November 24, 2000.

Dated: October 16, 2000.

William C. Apgar,

Assistant Secretary for Housing—Federal Housing Commissioner.

Donald J. LaVoy,

Director, Real Estate Assessment Center.

[FR Doc. 00–27189 Filed 10–23–00; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection To Be Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act (PRA)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service (Service) plans to submit the collection of information requirement described below to the Office of Management and Budget (OMB) for

approval under the provisions of the Paperwork Reduction Act (PRA). A copy of this information collection is included in this notice. You may obtain additional copies of the collection requirement, related survey and explanatory material by contacting the Service's Information Collection Clearance Officer at the phone number listed below. The Service is soliciting comment and suggestions on the requirement as described below.

DATES: Interested parties must submit comments on or after December 26, 2000.

ADDRESSES: Interested parties should send comments and suggestions on the requirement to Rebecca A. Mullin, Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 222, Arlington, VA 22203, (703) 358–2278 or Rebecca_Mullin@fws.gov E-mail.

FOR FURTHER INFORMATION CONTACT: Steve Farrell, (703) 358–2156, fax (703) 358–1837, or Steve_Farrell@fws.gov E-mail.

SUPPLEMENTARY INFORMATION:

General

Comments regarding this survey were received as a result of the survey being published in the **Federal Register**, Volume 65, Number 13, pages 3331–3366, January 20, 2000. We received 57 comments from 12 respondents. Most comments pertained to minor textual changes to improve clarity, while others addressed specific questions, time burden on respondents, and implementation of the survey. Comments regarding textual changes were used in revising the survey to the extent possible.

Written Comments

Issue 1. Five comments suggested that the hours of burden are under estimated or too long.

Response: The hour burden was calculated through consultation with and sampling of state agencies and boating and fishing related not-for-profit organizations. While revising the survey instrument, we reduced the burden by 3 minutes for Parts A and B and by 5 minutes for parts C and D by shortening some questions and eliminating others.

Issue 2. Three respondents noted that the survey instrument sample sizes and suggested response rates are not adequate to assess boating access needs statewide.

Response: To allow the States maximum flexibility, States may determine the necessary sample size and methodology leading to response rates that ensure receipt of statistically valid information.

Issue 3. One comment suggested that Part A of the survey asks fishing related questions and is not applicable to this subset of boaters.

Response: The survey designers (listed in Section B.5 of this justification) represented State natural resource agencies and the boating and fishing communities. The Service received no indication that the fishing related questions did not apply to boaters using nontrailerable vessels. No changes were made to Part A in response to this comment.

Issue 4. A comment stated that questions regarding the length and draft of boats using facilities was unnecessary.

Response: We agree with this statement because the individual Parts of the survey define boat sizes and therefore we deleted the question.

Issue 5. One respondent requested definition of several terms including, "off-limits areas" and "seasonal use restrictions."

Response: We edited questions 4 and 24 in Parts C and D, thereby eliminating the terms and clarifying the questions.

Issue 6. One comment suggested that Part C, question 6 be revised to include nontrailerable boater needs.

Response: Part C, as defined, addresses the needs of nontrailerable boats specifically. In response to this comment, we revised Part C, questions 6 (now question 4) to include permanent facilities for use by non-trailerable boats.

Issue 7. One comment suggested that service providers for nontrailerable boats cannot provide accurate information regarding repair and maintenance costs of boating facilities.

Response: We agree that question 11 in Part C and question 21 in Part D could not be answered accurately, therefore we removed the questions from the survey.

Issue 8. One respondent suggested that determining usage of facilities according to how boaters launch their vessels was unnecessary.

Response: The Service worked with state natural resource agencies and members of the boating and fishing communities to develop this survey and feels the information is necessary to adequately assess trailerable boating access needs. Therefore, we did not change this portion of the survey.

Issue 9. One comment suggested that respondents would not answer question 20 of Part D of each site.

Response: This information is necessary to assess boating facility conditions and needs. The survey was revised to allow respondents operating more than five facilities to estimate total needs for all facilities.

Issue 10. One comment suggested the survey require respondents to include personal information.

Response: Only information regarding the need for boating facilities is sought. The need for a national boating access needs assessment is not sufficient to justify collection of personal information. No change was made in response to this comment.

Issue 11. Four comments asked if additional questions may be asked of the respondents.

Response: Federal regulations prohibit alteration of an approved survey without seeking approval of the changes made from the Office of Management and Budget. Therefore, States may not add questions to this survey.

Issue 12. One comment suggested the use of a multiple choice format when asking boaters about preferred destinations (Part A question 9).

Response: The survey cannot be developed at a Federal level for implementation by individual States and include State specific data in a multiple choice format. Additionally, Part A, question 9 will yield anecdotal data useful in constructing State boating access plans. Therefore, no change was made in response to this comment.

Issue 13. One comment suggested that attempting to acquire longitude and latitude data from boat service providers is unreasonable.

Response: This data is necessary to allow State agencies to direct boaters to available services, recreation and other related activities. No change was made to the survey in response to this comment.

Issue 14. One comment suggested altering questions in Part C to focus on transient boater needs.

Response: We disagree as the survey is not intended to assess only the needs of transient boaters. This is a comprehensive assessment of all boating facility needs and as such we cannot focus questions on a subset of the total population.

Title: Boating Infrastructure Grant Program Survey.

OMB Control Number: 1018–0106 expires 3/31/2003. The Service 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.

Service Form Number: 3–2187.

Frequency of Collection: One-time.

Description and Use: The Service administers the Boating Infrastructure Grant Program authorized by the

Federal Aid in Sport Fish Restoration Act. Under the Act, as amended, the Service is responsible for development of a survey to assess the needs for facilities for recreational boaters. This survey was previously approved under the referenced OMB control number. This request is for approval of changes to the previously approved survey instrument. These changes include dropping certain questions, rewording others for clarity, and reformatting the questionnaire, making it easier to understand and use. Changes are discussed in detail in this notice under **SUPPLEMENTARY INFORMATION.**

Additional Information: The Service plans to submit the following information collection requirement to OMB for review and approval under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are invited on (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of burden of the collection of information; (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 respondents, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Description of Respondents: States and the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.

Completion Time and Response Estimate:

Type of information	Number of interviews*	Average time required per response (minutes)	Annual burden hours
Boat owners: Part A	11,200	12	2,240
Boat owners: Part B	28,000	12	5,600
Boat owners: Part C	8,400	20	2,800
Boat owners: Part D	4,000	20	1,333
Total			11,973

*These numbers are not additive since some of the boaters will fill out both Parts A and B, and most of the providers will fill out both Parts C and D.

BOATING INFRASTRUCTURE GRANT PROGRAM NATIONAL FRAMEWORK

PART A: RECREATIONAL BOATING NEEDS ASSESSMENT QUESTIONNAIRE FOR BOATERS WITH BOATS 26 FEET OR MORE IN LENGTH

Please answer the following questions about your boating activities in [*name of State*]. [Add comment about confidentiality if applicable under state law]

1. Do you own a boat 26 feet or more in length?

☐ Yes. ☐ No. You need not complete this questionnaire.

2. Have you boated in [*name of State*] within the past 2 years?

☐ Yes. ☐ No. You need not complete this questionnaire.

3. Do you boat mainly for recreation (NOT for work)?

☐ Yes. ☐ No. You need not complete this questionnaire.

4. What type of boat or boats do you own? (*Please check all that apply*)

☐ Cabin cruiser (gasoline) ☐ Cabin cruiser (diesel) ☐ Sailboat
☐ Houseboat/pontoon boat ☐ Open motor boat ☐ Trawler
☐ Other (please specify) _____

FOR QUESTIONS 5–10 PLEASE REFER TO THE BOAT THAT YOU USE THE MOST

5. Where do you usually keep this boat during the boating season? (Please check the one that MOST applies. If you keep your boat in a location other than your home please name the specific site)

☐ At water front property, which is your permanent residence
State _____

☐ At waterfront property, which is your seasonal residence?
State _____

☐ On the water at a public or private marina?
State/City/town: _____
Site name: _____

☐ At a 'dry-stack' marina or other commercial/private facility?
State/City/town: _____
Site name: _____

☐ Other (specify)
State/City/town: _____
Site name: _____

7. How many days a year do you use this boat to go boating in [name of state]? (Please check the one that MOST applies.)

☐ Less than 10 times a year
☐ 11 to 20 times a year

☐ 20 to 50 times a year
☐ More than 50 times a year

8. How long is a typical boating trip for you in [name of state]? (Please check the one that MOST applies.)

☐ Day trips or weekends
☐ Extended trips longer than one weekend

9. Where do you go in this boat? (Please check the one that MOST applies.)

☐ On the water body in which it is kept
☐ Connected waters up to 25 miles of 'home port'
☐ Connected waters more than 25 miles and less than 50 miles from 'home port'
☐ To destination ports over 50 miles

10. What is the average distance that you travel in your boat on a day of boating in [name of state]?

_____ miles.

11. Do you think there are enough transient tie-up facilities in [*name of State*]? (Please rate on a scale of 1 to 5.)

No, need a lot more	No, need a few more	The right amount	Yes, more than enough	Yes, there are too many
1	2	3	4	5

12. Please identify 3 areas in [*name of State*] where you see the greatest need for more transient tie-up facilities. (Please be as specific as possible and name the county, city or town, and the area name or location.)

Site name	County/city or town	Area name and/or location (such as lake, slough, bay, harbour, section of river or other)
Site #1		
Site #2		
Site #3		

13. Thinking about the boating area(s) you just mentioned in Question #12, what kinds of features do you think are needed at each? (Please check all that apply.)

	Area #1 (specify)	Area #2 (specify)	Area #3 (specify)
Transient slip or tie-up facilities	☐	☐	☐
Transient moorings	☐	☐	☐
Fuel (gasoline)	☐	☐	☐
Fuel (diesel)	☐	☐	☐
Utilities (electric, water, phone)	☐	☐	☐
Restrooms	☐	☐	☐
Sewage pumpout stations	☐	☐	☐
Other (specify)	☐	☐	☐
Other (specify)	☐	☐	☐
Other (specify)	☐	☐	☐

14. Please rate how the following factors may impact your decision NOT to boat in (*name of State*) more frequently. (Please check one for each factor listed.)

	No impact	Low impact	Medium impact	High impact	Does not apply
Not enough transient slips, moorings, or tie-up facilities	☐	☐	☐	☐	☐
Inaccessibility due to shallow water/channel depths	☐	☐	☐	☐	☐
Not enough information about transient tie-up facility locations	☐	☐	☐	☐	☐
Not enough adequate facilites (fuel, utilities, restrooms)	☐	☐	☐	☐	☐
Congested waterways (boat traffic)	☐	☐	☐	☐	☐
Poor water quality for fishing	☐	☐	☐	☐	☐
Poor water quality for swimming	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐

15. How do you reach the shoreline from your boat? (Please check ALL that apply.)

☐ Via shore-side slip or other transient tie-up facility
☐ Via a dinghy from a moored or anchored position
☐ Pulling onto shore or close to shore, using a gangway
☐ Other

16. If you checked MORE THAN ONE option in Question #15 above, which do you prefer? (Please check the one that you MOST prefer.)

☐ Via shore-side slip or other transient tie-up facility
☐ Via a dinghy from a moored or anchored position

☐ Pulling onto shore or close to shore, using a gangway
☐ Other

17. What is the minimum water depth in feet required for safe operation of the boat you use the most?

☐ _____ feet

18. Please use the space below to make any other comments or suggestions about recreational boating in your State.

_____

_____

_____

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501) and the Privacy Act of 1974 (U.S.C. 552), please be advised that:

The gathering of information from applicants to assess recreational boating facility needs is authorized under the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777–777k). Information from this survey will be used to assess the needs for recreational boating facilities. Your participation in completing this form is not required to obtain benefits under the Boating Infrastructure Grant Program. Once submitted this survey becomes public information and is not protected under the Privacy Act. The public reporting burden for this survey is estimated at 10 to 25 minutes per response, including time for gathering information and completing. Direct comments to the Service Information Collection Clearance Officer, (1018–0106), U.S. Fish and Wildlife Service, MS 222–ARLSQ; 1849 C Street NW., Washington, DC 20240.

An agency may not conduct and a person is not required to complete a collection of information unless a currently valid OMB control number is displayed.

PART B: BOATING NEEDS ASSESSMENT QUESTIONNAIRE FOR BOATERS WITH BOATS UNDER 26 FEET IN LENGTH

Please answer the following questions about your boating activities in [name of State]. [Add comment about confidentiality if applicable under State law]

1. Do you own a boat under 26 feet in length?

☐ Yes. ☐ No. You need not complete this questionnaire.

2. Have you boated in [name of State] within the past 2 years?

☐ Yes. ☐ No. You need not complete this questionnaire.

3. Do you boat mainly for recreation (NOT for work)?

☐ Yes. ☐ No. You need not complete this questionnaire.

4. What type of boat or boats do you own? (Please check all that apply.)

☐ Cabin cruiser (gasoline)
☐ Bass boat/jon boat
☐ Inflatable boat/raft
☐ Unpowered rowboat
☐ Other (please specify) _____
☐ Cabin cruiser (diesel)
☐ Open motor boat
☐ Houseboat/pontoon boat
☐ Canoe/kayak
☐ Sailboat
☐ Jet drive boat
☐ Personal water craft
☐ Sailboard

FOR QUESTIONS 6–8 PLEASE REFER TO THE BOAT THAT YOU USE THE MOST

5. Where do you usually keep this boat during the boating season? (If you keep your boat in a location other than you home, please name the specific site.)

☐ Public or private marina
☐ At home on a trailer or in a rented dry storage area (that is not a marina)
☐ Waterfront property that you own, rent, or lease
☐ Other _____

7. How do you put your boat in the water in [name of State]?

☐ I use a trailer
☐ I carry it down to the water

8. How many miles (one way) do you typically transport the boat to go boating in [name of State]?

_____miles

9. Please identify 3 [name of State] areas where you see the greatest need for more boat access sites. (Please be as specific as possible and name the country, city or town, and the area name of location.)

Site	County/city or town	Area name and/or location (such as lake, slough, bay, harbor, section or river or other)
Site #1 Site #2 Site #3		

10. Thinking about the boating area(s) you just mentioned in Question # 9, what kinds of support features do you think are needed at each? (Please check all that apply.)

	Site #1 (specify)	Site #2 (specify)	Site #3 (specify)
Carry-down walkway to the water's edge	☐	☐	☐
Boarding floats	☐	☐	☐
Launch ramp	☐	☐	☐
Parking	☐	☐	☐
Waste pumpouts	☐	☐	☐
Restrooms/showers	☐	☐	☐
Other (specify)	☐	☐	☐
Other (specify)	☐	☐	☐
Other (specify)	☐	☐	☐

11. Please rate how the following factors may impact your decision NOT to boat in [name of State] more frequently. (Please check one for each factor listed.)

	No impact	Low impact	Medium impact	High impact	Does not apply
Not enough boat access sites	☐	☐	☐	☐	☐
Not enough information about access site locations	☐	☐	☐	☐	☐
Not enough adequate facilities (fuel, utilities, restrooms)	☐	☐	☐	☐	☐
Congested waterways (boat traffic)	☐	☐	☐	☐	☐
Poor water quality for fishing	☐	☐	☐	☐	☐
Poor water quality for swimming	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐

12. Do you think there are enough boat access sites in [name of state]? (Please rate on a scale of 1 to 5.)

No, need a lot more	No, need a few more	The right amount	Yes, more than enough	Yes, there are too many
1	2	3	4	5

13. Please use the space below to make any other comments or suggestions about recreational boating in your State.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 350–1) and the Privacy Act of 1974 (U.S.C. 552), please be advised that:

The gathering of information from applicants to assess recreational boating facility needs is authorized under the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777–777k). Information from this survey will be used to assess the needs for recreational boating facilities. Your participation in completing this form is not required to obtain benefits under the Boating Infrastructure Grant Program. Once submitted this survey becomes public information and is not protected under the Privacy Act. The public reporting burden for this survey is estimated at 10 to 25 minutes per response, including time for gathering information and completing. Direct comments to the Service Information Collection Clearance Officer, (1018–0106), U.S. Fish and Wildlife Service, MS 222–ARLSQ: 1849 C Street NW., Washington, DC 20240.

An agency may not conduct and a person is not required to complete a collection of information unless a currently valid OMB control number is displayed.

PART C

If you operate a marine or other tie-up facility in [name of State] that serves boats 26 feet or more in length, please answer the following questions. If you do not operate facilities for boats 26 feet or more in length but do operate an access site that services trailerable or car top boats under 26 feet in length, please go to Part D below.

IF YOU OPERATE MORE THAN 5 FACILITIES PLEASE ESTIMATE RESPONSES FOR ALL YOUR FACILITIES COMBINED, PLACE ANSWERS UNDER FACILITY #1.

RECREATIONAL BOATING NEEDS ASSESSMENT QUESTIONNAIRE FOR PROVIDERS

Please answer the following questions about your boating facility or access site in [name of State]. [Add comment about confidentiality if applicable under state law]

Are you a public or private boating facilities provider in [name of State]?

☐ Private provider (Non-government agency)
☐ Public provider (Government agency, includes private leases on Public land.)
☐ Neither (You need not complete this questionnaire.)

1. How many boat facilities for boats over 26 feet do you operate in [name of State]

_____ facilities

2. Please list the boating facility or facilities in [name of State] that you operate or manage for boats 26 feet or more in length.

	Name of facility (marina, courtesy dock, etc.)	County/City or town	Area (Lake, cove, slough, bay, harbor or section of river)	Lat/Long or GPS
Facility #1:				
Facility #2:				
Facility #3:				
Facility #4:				
Facility #5:				

3. For each facility listed in Question #2, indicate the requirements for boater use. Check all that apply. List facilities in same order as Question #2.

	None (first come first served)	Club membership required	Reservations required	Fee charged
Facility #1	☐	☐	☐	☐
Facility #2	☐	☐	☐	☐
Facility #3	☐	☐	☐	☐
Facility #4	☐	☐	☐	☐
Facility #5	☐	☐	☐	☐

4. For each facility listed in Question #2, estimate the number of transient tie-up slips, permanent tie-up slips, transient moorings and permanent moorings. (List facilities in same order as Question #2.)

	Number of transient slips/ tie-ups	Number of permanent slips/tie-ups	Number of transient moorings	Number of permanent moorings
Facility #1:				
Facility #2:				
Facility #3:				
Facility #4:				
Facility #5:				

5. For each facility listed in Question #2, identify the types of support features at the listed facilities. (*Check all that apply.* List facilities in same order as Question #2.)

	Gas fuel	Diesel fuel	Restrooms	Sewage pumpouts	Electricity	Water	Telephones
Facility #1	☐	☐	☐	☐	☐	☐	☐
Facility #2	☐	☐	☐	☐	☐	☐	☐
Facility #3	☐	☐	☐	☐	☐	☐	☐
Facility #4	☐	☐	☐	☐	☐	☐	☐
Facility #5	☐	☐	☐	☐	☐	☐	☐

6. For Facility #1 that you listed in Question #2 what repairs, replacements, expansions, or additions do you think are needed or you would do if you could? (*Check all that apply.* List facilities in same order as Question #2.)

Facility #1 (specify):	None needed	Repair	Replace	Expand	Add	Does not apply
Transient slips or tie-ups	☐	☐	☐	☐	☐	☐
Transient moorings	☐	☐	☐	☐	☐	☐
Gasoline facilities	☐	☐	☐	☐	☐	☐
Diesel fuel facilities	☐	☐	☐	☐	☐	☐
Restrooms	☐	☐	☐	☐	☐	☐
Sewage pumpouts	☐	☐	☐	☐	☐	☐
Electricity	☐	☐	☐	☐	☐	☐
Water	☐	☐	☐	☐	☐	☐
Telephone	☐	☐	☐	☐	☐	☐
Oil disposal	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐

6. For Facility #2 that you listed in Question #2 what repairs, replacements, expansions, or additions do you think are needed or you would do if you could? (Check all that apply. List facilities in same order as Question #2.)

Facility #2 (specify)	None needed	Repair	Replace	Expand	Add	Does not apply
Transient slips or tie-ups	☐	☐	☐	☐	☐	☐
Transient moorings	☐	☐	☐	☐	☐	☐
Gasoline facilities	☐	☐	☐	☐	☐	☐
Diesel fuel facilities	☐	☐	☐	☐	☐	☐
Restrooms	☐	☐	☐	☐	☐	☐
Sewage pumpouts	☐	☐	☐	☐	☐	☐
Electricity	☐	☐	☐	☐	☐	☐
Water	☐	☐	☐	☐	☐	☐
Telephone	☐	☐	☐	☐	☐	☐
Oil disposal	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐
Other specify)	☐	☐	☐	☐	☐	☐

6. For Facility #3 that you listed in Question #2 what repairs, replacements, expansions, or additions do you think are needed or you would do if you could? (Check all that apply. List facilities in same order as Question #2.)

Facility #3 (specify):	None needed	Repair	Replace	Expand	Add	Does not apply
Transient slips or tie-ups	☐	☐	☐	☐	☐	☐
Transient moorings	☐	☐	☐	☐	☐	☐
Gasoline facilities	☐	☐	☐	☐	☐	☐
Diesel fuel facilities	☐	☐	☐	☐	☐	☐
Restrooms	☐	☐	☐	☐	☐	☐
Sewage pumpouts	☐	☐	☐	☐	☐	☐
Electricity	☐	☐	☐	☐	☐	☐
Water	☐	☐	☐	☐	☐	☐
Telephone	☐	☐	☐	☐	☐	☐
Oil disposal	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐

6. For Facility #4 that you listed in Question #2 what repairs, replacements, expansions, or additions do you think are needed or you would do if you could? (Check all that apply. List facilities in same order as Question #2.)

Facility #4 (specify):	None needed	Repair	Replace	Expand	Add	Does not apply
Transient slips or tie-ups	☐	☐	☐	☐	☐	☐
Transient moorings	☐	☐	☐	☐	☐	☐
Gasoline facilities	☐	☐	☐	☐	☐	☐
Diesel fuel facilities	☐	☐	☐	☐	☐	☐
Restrooms	☐	☐	☐	☐	☐	☐
Sewage pumpouts	☐	☐	☐	☐	☐	☐
Electricity	☐	☐	☐	☐	☐	☐
Water	☐	☐	☐	☐	☐	☐
Telephone	☐	☐	☐	☐	☐	☐
Oil disposal	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐

6. For Facility #5 that you listed in Question #2 what repairs, replacements, expansions, or additions do you think are needed or you would do if you could? (Check all that apply. List facilities in same order as Question #2.)

Facility #5 (specify):	None needed	Repair	Replace	Expand	Add	Does not apply
Transient slips or tie-ups	☐	☐	☐	☐	☐	☐
Transient moorings	☐	☐	☐	☐	☐	☐
Gasoline facilities	☐	☐	☐	☐	☐	☐
Diesel fuel facilities	☐	☐	☐	☐	☐	☐
Restrooms	☐	☐	☐	☐	☐	☐
Sewage pumpouts	☐	☐	☐	☐	☐	☐
Electricity	☐	☐	☐	☐	☐	☐
Water	☐	☐	☐	☐	☐	☐
Telephone	☐	☐	☐	☐	☐	☐
Oil disposal	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐

For all of your facilities combined in [name of State], please identify how boaters know about your facilities (Check all that apply.)

Paid advertising	State publications	Chamber of commerce	World wide web	Other (specify)	Other (specify)
☐	☐	☐	☐	☐	☐

8. Below is a list of reasons why boaters may use facilities you identified in Question #2. Why do you think the public uses each facility? (Check all that apply for each facility. List facilities in same order as Question #2.)

	Close to population centers	Good boating waters	Good support services (slips, fuel, restrooms, pumpouts, etc.)	Reasonable cost	Swimming opportunities	Fishing opportunities	Other (specify)
Facility #1	☐	☐	☐	☐	☐	☐	☐
Facility #2	☐	☐	☐	☐	☐	☐	☐
Facility #3	☐	☐	☐	☐	☐	☐	☐
Facility #4	☐	☐	☐	☐	☐	☐	☐
Facility #5	☐	☐	☐	☐	☐	☐	☐

9. Please rate the overall condition of the listed facility(s) you listed in Question #2. (Please check one for each facility. List facilities in same order as Question #2.)

	Poor (requires upgrade now)	Fair (will require upgrade within the next 2 to 5 years)	Good (will require upgrade within 5 to 10 years)	Excellent (no improvements needed for 10 years)
Facility #1	☐	☐	☐	☐
Facility #2	☐	☐	☐	☐
Facility #3	☐	☐	☐	☐
Facility #4	☐	☐	☐	☐
Facility #5	☐	☐	☐	☐

10. Do you think there are enough boat tie-up facilities in [name of State]?

☐ YES ☐ NO

11. If public funding sources was available for facility repair, improvement, expansion, or additions, would you be interested?

☐ YES ☐ NO

12. Please provide any comments about facilities not covered in this section.

_____

_____

_____

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 350–1) and the Privacy Act of 1974 (U.S.C. 552), please be advised that:

The gathering of information from applicants to assess recreational boating facility needs is authorized under the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777–777k). Information from this survey will be used to assess the needs for recreational boating facilities. Your participation in completing this form is not required to obtain benefits under the Boating Infrastructure Grant Program. Once submitted this survey becomes public information and is not protected under the Privacy Act. The public reporting burden for this survey is estimated at 10 to 25 minutes per response, including time for gathering information and completing. Director comments to the Service Information Collection Clearance Officer, (1018–0106), U.S. Fish and Wildlife Service, MS 222–ARLSQ; 1849 C Street N.W., Washington, D.C. 20240.

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PART D

If you operate an access site for trailerable or car top boats under 26 feet in length, please answer the following questions.

IF YOU OPERATE MORE THAN 5 ACCESS SITES PLEASE ESTIMATE FOR ALL YOUR FACILITIES COMBINED, PLACE ANSWERS UNDER FACILITY #1

13. How many boat access sites for boats under 26 feet do you operate in [name of State]?

_____ access sites

14. Please list the access site or sites that you operate or manage in [name of State] for boats under 26 feet in length. (Please list each specific site.)

	Site name	County/city or town	Area (lake, cove, slough, bay, harbor, or section of river)	Lat/long or GPS
Access #1:				
Access #2:				
Access #3:				
Access #4:				
Access #5:				

15. For each access site listed in Question #14, please indicate any requirements for boater use. (Check all that apply. List access sites in same order as Question #14.)

	None (first come first served)	Club membership required	Reservations required	Fee charged
Access #1	☐	☐	☐	☐
Access #2	☐	☐	☐	☐
Access #3	☐	☐	☐	☐
Access #4	☐	☐	☐	☐
Access #5	☐	☐	☐	☐

16. For each access site listed in Question #14, identify the types of support features at each identified access sites. (Check all that apply. List access sites in same order as Question #14.)

	Carry down paths, etc.	Launch ramps	Boarding floats	Sewage pumpouts
Access #1	☐	☐	☐	☐
Access #2	☐	☐	☐	☐
Access #3	☐	☐	☐	☐
Access #4	☐	☐	☐	☐
Access #5	☐	☐	☐	☐

For each access site listed in Question #14, what repairs, replacements, expansions, or additions do you think are needed? (Check one for each feature. List access sites in same order as Question #14.)

Access #1	None needed	Repair	Replace	Expand	Add	Does not apply
Carry-down walkway to	☐	☐	☐	☐	☐	☐
Launch ramp	☐	☐	☐	☐	☐	☐
Boarding floats	☐	☐	☐	☐	☐	☐
Parking	☐	☐	☐	☐	☐	☐
Restrooms	☐	☐	☐	☐	☐	☐
Sewage pumpouts	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐

Access #2	None needed	Repair	Replace	Expand	Add	Does not apply
Carry-down walkway to	☐	☐	☐	☐	☐	☐
Launch ramp	☐	☐	☐	☐	☐	☐
Boarding floats	☐	☐	☐	☐	☐	☐
Parking	☐	☐	☐	☐	☐	☐
Restrooms	☐	☐	☐	☐	☐	☐
Sewage pumpouts	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐

Access #3	None needed	Repair	Replace	Expand	Add	Does not apply
Carry-down walkway to	☐	☐	☐	☐	☐	☐
Launch ramp	☐	☐	☐	☐	☐	☐
Boarding floats	☐	☐	☐	☐	☐	☐
Parking	☐	☐	☐	☐	☐	☐
Restrooms	☐	☐	☐	☐	☐	☐
Sewage pumpouts	☐	☐	☐	☐	☐	☐

Access #3	None needed	Repair	Replace	Expand	Add	Does not apply
Other (specify)	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐

Access #4	None needed	Repair	Replace	Expand	Add	Does not apply
Carry-down walkway to	☐	☐	☐	☐	☐	☐
Launch ramp	☐	☐	☐	☐	☐	☐
Boarding floats	☐	☐	☐	☐	☐	☐
Parking	☐	☐	☐	☐	☐	☐
Restrooms	☐	☐	☐	☐	☐	☐
Sewage pumpouts	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐

Access #5	None needed	Repair	Replace	Expand	Add	Does not apply
Carry-down walkway to	☐	☐	☐	☐	☐	☐
Launch ramp	☐	☐	☐	☐	☐	☐
Boarding floats	☐	☐	☐	☐	☐	☐
Parking	☐	☐	☐	☐	☐	☐
Restrooms	☐	☐	☐	☐	☐	☐
Sewage pumpouts	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐
Other (specify)	☐	☐	☐	☐	☐	☐

18. For all of your access sites combined in [name of State], identify how boaters know about your access site(s). (Check all that apply.)

Paid advertising	State publications	Chamber of commerce	World wide web	Other (specify)	Other (specify)
☐	☐	☐	☐	☐	☐

19. Below is a list of reasxons why boaters may use access sites you identified in Question #14. Why do you think the public uses each access site? (Check all that apply. List access sites in same order as Question #14.)

	Close to population centers	Good boating waters	Good support services (slips, fuel, restrooms, pumpouts,	Reasonable cost	Fishing opportunities	Swimming opportunities	Other (specify)
Access #1	☐	☐	☐	☐	☐	☐	☐
Access #2	☐	☐	☐	☐	☐	☐	☐
Access #3	☐	☐	☐	☐	☐	☐	☐
Access #4	☐	☐	☐	☐	☐	☐	☐
Access #5	☐	☐	☐	☐	☐	☐	☐

20. Please rate the overall condition of the listed access site(s) you listed in Question #14. (Check one for each access site. List access sites in same order as Question #14.)

	Poor (requires upgrade now)	Fair (will require upgrade within the next 2 to 5 years)	Good (will require upgrade within 5 to 10 years)	Excellent (no improvements needed for 10 years)
Access #1	☐	☐	☐	☐
Access #2	☐	☐	☐	☐
Access #3	☐	☐	☐	☐
Access #4	☐	☐	☐	☐
Access #5	☐	☐	☐	☐

21. Do you think there are enough boat access sites in [state name]?

☐ Yes ☐ No

22. If public funding sources were available for access repair, improvement, expansion, or additions, would you be interested?

☐ Yes ☐ No

23. Please provide any comments about access sites not covered in this section.

_____

_____

_____

Thank you for your help! If you would like a representative of this State to contact you about any questions and concerns or if you would like additional information about facility and site development funding sources, please list your name, facility, telephone number, and best time to contact you.

Name _____
Facility _____
Telephone _____
Time _____

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501) and the Privacy Act of 1974 (U.S.C. 552), please be advised that:

The gathering of information from applicants to assess recreational boating facility needs facility needs is authorized under the Federal Aid In Sport Fish Restoration Act (16 U.S.C. 777–777k). Information from this survey will be used to assess the needs for recreational boating facilities. Your participation in completing this form is not required to obtain benefits under the Boating Infrastructure Grant Program. Once submitted this survey becomes public information and is not protected under the Privacy Act. The public reporting burden for this survey is estimated at 10 to 25 minutes per response, including time for gathering information and completing. Direct comments to the Service Information Collection Clearance Officer, (1018–0106), U.S. Fish and Wildlife Service, MS 222–ARLSQ; 1849 C Street N.W., Washington, D.C. 20240.

An agency may not conduct and a person is not required to complete a collection of information unless a currently valid OMB control number is displayed.

Dated: October 17, 2000.

Rebecca A. Mullin,

Information Collection Clearance Officer.

[FR Doc. 00–27109 Filed 10–23–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Services

Information Collection To Be Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service will submit the collection of information listed below to OMB for approval under the provisions of the Paperwork Reduction Act. A copy of the information collection requirement is included in this notice. If you wish to obtain copies of the proposed information collection requirement, related forms, and explanatory material, contact the Service Information Collection Clearance Officer at the address listed below.

DATES: You must submit comments on or before December 26, 2000.

ADDRESSES: Send your comments on the requirements to the Information Collection Officer, U.S. Fish and Wildlife Service, MS 222–ARLSQ, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact Rebecca A. Mullin at (703) 358–2287, or electronically to *rmullin@fws.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). The U.S. Fish and Wildlife Service (We) plan to submit a request to OMB for its approval of the collection of information for the U.S. Fish and Wildlife Employee Exit Survey. We are requesting a 3-year term of approval for this information collection activity.

Federal agencies 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 U.S. Fish and Wildlife form number for this collection of information is FWS 3–2186.

The U.S. Fish and Wildlife Service in the Department of the Interior is the agency primarily responsible for fish, wildlife, and plant conservation. The Service helps protect a healthy environment for people, fish and wildlife, and helps Americans conserve and enjoy the outdoors and our living treasures. To accomplish its mission, the Service employs around 7,500 of the country's best biologists, wildlife managers, engineers, realty specialists, educators, law enforcement agents, and others who work to save endangered and threatened species; conserve migratory birds and inland fisheries; restore habitats; provide expert conservation advice to other federal agencies, industry, private citizens, and foreign governments; and manage millions of acres of wildlife lands. The Service Directorate has made it a high priority to recruit and retain these valued employees. As part of an active career development program, the Service has decided to institute an Employee Exist Survey to collect feedback from former Service employees so that we may discover relevant issues that impact retention. If this survey were not used, there would be no way the Service could analyze the reasons for employee separation.

Title: U.S. Fish and Wildlife Service Employee Exit Survey.

Service Form Number: 3–2186.

Frequency of Collection: Annually.

Description of Respondents: Former U.S. Fish and Wildlife Employees.

Total Annual Burden Hours: The reporting burden is estimated to average 15 minutes per respondent.

The Total Annual Burden hours is 100 hours.

Total Annual Responses: About 400 individuals are expected to participate in the survey.

We invite comments concerning this submission on: (1) whether the collection of information is necessary for the proper performance of our career development functions, including whether the information will have practical utility; (2) the accuracy of our estimate of the burden of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and, (4) ways to minimize the burden of the collection of information on respondents. The information collections in this program are part of a system of record covered by the Privacy Act (5 U.S.C. 552(a)).

Dated: October 18, 2000.

Rebecca A. Mullin,

U.S. Fish & Wildlife Service Collection Officer.

[FR Doc. 00–27219 Filed 10–23–00; 8:45 am]

BILLING CODE 4310–SS–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–320–1320–PB–02–24–1A; OMB Approval Number 1004–0073]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The Bureau of Land Management (BLM) has submitted the proposed collection of information listed below to the Office of Management and Budget

(OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) On August 3, 2000, BLM published a notice in the **Federal Register** (65 FR 47797) requesting comment on this proposed collection. The comment period ended on October 2, 2000. BLM received no comments from the public in response to that notice. Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the BLM Information Clearance Officer at the telephone number listed below.

OMB is required to respond to this request within 60 days but may respond after 30 days. For maximum consideration your comments and suggestions on the requirement should be made within 30 days directly to the Office of Management and Budget, Interior Department Desk Officer (1004–0073), Office of Information and Regulatory Affairs, Washington, DC 20503. Please provide a copy of your comments to the Bureau Information Collection Clearance Officer (WO–630), 1849 C St., NW., Mail Stop 401 LS, Washington, DC 20240.

Nature of Comments: We specifically request your comments on the following:

1. Whether the collection of information is necessary for the proper functioning of the Bureau of Land Management, including whether the information will have practical utility;

2. The accuracy of BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the burden of collecting the information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology.

Title: Coal Management (43 CFR Group 3400). *OMB approval number:* 1004–0073.

Abstract: The Bureau of Land Management is proposing to renew the approval of an information collection for an existing rule at 43 CFR Group 3400. That rule provides for leasing of federal coal reserves and management of federal coal leases.

Bureau Form Number: 3400–12 and 3440–1. Other information is collected without a specific form.

Frequency: Frequency of responses is dependent upon the respondents need for benefits and the actions the respondents have taken on their leases. Some information is collected occasionally while others are reported monthly.

Description of Respondents: Respondents are individuals and corporations who are seeking authorization to develop, for who already have authorization to develop, coal reserves which are owned by the United States of America. BLM uses the information collected to administer the Federal Coal Management Program and to assure the respondent, the lessee and permitee, is in compliance with the requirements of the Mineral Leasing Act of 1920, as amended. Estimated average completion time for one response: 20.2 hours.

Annual Responses: 1,185.

Filing Fee per Response: There are 75 of the 1,185 projected responses that have filing fees associated with them. There are 30 actions with a filing fee of $250, 43 action with a filing fee of $50, and 2 actions with a filing fee of $10. The average filing fee is approximately $129.

Annual Burden Hours: 23,986 hours.

Bureau Clearance Officer: Michael Schwartz, 202–452–5033.

Dated: October 17, 2000.

Michael Schwartz,

BLM Information Collection Clearance Officer.

[FR Doc. 00–27281 Filed 10–23–00; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–350–1430–EU–01–24–1A; OMB Approval Number 1004–0157]

Notice of Information Collection To Be Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The Bureau of Land Management (BLM) has submitted the proposed collection of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). On July 18, 2000, the BLM published a notice in the **Federal Register** (65 FR 44542) requesting comment on this proposed collection. The comment period ended on September 18, 2000. The BLM received no comments from the public in response to that notice. Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the BLM information clearance officer at the telephone number listed below.

The OMB is required to responded to this request within 60 days but may respond after 30 days. For maximum consideration your comments and suggestions on the requirement should be made within 30 days directly to the Office of Management and Budget, Interior Department Desk Officer (1004–0157), Office of Information and Regulatory Affairs, Washington, DC 20503. Please provide a copy of your comments to the Bureau Clearance Officer (WO–630), 1849 C St., NW., Mail Stop 401 LS, Washington, DC 20240.

Nature of Comments: We specifically request your comments on the following:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the burden of collecting the information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology.

Title: Cost Reimbursement for Rights-of-Way Grants under the Federal Land Policy and Management Act of 1976.

OMB Approval Number: 1004–0157.

Bureau Form Number: No Form.

Abstract: Rights-of-way applicants supply information to aid the BLM in determining if they are entitled to a set-off against reimbursement of costs to the Government and the reasonable level of any such set-off, pursuant to 43 CFR 2808.3.

Frequency: Once.

Description of Respondents: Applicants who believe that they are eligible for reimbursement reductions for public benefit or service aspects of the proposed right-of-way project.

Estimated Completion Time: 3.

Annual Responses: 80.

Annual Burden Hours: 240.

Bureau Clearance Officer: Michael Schwartz, (202) 452–5033.

Dated: October 19, 2000.

Michael Schwartz,

BLM Information Collection Clearance Officer.

[FR Doc. 00–27282 Filed 10–23–00; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–924–1430–ET; MTM 89170]

Withdrawal of Public Land to Aid in Reclamation of the Zortman-Landusky Mining Area; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: This notice corrects Public Land Order No. 7464, 65 FR 59463, published October 5, 2000.

The legal description in the second column, in the fifth line under Sec. 17, which reads "W½SW½SE¼" is corrected to read "W½SW¼SE¼."

Dated: October 6, 2000.

Phyllis A. Brosz,

Acting Chief, Branch of Land Resources, Division of Resources.

[FR Doc. 00–27213 Filed 10–23–00; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Preservation Technology and Training Board: Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix (1988), that the National Preservation Technology and Training Board will meet on November 9 and 10, 2000 in Natchitoches, Louisiana.

The Board was established by Congress to provide leadership, policy advice, and professional oversight to the National Center for Preservation Technology and Training, as required under the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).

The Board will meet in the Nakatosh Room (Room 203), at the College of Business Building (Russell Hall), located on the campus of Northwestern State University of Louisiana, Sibley Drive, Natchitoches, Louisiana. Thursday, November 9 the meeting will start at 8:30 a.m. and end at about noon. Matters to be discussed will include officer, committee, university, National Park Service and center reports and the introduction of the New Executive Director.

Friday, November 10, 2000 the meeting will start at 8:30 a.m. and end at noon. Matters to be discussed will included a review of past accomplishments of the Center and a look toward the future role of the NCPTT board with respect to the center and their partners in the preservation community. The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with Dr. Elizabeth A. Lyon, Chair, National Preservation Technology and Training Board, P.O. Box 1269, Flowery Branch, Georgia 30542.

Persons wishing more information concerning this meeting, or who wish to submit written statements, may do so by contacting Mr. E. Blaine Cliver, Chief, HABS/HAER, National Park Service, 1849 C Street NW, Washington, DC 20240, telephone: (202) 343–9573. Draft summary minutes of the meeting will be available for public inspection about eight weeks after the meeting at the office of the Preservation Assistance Division, Suite 200, 800 North Capitol Street, Washington, DC.

Dated: 17 October 2000.

E. Blaine Cliver,

Chief, HABS/HAER, Designated Federal Official, National Park Service.

[FR Doc. 00–27204 Filed 10–23–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Bureau of Land Management, California State Office, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Bureau of Land Management, California State Office, Sacramento, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Bureau of Land Management and San Diego Museum of Man professional staff in consultation with representatives of Kumeyaay Cultural Repatriation Committee, authorized representative of the Campo Band of Diegueno Mission Indians of the Campo Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the La Posta Band of Diegueno Mission Indians of the La Posta Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Jamul Indian Village, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, and the Sycuan Band of Diegueno Mission Indians of California.

In 1931, human remains representing one individual were removed from site C-5, located on the shoreline of the ancient Blake Sea, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individual was identified. The four associated funerary objects are a mano, a fragmentary flaked stone knife, and utilized stone flakes.

During the mid-1920's, human remains representing three individuals were removed from site C–11, located on the shoreline of the ancient Blake Sea, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individuals were identified. The 58 associated funerary objects are shell beads, arrow points, scrapers, and flakes.

During the mid-1920's, human remains representing one individual were removed from site C-12, located on the shoreline of the ancient Blake Sea, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individual was identified. The 11 associated, funerary objects are shell beads, a man, pottery shards, a burned

mammal bone fragment, and stone flakes.

During the mid-1920's, human remains representing three individuals were removed from site C-13, located on the shoreline of the ancient Blake Sea, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individuals were identified. The 20 associated funerary objects are pottery sherds, *olivella* beads, a clamshell bead, clamshell fragments, and a projectile point.

During the mid-1920's, human remains representing five individuals were removed from site C-79, located on the shoreline of the ancient Blake Sea, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individuals were identified. The 455 associated funerary objects are arrow points, *olivella* beads, pottery sherds, a bone awl, manos, a hammerstone, cores, a scraper, an arrow straightener, an abrader, an antler tip, and a cobble.

During the mid-1920's, human remains representing one individual were recovered from site C-103, west Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individual was identified. The six associated funerary objects are a *cardium* pendant, *olivella* beads, a conus shell fragment, an arrow point, and a bone awl.

During the mid-1920's, human remains representing three individuals were removed from site C-123, located in East San Felipe Valley, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individuals were identified. The 46 associated funerary objects are pottery sherds, a pottery vessel, arrow points, a stone knife fragment, flakes, a mammal bone fragment, a *Haliotis* shell pendant, *olivella* beads, a *turitella* shell fragment, *cardium* shell fragments, a bone tool, burnt wood, and unidentified material.

In 1924, human remains representing two individuals were removed from site C-124, Harpers Well, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individuals were identified. The 41 associated funerary objects are pottery vessels, pottery sherds, *olivella* beads, a fragmentary pipe, a pottery ladle, and charcoal fragments.

In 1924, human remains representing two individuals were removed from site C-129, Harper's Well, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individuals were identified. The three associated funerary objects are a pottery cup, a pottery bowl, and a pottery plate.

During the 1920's, human remains representing one individual were recovered from site C-139, Yaqui Well, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individual was identified. No associated funerary objects are present.

In 1927, human remains representing six individuals were removed from site C-140, Grapevine Canyon, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individuals were identified. The 317 associated funerary objects are *olivella* beads, a mass of melted glass beads, a pottery dish, pottery vessels, pottery sherds, tobacco pipes, clamshell fragments, a bone tool, animal bone fragments, arrow points, a pestle, stone flakes, an iron knife fragment, and a tourmaline crystal.

In 1926 and 1929, human remains representing two individuals were removed from site C-141 located near Angelin Hill, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individuals were identified. The 43 associated funerary objects are pottery vessels, pottery sherds, and stone scrapers.

In 1929, human remains representing one individual were removed from site C-141-1-A, Stuart Spring, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individuals were identified. The one associated funerary objects is a pottery vessel.

In 1931, human remains representing one individual were removed from site C-142, near San Felipe, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individuals were identified. The two associated funerary objects are a bone awl and a pottery sherd.

In 1929 and 1932, human remains representing one individual were removed from site C-157, eastern San Diego County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individual was identified. No associated funerary objects are present.

In 1927, human remains representing two individuals were removed from site C-160, South Pinyon Basin, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individuals were identified. The 547 associated funerary objects are *olivella* beads, arrow points, pottery sherds and vessels, tobacco pipes, arrow straighteners, cores, flakes, a pestle, a pottery amulet, a milling slab, bone awl, human bone pendants, shell ornaments, shell fragment, metal knife fragments, a metal ring, a porcelain pendant, a lump of graphite, and a sandstone grave marker.

During the mid-1920's, human remains representing a minimum of one individual were recovered from site C-169, located on the shoreline of the ancient Blake Sea, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individual was identified. The 15 associated funerary objects are *olivella* beads and arrow points.

During 1935–1936, human remains representing 15 individuals were removed from site C-173, located at the juncture of Orifamma and Rodriques Creeks, Imperial County, CA, during legally authorized excavations conducted by the San Diego Museum of Man. No known individuals were identified. The 413 associated funerary objects are *olivella* shell beads, tubular clamshell beads, a shell pendant, glass beads, a metal button, metal knife fragments, a stone arrowshaft straightener, pottery sherds, pottery vessels, pottery smoking pipes, stone knives and arrow points, red pigment lumps, a metate, a hammerstone, bone awls, antler flaker, a bake clay nodule, and burnt animal bones.

Based on the common occurrence of brown and buff-ware pottery from the lower Colorado River area, small projectile points, and late period shell beads imported from the southern California coastal area, all of the human remains and associated funerary objects from the Imperial and San Diego counties may be dated to the late precontact period in the Southern California Colorado Desert Sequence (BP 300—400 or less). Based on linguistic evidence, the peoples in this area were known as the Hokan, and are referred to in archeological literature as "Yuman." A clear continuum of language and material culture exists in this area from the late precontact period into the contact era, supported by the presence of European items among the associated funerary objects. Though the Diegueno and Kumeyaay native communities of Imperial and San Diego counties were badly fragmented, they are credited with holding the lands where the above-listed sites are located and recognize this area as an ancestral homeland. Historic records of Spanish and early American explorations and

studies further support these affiliations.

Based on the above-mentioned information, officials of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of 62 individuals of Native American ancestry. Officials of the Bureau of Land Management also have determined that, pursuant to 43 CFR 10.2 (d)(2), the 1,982 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Campo Band of Diegueno Mission Indians of the Campo Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the La Posta Band of Diegueno Mission Indians of the La Posta Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Jamul Indian Village, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, and the Sycuan Band of Diegueno Mission Indians of California. This notice has been sent to officials of the Campo Band of Diegueno Mission Indians of the Campo Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the La Posta Band of Diegueno Mission Indians of the La Posta Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Jamul Indian Village, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, and the Sycuan Band of Diegueno Mission Indians of California, and the Kumeyaay Cultural Repatriation Committee.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Russell Kaldenberg, Archeologist, Division of Ecosystems Sciences and Lands, California State Office, Bureau of Land Management, 2135 Butano Drive, Sacramento, CA 95825, telephone (916) 978-4635, before November 24, 2000. Repatriation of the human remains and associated funerary objects to the Campo Band of Diegueno Mission Indians of the Campo Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the La Posta Band of Diegueno Mission Indians of the La Posta Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Jamul Indian Village, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, and the Sycuan Band of Diegueno Mission Indians of California may begin after that date if no additional claimants come forward.

Dated: October 16, 2000.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 00–27206 Filed 10–23–00; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of the San Diego State University, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10(a)(3), of the intent to repatriate cultural items in the possession of the San Diego State University, San Diego, CA that meet the definition of "unassociated funerary object" under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not responsible for the determinations within this notice.

The minimum of 3,000 cultural items consists of cores, faunal material, flakes, manos, and shell.

In 1978, these cultural items were recovered from a burial at the La Fleur site, SDSU–0093, SDI-6153, Jamul, CA. No records from this excavation of collection exist. The human remains recovered with these cultural items are no longer in the San Diego State University collection.

Based on material culture, site location, ethnographic information, continuity of occupation, and consultation evidence, the burial from the La Fleur site has been identified as Kumeyaay.

Based on the above-mentioned information, officials of the San Diego State University have determined that, pursuant to 43 CFR 10.2(d)(2)(ii), this minimum of 3,000 cultural items is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and is believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American. Officials of the San Diego State University also have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these items and the Campo Band of Diegueno Mission Indians of the Campo Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Cuyapaipe Community of Degueno Mission Indians of the Cuyapaipe Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the La Posta Band of Diegueno Mission Indians of the La Posta Reservation, the Manzanita Band of Diegueno Mission

Indians of the Manzanita Reservation, the Jamul Indian Village, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, and the Sycuan Band of Diegueno Mission Indians of California, and the Kumeyaay Cultural Repatriation Committee, authorized NAGPRA representative of the aforementioned Indian tribes. This notice has been sent to officials of the Kumeyaay Cultural Repatriation Committee, the Campo Band of Diegueno Mission Indians of the Campo Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Cuyapaipe Community of Degueno Mission Indians of the Cuyapaipe Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the La Posta Band of Diegueno Mission Indians of the La Posta Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Jamul Indian Village, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, and the Sycuan Band of Diegueno Mission Indians of California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these unassociated funerary objects should contact Lynne E. Christenson, Ph.D., Director, Collections Management Program, San Diego State University, 5500 Campanile Drive, San Diego, CA 92182–4443, telephone (619) 594–2305, before November 24, 2000. Repatriation of these unassociated funerary objects to the culturally affiliated tribes may begin after that date if no additional claimants come forward.

Dated: October 12, 2000.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 00–27205 Filed 10–23–00 ; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from San Diego and Imperial Counties, CA in the Possession of San Diego State University, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects from San Diego and Imperial Counties, CA in the possession of San Diego State University, San Diego, CA.

This notice is being published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by San Diego State University professional staff in consultation with representatives of the Campo Band of Diegueno Mission Indians of the Campo Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Cuyapaipe Community of Degueno Mission Indians of the Cuyapaipe Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the La Posta Band of Diegueno Mission Indians of the La Posta Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Jamul Indian Village, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, and the Sycuan Band of Diegueno Mission Indians of California, and the Kumeyaay Cultural Repatriation Committee, authorized NAGPRA representative of the aforementioned Indian tribes.

In 1971, human remains representing a minimum of one individual were recovered from an unknown site in San Diego County under unknown circumstances by person(s) unknown. No known individual was identified. No associated funerary objects are present.

Although this individual is noted as part of the "Anderson collection," San Diego State University has no records or excavations records regarding this collection. Based on location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

At an unknown date, human remains representing a minimum of one individual were recovered from site SDSU-0172, IMP-2 (1959-13), Imperial County, CA under unknown circumstances by person(s) unknown. No known individual was identified. No associated funerary objects are present.

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

At an unknown date, human remains representing a minimum of one individual were recovered from site SDSU-0374, IMP-5 (1959-16), Imperial Valley, Imperial County, CA under unknown circumstances by person(s) unknown. No known individual was identified. No associated funerary objects are present.

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

At an unknown date, human remains representing a minimum of one individual were recovered from site SDSU-0395, C-112 (1971-15) near an extinct lake terrace in southwestern Imperial County, CA under unknown circumstances by person(s) unknown. No known individual was identified. No associated funerary objects are present.

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

At an unknown date, human remains representing one individual were recovered from site SDSU-0372, Lakeside, CA under unknown circumstances by person(s) unknown. No known individual was identified. No associated funerary objects are present.

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

In 1964, human remains representing one individual were recovered from the Harris site (SDSU-0365, SDI-149, 1960-1), in the vicinity of Rancho Santa Fe, CA during excavations conducted by San Diego State University. No known individual was identified. No associated funerary objects are present.

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

Between 1965-1975, human remains representing 14 individuals were recovered from the San Diego Presidio (SDSU-0400, SDI-38) in the vicinity of San Diego, CA during excavations conducted by San Diego State University. No known individuals were identified. The 18,000 associated funerary objects include ceramics, lithics, and wood.

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay. Consultation evidence presented by representatives of the Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation, California; the Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, California; the Pala Band of Luiseno Mission Indians of the Pala Reservation, California; and the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California indicates that this burial site was also used by Luiseno communities.

Between 1967-1971, human remains representing a minimum of one individual were recovered from the Cottonwood Creek site (SDSU-0390, SDI-777) on private land in the vicinity of Cottonwood Valley, CA during excavations conducted by the University of California, Los Angeles. No known individual was identified. No associated funerary objects are present.

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

In 1968, human remains representing a minimum of one individual were recovered from the Japatul Valley site (SDSU-0417, 1968-1) in the vicinity of Barrett Lake, CA during excavations conducted by Dr. Paul Ezell of San Diego State University. No known individual was identified. No associated funerary objects were present.

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

Between 1970-1977, human remains representing a minimum of one individual were recovered from the Bancroft Ranch site (SDSU-0094, SDI-4638, SDMM-W-389), Spring Valley, CA during excavations conducted by San Diego State University. No known individual was identified. The two associated funerary objects include a cremation platform and miscellaneous burnt animal bone.

Based on manner of interment, this individual has been identified as Native American. Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

In 1971, human remains representing a minimum of one individual were recovered from the Buckman Springs site (SDSU-0432, SI-4787, SDMM-W-205) in the vicinity of the Mount Laguna USGS Quad, CA during excavations conducted by the University of California, Los Angeles, and local archeologists. No known individual was identified. The 264 associated funerary objects include faunal bone, flakes, metate fragment, ceramics, seeds, shell, and tools.

Based on material culture, the Buckman Springs site has been identified as a multi-use site during the late pre-contact era. Based on the associated funerary objects, this individual has been identified as Native American. Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

In 1975, human remains representing one individual were recovered from the Handyman site (SDSU-0366, SDI-4643, CAL:E:8:15, 1975-11) located at the Sweetwater River in the vicinity of National City, CA during excavations conducted by Dr. Larry Leach of San Diego State University. No known individual was identified. No associated funerary objects are present.

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

In 1978, human remains representing a minimum of one individual were recovered from the San Dieguito Estates (SDSU-0359, SDMM-W-40) in the vicinity of Del Mar, CA during excavations conducted by RECON. No known individual was identified. No associated funerary objects are present.

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

In 1984, human remains representing a minimum of one individual were recovered from site SDSU-0534 (CA-SDI-9936), west of the intersection of Palm Canyon Drive and Borrego Valley Road, Borrego Springs, CA during excavations conducted by Steven A. Apple. No known individual was identified. No associated funerary objects are present.

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

In 1984, human remains representing one individual were recovered from site SDSU-0547 (CA-SDI-9936),west of the intersection of Palm Canyon Drive and Borrego Valley Road, Borrego Springs, CA during excavations conducted by Steven A. Apple. No known individual was identified. No associated funerary objects are present.

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay.

Based on the above-mentioned information, officials of San Diego State University have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of 28 individuals of Native American ancestry. Officials of San Diego State University also have determined that, pursuant to 43 CFR 10.2 (d)(2), the minimum of 18,266 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of San Diego State University have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Campo Band of Diegueno Mission Indians of the Campo Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Cuyapaipe Community of Degueno Mission Indians of the Cuyapaipe Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the La Posta Band of Diegueno Mission Indians of

the La Posta Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Jamul Indian Village, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, and the Sycuan Band of Diegueno Mission Indians of California, and the Kumeyaay Cultural Repatriation Committee, authorized NAGPRA representative of the aforementioned Indian tribes. This notice has been sent to officials of the Kumeyaay Cultural Repatriation Committee, the Campo Band of Diegueno Mission Indians of the Campo Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Cuyapaipe Community of Degueno Mission Indians of the Cuyapaipe Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the La Posta Band of Diegueno Mission Indians of the La Posta Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Jamul Indian Village, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, and the Sycuan Band of Diegueno Mission Indians of California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Lynne E. Christenson, Ph.D., Director, Collections Management Program, San Diego State University, 5500 Campanile Drive, San Diego, CA 92182-4443, telephone (619) 594-2305, before November 24, 2000. Repatriation of the human remains and associated funerary objects to the culturally affiliated tribes may begin after that date if no additional claimants come forward.

Dated: October 12, 2000.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 00–27207 Filed 10–23–00; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Pursuant to Section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), and 28 CFR 50.7, notice is hereby given that a proposed consent decree embodying a settlement in *United States* v. *Iron Mountain Mines, Inc., et al.*, No. CIV S–91–0768 DFL/JFM, was lodged on October 19, 2000, with the United States District Court for the Eastern District of California.

In a consolidated action, the United States and the State of California seek reimbursement of response costs incurred by the United States Environmental Protection Agency ("EPA") and by the California Department of Toxic Substances Control ("DTSC") and the California Regional Water Quality Control Board for the Central Valley Region ("RWQCB"), pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, in response to release of hazardous substances at the Iron Mountain Mine Superfund Site in Northern California ("Site").

Under the proposed consent decree, the settling parties have agreed to fund future response actions at the Site. Future work includes, among other things, operation and maintenance of the remedial actions selected in the four Records of Decision issued to date by EPA. These activities principally involve maintenance of the collection, conveyance, and treatment systems designed to address discharges of acid mine drainage from the Site, as well as certain additional activities. Operation and maintenance of the remedial actions will be conducted by a site operator, which is a signatory to the consent decree, with funding provided through a structured settlement with the settling parties. The structured settlement provides, through an insurance vehicle, coverages totaling approximately $337 million for the first thirty years of Site activities, together with a balloon payment of approximately $514 million after the thirtieth year, from which the federal or State of California government may fund future activities. The settlement also provides $11 million for natural resource damage restoration activities, to be administered by the natural resources trustees for the Site, which include the U.S. Fish & Wildlife Service, the U.S. Bureau of Reclamation, the U.S. Bureau of Land Management, the National Park Service, the National Oceanic and Atmospheric Administration, and the California Department of Fish and Game.

The Department of Justice will receive, until November 13, 2000, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, U.S. Department of Justice, Box 7611 Ben Franklin Station, Washington, D.C. 20044–7611, and should refer to *United States* v. *Iron Mountain Mines, Inc., et al.*, DOJ Ref. #90–11–3–196A. Commenters may request a public hearing in the affected area, pursuant to Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed consent decree may be examined at the EPA Region 9 Superfund Records Center, 75 Hawthorne Street, Fourth Floor, San Francisco, California 94105, and at the Office of the United States Attorney for the Eastern District of California, 501 "I" Street, Suite 10–100, Sacramento, California 95814. A copy of the proposed consent decree may be also be obtained by mail from the Department of Justice Consent Decree Library, Box 7611, Ben Franklin Station, Washington, D.C. 20044–7611. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $231.75 (25 cents per page reproduction costs), payable to the Consent Decree Library. A copy of the decree, exclusive of the parties' signature pages and the attachments, may be obtained for $21.50.

Bruce Gelber,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 00–27312 Filed 10–19–00; 4:52 pm]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Benefit Continuity After Organizational Restructuring Advisory Committee on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group of the Advisory Committee on Employee Welfare and Pension Benefit Plans studying benefit continuity after organizational restructuring will hold an open public meeting on Tuesday, November 14, 2000, in Room N–5437

A–C, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington D.C. 20210.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon, is for Working Group members to finalize the recommendations to be included in their report.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before November 6, 2000, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, D.C. 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by November 6, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 6.

Signed at Washington, D.C. this 19th day of October, 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–27259 Filed 10–23–00; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Long-Term Care; Advisory Committee on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Monday, November 13, 2000, of the Advisory Committee on Employee Welfare and Pension Benefit Plans Working Group studying long-term care.

The session will take place in Room N–5437 A–D, U.S. Department of Labor Building, Second and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the open meeting, which will run from 11:00 a.m. to approximately noon is for working group members to approve the recommendations they will include in their final report to the Secretary of Labor.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before November 6, 2000, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their requests to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by November 6, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 6.

Signed at Washington, D.C. this 19th day of October 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–27260 Filed 10–23–00; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Phased Retirement Advisory Committee on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held on Monday, November 13, 2000, of the Working Group on Phased Retirement of the Advisory Committee on Employee Welfare and Pension Benefit Plans.

The purpose of the open meeting, which will run from 1 p.m. to approximately 3:30 p.m. in room N–5437 A–C, U.S. Department of Labor Building, Second and Constitution Avenue NW, Washington, DC 20210, is for working group members to finalize the recommendations they will include in their report to the Secretary of Labor.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before November 6, 2000, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by November 6, at the address indicated in this notice.

Organizations or individuals also may submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 6.

Signed at Washington, DC this 19th day of October 2000.

Leslie Kramerich,

Acting Assitant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–27261 Filed 10–23–00; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

112th Full Meeting of the Advisory Committee on Employee Welfare and Pension Benefits Plan; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 112th open meeting of the full Advisory Committee on Employee Welfare and Pension Benefit Plans will be held Tuesday, November 14, 2000, in the Labor Secretary's Conference Room S–2508, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the meeting, which will begin at 1:30 p.m. and end at approximately 3 p.m., is for the three working groups to present their final reports and/or recommendations on

their study topics for 2000 and for Leslie Kramerich, the acting Assistant Secretary for the Pension and Welfare Benefits Administration, to update members on employee benefits legislative and regulatory activities. Departing members also will be awarded certificates of appreciation.

Members of the public are encouraged to file a written statement pertaining to topics the Council studied for the year by submitting 20 copies on or before November 6, 2000 to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite 5677, 200 Constitution Avenue, NW., Washington, DC 20210.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by November 6 at the address indicated.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 6, 2000.

Signed at Washington, DC this 19th day of October 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–27262 Filed 10–23–00; 8:45 am]

BILLING CODE 4510–29–M

LIBRARY OF CONGRESS

Copyright Office

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 000522150–0287–02]

RIN No. 0660–ZA13

Report to Congress Pursuant to Section 104 of the Digital Millennium Copyright Act

AGENCIES: The United States Copyright Office, Library of Congress; and the National Telecommunications and Information Administration, United States Department of Commerce.

ACTION: Notice of public hearing.

SUMMARY: The United States Copyright Office and the National Telecommunications and Information Administration announce a public hearing on the effects of the amendments made by title 1 of the Digital Millennium Copyright Act, ("DMCA") and the development of electronic commerce on the operation of sections 109 and 117 of title 17, United States Code, and the relationship between existing and emerging technology and the operation of such sections.

DATES: The public hearing will be held in Washington, DC on Wednesday, November 29, 2000, from 9:30 a.m. to 5 p.m. Requests to testify must be received by the Copyright Office and the National Telecommunications and Information Administration by 5:00 p.m. E.S.T. on November 24, 2000, and accompanied by a one page summary of the intended testimony.

ADDRESSES: The public hearing will be held at the Library of Congress, James Madison Building, 101 Independence Avenue, SE., Washington, DC 20540, Room LM–414. Any member of the public wishing to attend and requiring special services, such as sign language interpretation or other ancillary aids, should contact the Library of Congress or the National Telecommunications and Information Administration at least five (5) working days prior to the hearing by telephone or electronic mail at the respective contact points listed immediately below.

FOR FURTHER INFORMATION CONTACT: Jesse M. Feder or Marla Poor, Office of Policy and International Affairs, U.S. Copyright Office, Library of Congress (202) 707–8350; or Jeffrey E.M. Joyner, National Telecommunications and Information Administration (202) 482–1816. E-mail inquiries regarding the hearings may be sent to *jfed@loc.gov, mpoor@loc.gov,* or *jjoyner@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION: On June 5, 2000, the Copyright Office and the National Telecommunications and Information Administration published a Notice of Inquiry seeking comments in connection with the effects of the amendments made by title 1 of the DMCA and the development of electronic commerce on the operation of sections 109 and 117 of title 17, United States Code, and the relationship between existing and emerging technology and the operation of such sections. 65 FR 35673 (June 5, 2000). That **Federal Register** Notice was intended to solicit comments from interested parties on those issues. For a more complete statement of the background and purpose of the inquiry, please see the Notice of Inquiry which is available on the Copyright Office's website at: http://www.loc.gov/copyright/fedreg/65fr35673.html.

In response to the Notice of Inquiry, the Copyright Office and the National Telecommunications and Information Administration received 30 initial written comments and 16 replies (to the initial comments) that conformed to the requirements set forth in the Notice of Inquiry. The comments and replies have been posted on the Office's website; see *http://www.loc.gov/copyright/reports/studies/dmca/comments/* and *http://www.loc.gov/copyright/reports/studies/dmca/reply/,* respectively.

Requirements for persons desiring to testify: A request to testify must be submitted in writing to the Copyright Office and to the National Telecommunications and Information Administration. All requests to testify must include:

- The name of the person desiring to testify;
- The organization or organizations represented by that person, if any;
- Contact information (address, telephone, and e-mail); and
- A one page summary of the intended testimony.

This request may be submitted in electronic form. The Copyright Office and the National Telecommunications and Information Administration will notify all persons wishing to testify of the expected time of their appearance, and the maximum time allowed for their testimony.

All requests to testify must be received by 5 E.S.T. on November 24, 2000.

Time limits on testimony at public hearings: There will be time limits on the testimony allowed for speakers. The time limits will depend on the number of persons wishing to testify. Approximately one week prior to the hearings, the Copyright Office and the National Telecommunications and Information Administration will notify all persons submitting requests to testify of the precise time limits that will be imposed on oral testimony. Due to the time constraints, the Copyright Office and the National Telecommunications and Information Administration encourage parties with similar interests to select a single spokesperson to testify.

File Formats: Requests to testify may be submitted in electronic form in one of the following formats:

1. If by electronic mail: Send to "104study@loc.gov" and "104study@ntia.doc.gov" a message containing the name of the person

requesting to testify, his or her title and organization (if the submission is on behalf of an organization), mailing address, telephone number, telefax number (if any) and e-mail address. The message should also identify the document clearly as a request to testify. The one page summary of the intended testimony must be sent as a MIME attachment, and must be in a single file in either: (1) Microsoft Word Version 7.0 or earlier; (2) WordPerfect 7 or earlier; (3) Rich Text File (RTF) format; or (4) ASCII text file format.

2. If by regular mail or hand delivery: Send to Jesse M. Feder, Policy Planning Advisor, Office of Policy and International Affairs, U.S. Copyright Office, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024; and to Jeffrey E.M. Joyner, Senior Counsel, Office of Chief Counsel, National Telecommunications and Information Administration (NTIA), Room 4713, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Please include two copies of the one page summary of the intended testimony, each on a 3.5-inch write-protected diskette, labeled with the name of the person making the submission and, if applicable, his or her title and organization. Either the document itself or a cover letter must also identify the document clearly as a request to testify and include the name of the person making the submission, his or her title and organization (if the submission is on behalf of an organization), mailing address, telephone number, telefax number (if any) and e-mail address (if any). The document itself must be in a single file in either (1) Microsoft Word Version 7.0 or earlier; (2) WordPerfect Version 7 or earlier; (3) Rich Text File (RTF) format; or (4) ASCII text file format.

Background: On October 28, 1998, the DMCA was enacted into law (Pub. L. No. 105–304, 112 Stat. 2860). Section 104 of the DMCA directs the Register of Copyrights and the Assistant Secretary for Communications and Information of the Department of Commerce to submit to the Congress no later than 24 months after the date of enactment a report evaluating the effects of the amendments made by title 1 of the Act and the development of electronic commerce and associated technology on the operation of sections 109 and 117 of title 17, United States Code, and the relationship between existing and emerging technology and the operation of those sections.

The objective of title I of the DMCA was to revise U.S. law to comply with two World Intellectual Property Organization (WIPO) Treaties that were concluded in 1996 and to strengthen protection for copyrighted works in electronic formats. The DMCA establishes prohibitions on the act of circumventing technological measures that effectively control access to a work protected under the U.S. Copyright Act, and the manufacture, importation, offering to the public, providing or otherwise trafficking in any technology, product, service, device, component or part thereof which is primarily designed or produced to circumvent a technological measure that effectively controls access to or unauthorized copying of a work protected by copyright, has only a limited commercially significant purpose or use other than circumvention of such measures, or is marketed for use in circumventing such measures. The DMCA also makes it illegal for a person to manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component or part thereof which is primarily designed or produced to circumvent a technological measure that effectively protects a right of a copyright owner in a work protected by copyright, has only a limited commercially significant purpose or use other than circumvention of such measures, or is marketed for use in circumventing such measures. In addition the DMCA prohibits, among other actions, intentional removal or alteration of copyright management information and knowing addition of false copyright management information if these acts are done with intent to induce, enable, facilitate or conceal a copyright infringement. Each prohibition is subject to a number of statutory exceptions.

Section 109 of the Copyright Act, 17 U.S.C. 109, permits the owner of a particular copy or phonorecord lawfully made under title 17 to sell or otherwise dispose of possession of that copy or phonorecord without the authority of the copyright owner, notwithstanding the copyright owner's exclusive right of distribution under 17 U.S.C. 106(3). Commonly referred to as the "first sale doctrine," this provision permits such activities as the sale of used books. The first sale doctrine is subject to limitations that permit a copyright owner to prevent the unauthorized commercial rental of computer programs and sound recordings.

Section 117 of the Copyright Act, 17 U.S.C. 117, permits the owner of a copy of a computer program to make a copy or adaptation of the program for archival purposes or as an essential step in the utilization of the program in conjunction with a machine. In addition, pursuant to an amendment contained in title III of the DMCA, section 117 permits the owner or lessee of a machine to make a temporary copy of a computer program if such copy is made solely by virtue of the activation of a machine that lawfully contains an authorized copy of the computer program, for purposes of maintenance or repair of that machine.

Specific Questions: The principal purpose of the hearing is to inquire into points made in the written comments submitted in this proceeding, and not to raise new issues for the first time. Specifically, the public hearing will (and therefore the one page summary of intended testimony must) focus on the following questions:

- What are the policy justifications for or against an amendment to Section 109 to include digital transmissions, and what specific facts can you provide to support your position? What problems would an amendment to Section 109 address? What problems would an amendment to Section 109 not address? What problems would an amendment to Section 109 create? What problems would be averted by leaving this section unchanged? What would be the likely impact on authors and other copyright owners of an amendment to Section 109 modeled on Section 4 of H.R. 3048, 105th Cong., 1st Sess. (1997), and what is the basis for your assessment?
- Please explain in detail the impact an amendment to Section 109 to include digital transmissions would have on the following activities of libraries with respect to works in digital form: (1) Interlibrary lending; (2) use of works outside the physical confines of a library; (3) preservation and (4) receipt and use of donated materials. To what extent would an amendment to section 109 fail to have an impact on these activities? Please explain whether and how these activities should and can be accommodated by means other than amendment of Section 109?
- What are the policy justifications for or against an exemption to permit the making of temporary digital copies of works that are incidental to the operation of a device in the course of a lawful use of a work, and what specific facts can you provide to support how such an exemption could further or hinder electronic commerce and Internet growth? What problems would it address and what problems would a broad exemption not address? What problems would such an exemption create? How would your assessment differ if an exemption were limited to

temporary digital copies of works that are incidental to the operation of a device in the course of an authorized use of the work?

- What are the policy justifications for or against an expansion to the archival copy exception in section 117 to cover works other than computer programs, and what specific facts can you provide to support for your view? Would such an expansion of section 117 further or hinder electronic commerce and Internet growth? What problems would such a statutory change address and not address? What problems would such an expansion create?
- What are the policy justifications for or against expressly limiting the archival copy exception in section 117 to cover only those copies that are susceptible to destruction or damage by mechanical or electrical failure? What problems would such a statutory change address and not address? What problems would such a change create?

Marybeth Peters,

Register of Copyrights, United States Copyright Office.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 00–27293 Filed 10–23–00; 8:45 am]

BILLING CODE 1410–30–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Notice of Solicitation of Public Interest

AGENCY: Executive Office of the President, Office of Management and Budget (OMB), Office of Federal Procurement Policy (OFPP).

ACTION: Notice of solicitation of public interest.

SUMMARY: OFPP is developing a new initiative to fundamentally examine the manner by which the Government develops and applies incentives to its contractual vehicles, and is seeking information and advice that would advance this effort.

COMMENTS DUE DATE: Comments and information regarding the proposed initiative must be received on or before December 26, 2000.

FOR FURTHER INFORMATION CONTACT: Comments and information should be sent to Stanley Kaufman, Deputy Associate Administrator, OMB, OFPP, 725 17th Street NW., Washington, DC 20503. He can be reached electronically at *skaufman@omb.eop.gov* or by phone at 202–395–6810.

SUPPLEMENTARY INFORMATION:

I. Background

Procurement reform initiatives such as the Federal Acquisition Streamlining Act of 1994, the Federal Acquisition Reform Act of 1996, the Information Technology Management Reform Act of 1996, and Performance-Based Service Contracting are significantly changing the way the Government acquires supplies and services, moving from a process-oriented, rules-based, risk avoidance culture to one emphasizing performance outcomes, business judgment, streamlined procedures, and risk management.

The rules-based culture constrained contracting officials' flexibility to serve as business advisors focusing on the overall business arrangements. While the cited acquisition reforms provided contracting officers increased flexibilities in negotiations and communication with contractors, research by the Army and studies by OFPP and industry found that innovative contracting methods are being used insufficiently, and effective incentives exist which are not being considered.

Consideration of incentives typically was limited to the fee portion of contracts to the detriment of other incentives that contractors would find more appropriate and meaningful, such as a consistent revenue flow and the promise of future business. In addition, incentives too often focused on the process of the work to be performed vs. the outcomes, thereby rewarding unnecessary and/or even counterproductive behavior. Furthermore, profit is not an effective incentive for non-profit entities such as universities and research laboratories. As a result, contractors often did not provide their best solutions and Government requirements were not fulfilled in as timely, quality-related, and cost-effective manner as possible.

II. The Project

OFPP is looking to develop a new contracting paradigm that will encourage acquisition officials to develop joint objectives with contractors and effectively incentivize both parties to create "win/win" business arrangements.

In pursuing this project, OFPP would like to pull together any experiences and literature regarding non-fee type incentives. Consultation with the private, non-profit, and public sectors is hereby sought. A review of current policy, regulatory and statutory guidance will be conducted to determine any barriers to achieving the project's objective and the need for any additional guidance to facilitate compliance.

Accordingly, OFPP is seeking ideas, recommendations, practices, lessons learned, etc. on what works in industry, the non-profit environment, and state and local governments. Such information tailored to specific industries (e.g., manufacturing, services, construction), subsets of industries (e.g., information technology, advisory and assistance services, environmental remediation), types of contractors (e.g., universities, small businesses) and types of endeavors (e.g., research and development) would be welcomed. We also would welcome any studies or literature that analyzes, assesses, or validates these practices, as well as information on relevant training courses and materials.

In examining this information and developing any policy initiative, we will consider approaches that would fundamentally restructure our contractual relationships to accommodate improving our business arrangements, and so would welcome any appropriate recommendations as well as the identification of any impediments (legal, regulatory or policy). OFPP welcomes written comments and materials, and is willing to meet with individual companies, associations, and other organizations to hear their views and recommendations. OFPP is concurrently surveying Federal agencies to ascertain any ongoing innovative practices that could be used in this initiative.

We are also considering a public meeting to facilitate the exchange of information between the Government and general public to explore this issue if sufficient interest exists. Topics could include: developing alternative incentive strategies; providing recommendations; sharing best practices and lessons learned; reviewing existing literature; and identifying barriers and potential benefits and disadvantages for both agencies and contractors. Expressions of interest in such a meeting would be appreciated.

Kenneth J. Oscar,

Acting Deputy Administrator.

[FR Doc. 00–27117 Filed 10–23–00; 8:45 am]

BILLING CODE 3110–01–P

NUCLEAR REGULATORY COMMISSION

[IA–00–006]

In the Matter of Rodney Lillard; Order Prohibiting Involvement in NRC Licensed Activities (Effective Immediately)

I

Mr. Rodney Lillard served as Radiation Safety Officer (RSO) and President of NDT Services, Inc. (NDTS) in 1995. At the time, NDTS (Licensee) was the holder of Materials License No. 52–19438–01 issued by the Nuclear Regulatory Commission (NRC) pursuant to 10 CFR part 30. The License authorized possession and use of up to 100 curies of iridium-192 and 20 curies of cobalt-60 in sealed radiography sources. The License was originally issued on August 21, 1980, and was due to expire on January 31, 2002. However, the License was suspended pursuant to an Order Suspending License (Effective Immediately) that was issued on March 27, 1998, pending the results of an NRC Office of Investigations (OI) investigation (see Section II). A subsequent Order Modifying License (Effective Immediately) issued on January 15, 1999, required NDTS to dispose of licensed material in its possession. The License was terminated on October 16, 2000.

II

The NRC Office of Investigations (OI) initiated an investigation on August 26, 1997, to determine whether NDTS, Inc., retaliated against several radiographers for raising concerns regarding safety and training issues. The investigation also addressed numerous other issues including: personnel training; dosimetry usage; conduct of surveys; completion of survey records; the alleged performance of radiography by assistant radiographers without direct observation; an alleged 1995 event involving NDTS' inability to retract a radiography source assembly to its fully shielded position ("a source disconnect event"); and the alleged failure to report the 1995 event. The investigation did not substantiate that discrimination occurred, but identified numerous examples of the willful failure to comply with NRC regulations, including the deliberate failure to report a source disconnect event.

The OI investigation determined that in early 1995, NDTS experienced a source disconnect event at the Phillips Puerto Rico Core Site. The source disconnect occurred when a 75 curie iridium-192 radiography source assembly failed to retract to its fully shielded position due to improper handling by the assistant radiographer. Mr. Lillard stated in his testimony to OI that he created a record of the event; however, no such record was produced during the investigation. The NRC has no record or other indication that the former RSO or any other NDTS employee reported the event to the NRC prior to the time its occurrence was alleged in August 1997.

In 1995, 10 CFR 34.30 required that the Licensee provide a written report to the NRC within 30 days of the occurrence of: (1) An unintentional disconnection of the source assembly from the control cable; (2) an inability to retract the source assembly to its fully shielded position and secure it in this position; or (3) the failure of any component (critical to safe operation of the device) to properly perform its intended function. The OI investigation determined that in 1995, Mr. Lillard, as the RSO, deliberately failed to report the source disconnect event involving the inability to retract a 75 curie iridium-192 radiography source assembly to its fully shielded position or ensure that a report was made to the NRC.

In addition, 10 CFR 30.9(a) requires, in part, that information provided to the Commission by a licensee, or information required by the Commission's regulations to be maintained by the Licensee, shall be complete and accurate in all material respects. During a June 1995 inspection, Mr. Lillard was asked by the NRC inspector whether any reportable events had occurred since the previous inspection. In response, Mr. Lillard indicated that the Licensee had not had any reportable events since the previous inspection when, in fact, the Licensee had experienced the source disconnect event which Mr. Lillard knew was reportable. This deliberate failure to inform the NRC of the event was material to the NRC because it prevented the NRC from exercising its regulatory responsibility to evaluate the event, which could have had safety implications. In addition, licensee officials are expected to provide complete and accurate information to the NRC, in order that the NRC may have the requisite assurance that activities are being conducted safely and in accordance with regulatory and license requirements.

Mr. Lillard was aware, as evidenced by his testimony to OI, that: (1) The source disconnect event had occurred; (2) the event was reportable to the NRC; (3) as the RSO at the time of the event, it was his responsibility to report it to the NRC; and (4) that the NRC was, at the time, investigating a similar source disconnect event involving NDTS that occurred in 1993. Based on these facts, the NRC determined that Mr Lillard's failures to comply with 10 CFR 34.30 and 30.9(a) appeared to be deliberate; and thus, constituted violations of 10 CFR 30.10, "Deliberate Misconduct." 10 CFR 30.10 prohibits any employee of a licensee from deliberately engaging in activities which cause a licensee to be in violation of any rule, regulation, or order; or any term, condition or limitation of any license. This regulation also prohibits any employee of a licensee from deliberately submitting to the NRC or a licensee, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

By letter dated March 6, 2000, Mr. Lillard was advised that his actions appeared to be in violation of 10 CFR 30.10 and was offered the opportunity to either attend a predecisional enforcement conference or respond to the two violations in writing. Subsequently, on April 19, 2000, Mr. Lillard requested a copy of his transcribed interview with OI in order to support his possible participation at a predecisional enforcement conference. On May 3, 2000, Mr. Lillard was provided his transcript via certified mail. The certified mail return receipt indicated that Mr. Lillard received his transcript on May 10, 2000. To date, no response has been received from Mr. Lillard.

III

Based on the above, the NRC has concluded that Mr. Lillard engaged in deliberate misconduct when he: (1) Failed to report or ensure that a report was made to the NRC within 30 days of the occurrence of a 1995 source disconnect event; and (2) failed to provide complete and accurate information to the NRC when he advised an NRC inspector during a June 1995 inspection that no reportable events had occurred. Mr. Lillard's deliberate actions in both instances caused the Licensee to be in violation of 10 CFR 34.30 and 10 CFR 30.9, respectively, and are, therefore, violations of 10 CFR 30.10. The NRC must be able to rely on licensees and their employees to fully comply with NRC requirements, including reporting requirements for events involving licensed material, and to communicate with accuracy and completeness on regulatory matters.

In view of the foregoing, I lack the requisite reasonable assurance that licensed activities can be conducted in

compliance with NRC requirements and that the health and safety of the public will be protected if Mr. Lillard were permitted to be involved in NRC-licensed activities at this time. Therefore, the public health, safety and interest require that Mr. Lillard be prohibited from any involvement in NRC-licensed activities for a period of five years from the date of this Order. Additionally, Mr. Lillard is required to notify the NRC of his first employment and all subsequent employment in NRC-licensed activities for a period of five years following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Lillard's conduct is such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 81,161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 30.9, 10 CFR 30.10 and 10 CFR 34.30, *it is hereby ordered, effective immediately, that:*

1. Mr. Rodney Lillard is prohibited for five years from the date of this Order from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If Mr. Lillard is currently performing licensed activities for another licensee in an area of NRC jurisdiction, he must immediately cease those activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer.

3. For a period of five years after the five year prohibition has expired, Mr. Rodney Lillard shall, within 20 days of the date of his acceptance of subsequent employment offers involving his performance of NRC-licensed activities or his becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice of his employment to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, including the name, address, and telephone number of the employer or the entity where he is, or will be, involved in the NRC-licensed activities. In the first notification, Mr. Rodney Lillard shall include a statement of his commitment to compliance with regulatory requirements and a statement regarding why the Commission should have confidence that he will now comply with applicable NRC requirements.

The Director, Office of Enforcement, U.S. Nuclear Regulatory Commission may relax or rescind, in writing, any of the above conditions upon a showing by Mr. Rodney Lillard of good cause.

V

In accordance with 10 CFR 2.202, Mr. Lillard must, and any person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. Lillard or other persons adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Deputy Assistant General Counsel for Materials Litigation and Enforcement, at the same address, and to the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth Street, S.W., Suite 23T85, Atlanta, Georgia 30303–3415 and to Mr. Lillard if the answer or hearing request is by a person other than Mr. Lillard. If a person other than Mr. Lillard requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. Lillard or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Lillard, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediately effectiveness of the Order on the ground that the Order, including the need for immediately effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. *An answer or a request for hearing shall not stay the immediate effectiveness of this order.*

For the Nuclear Regulatory Commission.

Dated this 17th day of October 2000.

Carl J. Paperiello,

Deputy Executive Director for Materials, Research, and State Programs.

[FR Doc. 00–27286 Filed 10–23–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–245, 50–336, and 50–423]

Northeast Nuclear Energy Company et al.; Millstone Nuclear Power Station, Unit Nos. 1, 2, and 3; Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Conforming Amendments and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating Licenses Nos. DPR–21, DPR–65, and NPF–49 for Millstone Nuclear Power Station, Unit Nos. 1, 2, and 3 (M1, M2, and M3) to the extent currently held by Northeast Nuclear Energy Company (NNECO), the licensed operator and non-owner of the facilities, and certain co-licensees listed below holding ownership interests in the facilities. The transfer would be to a new generating company, Dominion Nuclear Connecticut, Inc., (DNC). DNC is an indirect subsidiary of Dominion Energy, which is in turn owned by Dominion Resources, Inc. The Commission is also considering amending the licenses for administrative purposes to reflect the proposed transfer. The facilities are located in New London County, Connecticut.

The following is a list of the licensees involved in the license transfers who hold ownership interests in M1, M2, and M3, and their respective interests:

	Percent
M1 and M2:	
The Connecticut Light and Power Company (CL&P)	(81)
Western Massachusetts Electric Company (WMECO)	(19)
M3:	
CL&P	(52.9330)
WMECO	(12.2385)
Public Service Co. of New Hampshire	(2.8475)
The United Illuminating Company	(3.6850)
New England Power Company	(16.2140)
Central Maine Power Company	(2.5000)
Chicopee Municipal Lighting Plant	(1.3500)
Connecticut Municipal Electric Energy Cooperative	(1.0870)
Vermont Electric Generation and Transmission Coop.	(0.3500)
Fitchburg Gas & Electric Light Company	(0.2170)
Village of Lyndonville Electric Department	(0.0487)

Central Vermont Public Service Corporation (Central Vermont) which holds a 1.7303% ownership interest in M3, and Massachusetts Municipal Wholesale Electric Company (Massachusetts Municipal) which holds a 4.7990% ownership interest in M3, are not involved in the subject license transfers.

According to an application for approval filed by NNECO and DNC, DNC would assume ownership of the facilities (except for the interests in M3 by Central Vermont and Massachusetts Municipal) following approval of the proposed transfer of the licenses, and would become exclusively responsible for the operation, maintenance, and eventual decommissioning of M1, M2, and M3. No physical changes to the facilities or operational changes are being proposed in the application.

The proposed amendments would replace references in the licenses to NNECO and the other licensees transferring their interests with references to DNC and make other changes for administrative purposes to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By November 13, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, 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:

David R. Lewis, Esq., Counsel for Dominion Nuclear Connecticut, Inc., at Shaw Pittman, 2300 N Street, NW., Washington DC 20037;

Lillian M. Cuoco, Counsel for NNECO, at Northeast Utilities Service Co., P.O. Box 270, Hartford CT 06141;

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 November 24, 2000, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the applications dated August 31 and October 12, 2000, 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 18th day of October 2000.

For the Nuclear Regulatory Commission.

Jacob I. Zimmerman,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–27285 Filed 10–23–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[IA–00–008]

In the Matter of Don Nottingham; Order Prohibiting Involvement in NRC Licensed Activities (Effective Immediately)

I

Mr. Don Nottingham served as a senior radiographer at NDT Services, Inc. (NDTS) from 1994 through 1995. At the time, NDTS (Licensee) was the holder of Materials License No. 52–19438–01 issued by the Nuclear Regulatory Commission (NRC) pursuant to 10 CFR Part 30. The License authorized possession and use of up to 100 curies of iridium-192 and 20 curies of cobalt-60 in sealed radiography sources. The License was originally issued on August 21, 1980, and was due to expire on January 31, 2002. However, the License was suspended pursuant to an Order Suspending License (Effective Immediately) that was issued on March 27, 1998, pending the results of an NRC Office of Investigations (OI) investigation (see Section II). A subsequent Order Modifying License (Effective Immediately) issued on January 15, 1999, required NDTS to dispose of licensed material in its possession. The License was terminated on October 16, 2000.

II

On August 26, 1997, an investigation by the NRC Office of Investigations (OI) was initiated to determine whether NDTS, Inc., retaliated against several radiographers for raising concerns regarding safety and training issues. The investigation also addressed numerous other issues including: personnel training; dosimetry usage; conduct of surveys; completion of survey records; the alleged performance of radiography by assistant radiographers without direct observation; an alleged 1995 event involving the inability to retract a radiography source assembly to its fully shielded position ("a source disconnect event"); and the alleged failure to report the 1995 event. The investigation did not substantiate that discrimination occurred, but identified numerous examples of NDTS's willful failure to comply with NRC regulations, including the conduct of unsupervised radiography by assistant radiographers.

The OI investigation determined that Mr. Nottingham, while serving as a senior radiographer, permitted assistant radiographers to perform unsupervised radiography. This is contrary to 10 CFR 34.46, which provides that whenever a radiographer's assistant uses radiographic exposure devices, associated equipment or sealed sources or conducts radiation surveys to determine that the sealed source has returned to the shielded position after an exposure, the assistant shall be under the personal supervision of a radiographer. The personal supervision must include the radiographer's physical presence at the site where the sealed sources are being used; the availability of the radiographer to give immediate assistance, if required; and the radiographer's direct observation of the assistant's performance of the operations. Mr. Nottingham was an experienced radiographer who had been tested on the requirements of this regulation.

The OI investigation further determined that, in early 1995, the Licensee experienced a source disconnect at the Phillips Puerto Rico Core site. The source disconnect occurred when a 75-curie iridium-192 radiography source assembly failed to retract to its fully shielded position due to improper handling by the assistant radiographer. The OI investigation determined that the assistant radiographer had conducted the radiographic operations without direct observation by a radiographer, and that Mr. Nottingham had been responsible for permitting the assistant radiographer to conduct radiographic operations without direct observation, which contributed to the source disconnect. OI was unable to interview Mr. Nottingham during the investigation despite several attempts. Nonetheless, the conclusion that the assistant performed radiography without direct observation of a qualified radiographer is based on the corroborating statements of multiple assistant radiographers to OI regarding the level of supervision they received, as well as the testimony of another radiographer. This radiographer stated that assistants were supervised; but not constantly surveilled, *i.e.*, directly observed. As stated previously, 10 CFR 34.46(c) requires direct observation by a qualified radiographer of an assistant's performance of operations. In addition, Mr. Nottingham was an experience radiographer who had been tested on the requirement of 10 CFR 34.46 relating to the conduct of radiographic operations.

Based on these facts, the evidence developed by the investigation indicated that Mr. Nottingham knew the requirement in 10 CFR 34.46(c) regarding "direct observation" of the assistant's performance, and allowed the assistant radiographer to perform radiography without such direct observation of his performance. The evidence developed by the investigation therefore indicated that Mr. Nottingham's failure to comply with 10 CFR 34.46 was deliberate; and thus, constituted a violation of 10 CFR 30.10, "Deliberate Misconduct". Specifically, 10 CFR 30.10 prohibits any employee of a licensee from deliberately engaging in activities which cause a licensee to be in violation of any rule, regulation, or order, or any term, condition or limitation of any license.

A certified letter dated March 6, 2000, to Mr. Nottingham advised that his actions appeared to constitute a violation of 10 CFR 30.10, and he was requested to participate in a predecisional enforcement conference to discuss the apparent violation. The certified mail return receipt indicates that on March 16, 2000, this letter was received by Ms. Evelyn Nottingham. To date, no response has been received from Mr. Nottingham.

III

Based on the above, the NRC has concluded that Mr. Nottingham engaged in deliberate misconduct when he permitted assistant radiographers to conduct radiographic operations without his direct supervision that caused the Licensee to be in violation of 10 CFR 34.46 and is, therefore a violation of 10 CFR 30.10. The NRC must be able to rely on licensees and their employees to fully comply with NRC requirements, including the requirement to adequately supervise licensed activities performed by assistant radiographers.

In view of the foregoing, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with NRC requirements and that the health and safety of the public will be protected if Mr. Nottingham were permitted to be involved in NRC-licensed activities at this time. Therefore, the public health, safety and interest require that Mr. Nottingham be prohibited from any involvement in NRC-licensed activities for a period of one year from the date of this Order. Additionally, Mr. Nottingham is required to notify the NRC of his first employment in NRC-licensed activities following the prohibition period and all subsequent employment in NRC-licensed activities for five years following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Nottingham's conduct is such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 81,161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 30.10 and 10 CFR 34.46, *it is hereby ordered*, effective immediately, that:

1. Mr. Don Nottingham is prohibited for one year from the date of this Order from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If Mr. Nottingham is currently performing licensed activities for another licensee in an area of NRC jurisdiction, he must immediately cease those activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer.

3. For a period of five years after the one year prohibition has expired, Mr. Don Nottingham shall within 20 days of his acceptance of subsequent employment offers involving NRC-licensed activities or his becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice of his employment to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, including the name, address, and telephone number of the employer or the entity where he is, or will be, involved in the NRC-licensed activities. In the first notification, Mr. Don Nottingham shall include a statement of his commitment to compliance with regulatory requirements and a statement regarding why the Commission should have confidence that he will now comply with applicable NRC requirements.

The Director, Office of Enforcement, U.S. Nuclear Regulatory Commission may relax or rescind, in writing, any of the above conditions upon a showing by Mr. Don Nottingham of good cause.

V

In accordance with 10 CFR 2.202, Mr. Nottingham must, and any person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, D.C. 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. Nottingham or other persons adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings and Adjudications Staff, Washington, D.C. 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Deputy Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth Street, S.W., Suite 23T85, Atlanta, Georgia 30303–3415 and to Mr. Nottingham if the answer or hearing request is by a person other than Mr. Nottingham. If a person other than Mr. Nottingham requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. Nottingham or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Nottingham, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediately effectiveness of the Order on the ground that the Order, including the need for immediately effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated this 17th day of October 2000.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Deputy Executive Director for Materials, Research, and State Programs.

[FR Doc. 00–27284 Filed 10–23–00; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

[IA–00–007]

In the Matter of Johnny Lee Rochelle; Order Prohibiting Involvement in NRC Licensed Activities (Effective Immediately)

I

Mr. Johnny Lee Rochelle was employed at NDT Services, Inc. (NDTS) as a senior radiographer from 1994 through 1998. At the time, NDTS (Licensee) was the holder of Materials License No. 52–19438–01 issued by the Nuclear Regulatory Commission (NRC) pursuant to 10 CFR part 30. The License authorized possession and use of up to 100 curies of iridium-192 and 20 curies of cobalt-60 in sealed radiography sources. The License was originally issued on August 21, 1980, and was due to expire on January 31, 2002. However, the License was suspended pursuant to an Order Suspending License (Effective Immediately) that was issued on March 27, 1998, pending the results of an NRC Office of Investigations (OI) investigation (see Section II). A subsequent Order Modifying License (Effective Immediately) issued on January 15, 1999, required NDTS to dispose of licensed material in its possession. The License was terminated on October 16, 2000.

II

An investigation by the NRC Office of Investigations (OI) was initiated on August 26, 1997, to determine whether NDTS, Inc., retaliated against several radiographers for raising concerns regarding safety and training issues. The investigation also addressed numerous other issues including: Personnel training; dosimetry usage; conduct of surveys; completion of survey records; the alleged performance of radiography by assistant radiographers without direct observation; an alleged 1995 incident involving the inability to retract a radiography source assembly to its fully shielded position (a "source disconnect event"); and the alleged failure to report the 1995 incident. The investigation did not substantiate that

discrimination occurred, but identified numerous examples of the willful failure to comply with NRC regulations, including the conduct of radiographic operations by assistant radiographers without direct observation of a qualified radiographer.

10 CFR 34.46, provides that whenever a radiographer's assistant uses radiographic exposure devices, associated equipment or sealed sources or conducts radiation surveys to determine that the sealed source has returned to the shielded position after an exposure, the assistant shall be under the personal supervision of a radiographer. The personal supervision must include the radiographer's physical presence at the site where the sealed sources are being used; the availability of the radiographer to give immediate assistance, if required; and the radiographer's direct observation of the assistant's performance of the operations. Contrary to this requirement, on numerous occasions between 1994 and 1998, the OI investigation determined that Mr. Rochelle permitted assistant radiographers to conduct radiographic operations without the direct supervision of a qualified radiographer. The conclusion that assistants performed unsupervised radiography is based on corroborating statements from multiple assistant radiographers regarding the level of supervision they received, as well as Mr. Rochelle's testimony to OI. Mr. Rochelle stated to OI that assistants were supervised; however, they were not constantly surveilled, i.e., observed. As stated previously, 10 CFR 34.46(c) requires direct observation by a qualified radiographer of an assistant's performance of operations. Mr. Rochelle was a knowledgeable and experienced radiographer who had been personally tested and tested others on the requirements of 10 CFR 34.46.

Based on these facts, the evidence developed by OI indicated that Mr. Rochelle's failure to comply with 10 CFR 34.46 appeared to have been deliberate, and thus, constituted a violation of 10 CFR 30.10, "Deliberate Misconduct." 10 CFR 30.10 prohibits any employee of a licensee from deliberately engaging in activities which cause a licensee to be in violation of any rule, regulation, or order, or any term, condition or limitation of any license.

In addition, on February 6, 1998, an inspection was conducted of the Licensee's activities at the Puerto Rico Electric Power Authority's Costa Sur Power Station, Guayanilla, Puerto Rico. During the inspection, the inspector observed Mr. Rochelle performing radiographic operations and identified the following violations: (1) The creation of radiation levels in unrestricted areas in excess of the requirements in 10 CFR part 20.1301; (2) the failure to survey and monitor areas surrounding the location where radiographic operations were being conducted as required by Condition 21, and Item 6.3.1 of the Application; (3) the failure to post radiation areas as required by 10 CFR 20.1902(a); and (4) the failure to control access to areas that were required to be restricted as required in License Condition 21, and Item 6.3.1 of the Application. 10 CFR 20.1301 requires each licensee to conduct operations so that the dose in any unrestricted area from external sources does not exceed two millirems in any one hour. 10 CFR 20.1902(a) requires that the Licensee post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA." Condition No. 21 of License No. 52–19438–01 required, in part, that the Licensee conduct its licensed radiation safety program in accordance with the statements, representations and procedures contained in the License application dated October 25, 1991. Section 6.3.1 of the application dated October 25, 1991, required that frequent surveys and continuous monitoring be made at all areas where a source is being exposed. In addition, Section 6.1.1 of the application dated October 25, 1991, stated, in part that, "A restricted area is that area into which the radiographer must control access for the purpose of radiation safety. This restriction must be extended to include those areas containing radiation levels such that a person continuously present in the area could receive an exposure in excess of 2 millirem in any one hour."

During the inspection, the inspector measured radiation levels in an unrestricted area in excess of two millirem in one hour (approximately 22 millirem in one hour) on Level 6 of the facility as a result of radiography being conducted by Mr. Rochelle, contrary to the requirements of 10 CFR 20.1301. The area was not posted as a Radiation Area as required by 10 CFR 20.1902(a) nor controlled for access as required by the License. Immediately following the radiographic exposure, the inspector advised Mr. Rochelle of the violations, the applicable License requirements, the need for surveys and continuous monitoring, and the correct methodology for conducting the activities. Notwithstanding this notification, Mr. Rochelle immediately conducted another radiographic exposure. During this exposure, the inspector observed that neither Mr. Rochelle nor the assistant radiographer were performing surveys or monitoring as required by the License. Independent surveys performed by the inspector identified an unrestricted area on Level 9 of the facility with radiation levels in excess of two millirem in one hour (approximately 6 millirem in one hour), contrary to the requirements of 10 CFR 20.1301. In addition, this area was not posted as a Radiation Area in accordance with 10 CFR 20.1902(a). Upon being advised of the excess radiation levels on Level 9, Mr. Rochelle confirmed the measurements obtained by the inspector; however, he failed to take action to post or control access to the area through the remainder of the radiographic exposure.

Based on the above facts, the NRC has determined that Mr. Rochelle's failures to comply with 10 CFR 20.1301, 10 CFR 20.1902(a), and Items 6.3.1 and 6.1.1 of the License application dated October 25, 1991, during the second radiographic exposure observed by the inspector on February 6, 1998, appeared to have been deliberate, and thus, constitute additional violations of 10 CFR 30.10. This determination was based on the fact, that following the first radiographic exposure when an excessive radiation level was identified, Mr. Rochelle was put on notice of the requirements governing radiographic operations by the inspector, yet continued to act in violation of NRC requirements (failed to take action to comply).

On March 6, 2000, the NRC sent a letter to Mr. Rochelle advising him that five apparent violations had been identified involving him, and that his actions appeared to be in violation of 10 CFR 30.10, "Deliberate Misconduct." The letter offered Mr. Rochelle the opportunity to either attend a predecisional enforcement conference or respond to the violations in writing. In a letter received by the NRC on April 11, 2000, Mr. Rochelle responded to the apparent violations. In his response, Mr. Rochelle denied the violation regarding his failure to survey and monitor areas surrounding the location where radiographic operations were being conducted on February 6, 1998, but admitted that the other violations had occurred. Mr. Rochelle stated that if he had gone to the barricades to perform the survey he could not have fulfilled the requirement to maintain constant surveillance of the high radiation area. Mr. Rochelle's explanation did not refute the violation, but merely provided a rationale for why he chose

not to perform the required surveys and continuous monitoring.

III

Based on the above, the NRC has concluded that Mr. Rochelle engaged in deliberate misconduct when he: (1) Permitted assistant radiographers to conduct radiographic operations without the direct supervision of a qualified radiographer; (2) failed to survey and monitor areas surrounding the location where radiographic operations were being conducted; (3) failed to control access to restricted areas that were required to be restricted; (4) created excessive radiation levels in unrestricted areas; and (5) failed to post radiation areas. Mr. Rochelle's deliberate actions caused the Licensee to be in violation of several regulatory requirements, and therefore, constitute violations of 10 CFR 30.10. The NRC must be able to rely on licensees and their employees to fully comply with NRC requirements, including the requirements to adequately supervise licensed activities performed by assistant radiographers and implement adequate radiological controls during the conduct of radiographic operations.

In view of the foregoing, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with NRC requirements and that the health and safety of the public would be protected if Mr. Rochelle were permitted to be involved in NRC-licensed activities at this time. Therefore, the public health, safety and interest require that Mr. Rochelle be prohibited from any involvement in NRC-licensed activities for a period of one year from the date of this Order. Additionally, Mr. Rochelle is required to notify the NRC of his first employment in NRC-licensed activities following the prohibition period and to notify the NRC of his involvement in all subsequent NRC-licensed activities for five years following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Rochelle's conduct are such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 81,161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 30.10 and 10 CFR 34.46, 10 CFR 20.1301, 10 CFR 20.1902(a), and Condition 21 of the NDTS License, *it is hereby ordered, effective immediately, that:*

1. Mr. Johnny Lee Rochelle is prohibited for one year from the date of this Order from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If Mr. Rochelle is currently performing licensed activities for another licensee in an area of NRC jurisdiction, he must immediately cease those activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer.

3. For a period of five years after the one year prohibition has expired, Mr. Rochelle shall, within 20 days of his acceptance of subsequent employment offers involving his performance of NRC-licensed activities or his becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice of his employment to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, DC 20555, including the name, address, and telephone number of the employer or the entity where he is, or will be, involved in the NRC-licensed activities. In the first notification, Mr. Rochelle shall include a statement of his commitment to compliance with regulatory requirements and a statement regarding why the Commission should have confidence that he will now comply with applicable NRC requirements.

The Director, Office of Enforcement, U.S. Nuclear Regulatory Commission may relax or rescind, in writing, any of the above conditions upon a showing by Mr. Johnny Lee Rochelle of good cause.

V

In accordance with 10 CFR 2.202, Mr. Rochelle must, and any person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. Rochelle or other persons adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth Street, SW., Suite 23T85, Atlanta, Georgia 30303–3415 and to Mr. Rochelle, if the answer or hearing request is by a person other than Mr. Rochelle. If a person other than Mr. Rochelle requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d). If a hearing is requested by Mr. Rochelle or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Rochelle, may, in addition to demanding a Hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediately effectiveness of the Order on the ground that the Order, including the need for immediately effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. *An answer or a request for hearing shall not stay the immediate effectiveness of this order.*

For the Nuclear Regulatory Commission.

Dated this 17th day of October 2000.

Carl J. Paperiello,

Deputy Executive Director for Materials, Research, and State Programs.

[FR Doc. 00–27287 Filed 10–23–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250 and 50–251]

Florida Power & Light Co., Turkey Point Units 3 & 4; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process

Florida Power & Light Company (FPL) has submitted an application for renewal of operating licenses DPR–31 and DPR–41 for an additional 20 years of operation at Turkey Point Units 3 & 4 (Turkey Point). Turkey Point is located in Miami-Dade County, Florida. The application for renewal was submitted by letter dated September 8, 2000, pursuant to 10 CFR part 54. A notice of receipt of application, including the environmental report (ER), was published in the **Federal Register** on September 21, 2000 (65 FR 57847). A notice of acceptance for docketing of the application for renewal of the facility operating license was published in the **Federal Register** on October 12, 2000 (65 FR 60693). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement in support of the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process as defined in 10 CFR 51.29.

In accordance with 10 CFR 54.23 and 10 CFR 51.53(c), FPL submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR part 51 and is accessible at http://www.nrc.gov/NRC/ADAMS/index.html, which provides access through the NRC's Public Electronic Reading Room (PERR) link.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission's "Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants," (NUREG–1437) in support of the review of the application for renewal of the Turkey Point operating licenses for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. 10 CFR 51.95 requires that the NRC prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with the National Environmental Policy Act (NEPA) and the NRC's regulations found in 10 CFR part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in this scoping process by members of the public and local, State, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

a. Define the proposed action which is to be the subject of the supplement to the GEIS.

b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth.

c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant.

d. Identify any environmental assessments and other environmental impact statements (EISs) that are being or will be prepared that are related to but are not part of the scope of the supplement to the GEIS being considered.

e. Identify other environmental review and consultation requirements related to the proposed action.

f. Indicate the relationship between the timing of the preparation of environmental analyses and the Commission's tentative planning and decision-making schedule.

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies.

h. Describe how the supplement to the GEIS will be prepared, including any contractor assistance to be used.

The NRC invites the following entities to participate in the scoping process:

a. The applicant, Florida Power & Light Company.

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.

d. Any affected Indian tribe.

e. Any person who requests or has requested an opportunity to participate in the scoping process.

f. Any person who intends to petition for leave to intervene.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Notice of opportunity for a hearing regarding the renewal application was the subject of the aforementioned **Federal Register** notice of acceptance for docketing. Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold a public meeting for the Turkey Point license renewal supplement to the GEIS. The scoping meeting will be held at the Harris Field Complex—Homestead YMCA, 1034 Northeast 8th Street, Homestead, Florida, on Wednesday, December 6, 2000. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10:00 p.m. Both meetings will be transcribed and will include (1) an overview by the NRC staff of the National Environmental Policy Act (NEPA) environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; (2) an overview by FPL of the proposed action, Turkey Point license renewal, and the environmental impacts as outlined in the ER; and (3) the opportunity for interested Government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Persons may register to attend or present oral comments at the meeting on the NEPA scoping process by contacting Mr. James H. Wilson by telephone at 1 (800) 368–5642, extension 1108, or by Internet to the NRC at *jhw1@nrc.gov* no later than December 1, 2000. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Wilson's attention no later than December 1, 2000, so that the

NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scoping process for the supplement to the GEIS to

Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
Mailstop T–6 D 59
U.S. Nuclear Regulatory Commission
Washington, DC 20555–0001

Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays. To be considered in the scoping process, written comments should be postmarked by December 22, 2000. Electronic comments may be sent by the Internet to the NRC at TurkeyPointEIS@nrc.gov. Electronic submissions should be sent no later than December 22, 2000, to be considered in the scoping process. Comments will be available electronically and accessible through the NRC's Public Electronic Reading Room (PERR) link *http://www.nrc.gov/NRC/ADAMS/index.html* at the NRC Homepage.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection through the PERR link. The staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of separate notices and a separate public meeting. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from Mr. Wilson at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 18th day of October 2000.

For the Nuclear Regulatory Commission.

Charles E. Ader,

Acting Deputy Director, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 00–27288 Filed 10–23–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission

DATE: Weeks of October 23, 30, November 6, 13, 20, and 27, 2000.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of October 23

Monday, October 23

3:00
Affirmation Session (Public Meeting)
a: Final Rules—10 CFR Part 35, "Medical Use of Byproduct Material" and 10 CFR Part 20, "Standards for Protection Against Radiation"

Week of October 30—Tentative

There are no meetings scheduled for the Week of October 30.

Week of November 6—Tentative

There are no meetings scheduled for the Week of November 6.

Week of November 13—Tentative

Friday, November 17

9:25 a.m.
Affirmation Session (Public Meeting) (If needed)
9:30 a.m.
Briefing on Risk-Informed Regulation Implementation Plan (Public Meeting) (Contact: Tom King, 301–415–5790)
This meeting will be webcast live at the Web address—*www.nrc.gov/live.html.*

Week of November 20—Tentative

There are no meetings scheduled for the Week of November 20

Week of November 27—Tentative

There are no meetings scheduled for the Week of November 27.

*The schedule for commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292.

CONTACT PERSON FOR MORE INFORMATION: Bill Hill (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, DC 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: October 20, 2000.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 00–27414 Filed 10–20–00; 2:09 pm]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–321 and 50–366]

Southern Nuclear Operating Company Edwin I. Hatch Nuclear Plant, Units 1 and 2; Issuance of Director's Decision Under 10 CFR 2.206

By letter dated May 3, 2000, Mr. David A. Lochbaum, on behalf of the Union of Concerned Scientists (Petitioner), pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206), requested that the U.S. Nuclear Regulatory Commission (Commission or NRC) ask questions via a demand for information concerning the liquid and gaseous radwaste systems at Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch), which is operated by Southern Nuclear Operating Company (SNC). As the basis for the Petitioner's request, the Petitioner contended that Hatch is being operated outside its design and licensing bases because the material condition of piping, tanks, and other components of the liquid and gaseous radwaste systems is not being properly inspected and maintained.

The NRC, in a letter dated June 27, 2000, requested SNC to furnish the information requested by the Petitioner, which, in essence, satisfied the action requested by the Petitioner. SNC provided this information in a letter to NRC dated July 26, 2000. The Director of the Office of Nuclear Reactor Regulation has addressed the technical concerns raised by the Petitioner in the "Director's Decision Pursuant to 10 CFR 2.206" (DD–00–05). DD–0–05 concludes that the NRC staff does not agree with the Petitioner's contention that Hatch is being operated outside its design and licensing bases because the material condition of piping, tanks, and other components of the liquid and gaseous radwaste systems is not being properly inspected and maintained. The

complete text of the Director's Decision is available for public inspection at the Commission's Public Document Room located at 1 White Flint North, 11555 Rockville Pike (1st floor), Rockville, MD., and is accessible electronically from the Agencywide Documents Access and Management System (ADAMS) public library component on the NRC Web site, *http://www.nrc.gov* (the electronic reading room).

A copy of the Director's Decision will be filed with the Secretary of the Commission in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, the Director's Decision will constitute the final action of the Commission 25 days after issuance of the Director's Decision unless the Commission, on its own motion, institutes a review of the Director's Decision within that time.

Dated at Rockville, Maryland, this 18th day of October 2000.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

Director's Decision Under 10 CFR 2.206

I. Introduction

By letter dated May 3, 2000, Mr. David A. Lochbaum, on behalf of the Union of Concerned Scientists (Petitioner), pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206), requested that the U.S. Nuclear Regulatory Commission (Commission or NRC) take action with respect to Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch). Hatch is owned and operated by the Southern Nuclear Operating Company (the licensee). The Petitioner requested that the NRC ask questions of the licensee via a demand for information, related to the liquid and gaseous radwaste systems at Hatch.

II. Background

The Petitioner contended that Hatch is being operated outside its design and licensing bases because the material condition of the piping, tanks, and other components of the liquid and gaseous radwaste systems is not being properly inspected and maintained. The NRC, by letter of June 27, 2000, asked for the information from the licensee, which partially satisfied the action requested by the Petitioner. The licensee responded in its letter of July 26, 2000. The NRC staff has reviewed the licensee's response and concluded that the information provided by the licensee is responsive to your contentions.

III. Discussion

Contention No. 1: The Hatch Nuclear Plant is being operated outside its design and licensing bases because the material condition of piping, tanks, and other components of the liquid radwaste system [is] not being properly inspected and maintained.

The Petitioner cited General Design Criterion (GDC) 60 and GDC 4 as the design and licensing bases. The Petitioner stated the following three specific concerns as the reason for the Petitioner's assertion that the liquid radwaste system at Hatch does not conform to its licensing and design bases: (1) Susceptibility of liquid radwaste system piping to degradation, (2) susceptibility of liquid radwaste system tanks and vessels to degradation, and (3) degraded capability of valves that isolate liquid radwaste discharge. The Petitioner asserts that the liquid radwaste system is vulnerable to degradation mechanisms, such as flow-accelerated corrosion and microbiologically induced corrosion, but the liquid radwaste system piping is not covered by aging management programs. These aging management programs include the flow-accelerated corrosion program, the treated-water systems piping inspection program, and the evaluation program for buried or embedded piping. The Petitioner asserted, therefore, that it is reasonable to expect that the liquid radwaste system is degraded to an unknown extent and that it appears that Hatch is not in compliance with the licensing requirements.

Response: The liquid radwaste system is not needed to mitigate the effects of accidents and therefore is not considered safety related. The staff agrees with the Petitioner on the applicability of GDC 60 as a design and licensing basis, but GDC 4 does not apply. Standard Review Plan (SRP) 11.2, "Liquid Waste Management Systems," discusses the regulations that apply to the liquid radwaste system. GDC 60 is included as one of the regulatory requirements because the nuclear power plant needs to be designed to control the release of radioactive materials in liquid and gaseous effluents during normal reactor operation, including anticipated operational occurrences. The staff has reviewed Section 9.2 of the Hatch Unit 1 Final Safety Analysis Report (FSAR) and Section 11.2.1 of the Hatch Unit 2 FSAR and confirmed that GDC 4 is not a design or licensing basis for the liquid radwaste system.

In support of the contention that the liquid radwaste system at Hatch is being operated outside of its design and licensing bases, the Petitioner cites an installation deficiency in the liquid radwaste system at Hatch, evidence of degradation in other systems at Hatch, and evidence of degradation in the liquid radwaste system at Millstone.

The Petitioner cites an installation deficiency in the Hatch Unit 1 liquid radwaste system which was reported in the Notice of Reportable Occurrence No. 50–321/1979–43, dated June 29, 1979. Subsequent to this notice, Licensee Event Report (LER) 79–43 was submitted on August 17,1979, to address the installation deficiency. The LER included corrective action taken and stated that "the piping supports were redesigned and installed to meet seismic Class I requirements."

The Petitioner cites degradation problems with other systems at Hatch, such as plant service water and residual heat removal service water. The Petitioner states that the liquid radwaste system is as vulnerable as these other systems to certain degradation mechanisms. The Petitioner also cites three examples, in systems other than the radwaste systems, of the detrimental effects of valve aging at Hatch. The licensee, in its July 26, 2000, response stated that the conditions such as pressure, volume, and quality of the fluid in the liquid radwaste system are different than the conditions in other systems. Thus, the licensee concludes that the radwaste system is not as susceptible to many of the aging mechanisms that could affect other systems at Hatch.

The Petitioner cites NRC Information Notices (IN) 79–07 and 96–14 as examples of degradation that actually occurred at U.S. nuclear power plants; both involved the Millstone Nuclear Power Station. IN 79–07 stated that "such events can be avoided by proper procedures and periodic examination if personnel are aware of the problem". IN 96–14 stated that "a lack of continuing and preventive maintenance appeared to have allowed several systems and components to significantly degrade". The licensee, in its July 26, 2000, response stated that Hatch operations personnel perform daily rounds during which systems are observed for proper performance and material condition (major portions of the radwaste systems at Hatch are accessible for observation).

NRC resident inspectors, during their inspection rounds, regularly tour the plant, including the radwaste systems. In addition, NRC inspectors specializing in radiation protection periodically inspect portions of the liquid radwaste system. Recent inspections of this nature have not identified any significant problems. For example, as

discussed in Inspection Report Nos. 50–321/99–08 and 50–366/99–08, dated January 20, 2000, NRC inspectors reviewed the performance of several radiation monitors and the quantification of selected liquid samples, and found no problem. The Inspection Report stated that the radiation doses resulting from liquid effluent releases were a small percent of regulatory limits.

If a degraded condition is identified by the licensee, or is reported to the licensee by the NRC, the licensee should generate a condition report and the condition should be evaluated and repaired as required in accordance with the plant's corrective action program. In addition, these condition reports are trended by the licensee. Further evaluation and appropriate corrective actions would be taken if an adverse trend was identified. Periodic inspections of the corrective action program are conducted according to the NRC inspection program to verify that licensees are identifying and correcting plant problems. For example, "NRC Integrated Inspection Report Nos. 50–321/99–11, 50–366/99–11 and 76–36/00–01," dated March 6, 2000, stated that inspectors reviewed the Hatch Condition Reporting System procedure, which describes the licensee's program for identifying and correcting deficiencies. The Inspection Report concluded that the licensee had satisfactorily identified and corrected deficiencies.

The Petitioner raised a concern related to the consequences of failures in the liquid radwaste system. The consequences of a potential simultaneous failure of all liquid radwaste tanks have been analyzed and reviewed by the staff in the "Safety Evaluation of the Edwin I. Hatch Nuclear Plant Unit 1," dated May 11, 1973. The analyses showed that the resulting releases would be a small fraction of 10 CFR Part 20 release limits. In the "Safety Evaluation Report Related to Operation of Edwin I. Hatch Nuclear Plant, Unit 2," (Unit 2 SER) dated June 1978, the NRC staff "determined that the estimated releases due to postulated failure of components of the liquid radwaste system will not result in concentrations in the unrestricted area in excess of the limits set forth in Table II of Appendix B to 10 CFR Part 20." In addition, Hatch has a Radiological Environmental Monitoring Program in place, as required by 10 CFR Part 50, Appendix I. This surveillance and monitoring program applies to various pathways through which radioactive material might be released to the air, river water, milk, and vegetation and entails taking periodic samples and conducting analyses of these samples. Any detected concentrations of radioactive material above predetermined limits are required to be reported. Also, the Georgia Department of Natural Resources monitors ground water in the vicinity around the plant. Neither program has identified concentrations of radioactive material above or near permitted limits.

The Petitioner asserts that a break in a liquid radwaste pipe inside one of the plant's buildings could result in significant exposure to the plant workers. The licensee is required by regulation (10 CFR part 20) to have and maintain a radiation protection program to ensure that radiation exposure of plant workers is not only controlled below limits, but to go further and have a program to keep doses as low as reasonably achievable (ALARA). As part of this program, plant workers wear digital alarming dosimeters when entering plant areas containing liquid radwaste system piping. Furthermore, radiation monitors are located in these areas. Therefore, the NRC staff concludes that there is reasonable assurance the plant workers will not receive a significant exposure in the event of a break in a liquid radwaste pipe inside one of the plant's buildings.

The liquid radwaste system is operated on a regular basis to control effluents, and any significant degradation of the material condition of the system would be quickly detected. Thus, operability of the system is demonstrated without the need for special inspections or testing. However, the licensee does perform quarterly testing on the discharge valves which close to terminate the release of radioactive water to the river.

The liquid radwaste system is designed and licensed to limit the doses from effluents to individual members of the public to levels as low as reasonably achievable (ALARA) to comply with Appendix I to 10 CFR Part 50. Based on the discussion above, the NRC believes that the liquid radwaste system is being operated within its design and licensing bases.

Contention No. 2: The Hatch Nuclear Plant is being operated outside its design and licensing bases because the material condition of piping and components of the gaseous radwaste system [is] not being properly inspected and maintained.

The Petitioner cited GDC 60 and GDC 4 as the design and licensing bases. The Petitioner stated the following two specific concerns as the reason for the Petitioner's assertion that the gaseous radwaste system at Hatch does not conform to its licensing and design bases: (1) Susceptibility of gaseous radwaste system piping to degradation and (2) degraded capability of the gaseous radwaste system to preclude hydrogen burns and detonations. The Petitioner asserted that the offgas systems at Hatch are vulnerable to aging degradation but are not covered by aging management programs.

Response: The gaseous radwaste system is not needed to mitigate the effects of accidents and therefore is not considered safety related. The staff agrees with the Petitioner on the applicability of GDC 60 as a design and licensing basis, but GDC 4 does not apply. SRP 11.3, "Gaseous Waste Management Systems," discusses the regulations that apply to the gaseous radwaste system. GDC 60 is included as one of the regulatory requirements because the nuclear power plant needs to be designed to control the release of radioactive materials in liquid and gaseous effluents during normal reactor operation, including anticipated operational occurrences. The staff has reviewed Section 9.4 of the Hatch Unit 1 FSAR and Section 11.3.1 of the Hatch Unit 2 FSAR and confirmed that GDC 4 is not a design or licensing basis for the gaseous radwaste system.

The Petitioner raises concerns that the piping and other components of the offgas system may be degraded to an unknown extent. Evidence of degradation is monitored by operations personnel through daily rounds during which systems are observed for proper performance and material condition. NRC resident inspectors, during their inspection rounds, regularly tour the plant, including the radwaste systems. In addition, NRC inspectors specializing in radiation protection periodically inspect portions of the gaseous radwaste system. Recent inspections of this nature have not identified any significant problems. If a degraded condition is identified by the licensee or reported to the licensee by NRC inspectors, the licensee should generate a condition report and the condition should be evaluated and repaired as required in accordance with the plant's corrective action program. Periodic inspections of the corrective action program are conducted according to the NRC inspection program to verify that licensees are identifying and correcting plant problems.

The Petitioner raised concerns regarding a break in the offgas system piping running to the main stack. In section 9.4.6.1 of the Unit 1 FSAR and section 15.4.15.1.4.1 of the Unit 2 FSAR, the licensee has evaluated the consequences of a potential complete

rupture of this piping and concluded that the resulting calculated doses at the plant site boundary would not exceed the limits for normal plant operation specified in 10 CFR part 20. The NRC staff has reviewed the results of the licensee's analyses and finds that the results satisfy the criteria stated in Branch Technical Position ETSB 11–5 and are therefore acceptable. In addition, Hatch has a Radiological Environmental Monitoring Program in place, as required by 10 CFR Part 50, Appendix I. This surveillance and monitoring program applies to various pathways through which radioactive material might be released to the air, river water, milk, and vegetation. Any detected concentrations of radioactive material above predetermined limits are required to be reported. This program has not identified concentrations of radioactive material above or near permitted values. Any leakage from the offgas system in the plant building would be detected by plant radiation monitoring instrumentation.

The Petitioner asserts that a break of the offgas piping running to the main stack could cause the radiation exposures to individuals in the power block to increase above negligible. As previously mentioned, the licensee is required by regulation to have and maintain a radiation protection program to limit radiation exposure of plant workers. As part of this program, workers wear digital alarming dosimeters when entering plant areas in the power block that contain the offgas piping which runs to the main stack. Furthermore, radiation monitors are located in these areas. Therefore, the NRC staff concludes that there is reasonable assurance that individuals in the power block will not receive significant radiation exposure in the event of a break of the offgas piping which runs to the main stack.

NRC inspectors periodically review portions of the gaseous radwaste system. For example, Inspection Report Nos. 50–321/99–04 and 50–366/99–04, dated August 4, 1999, stated that inspectors observed the filter change out for the Unit 1 and Unit 2 gaseous and particulate effluent monitors and determined that it was done in accordance with licensee procedures. The Inspection Report also stated that, based on a review of the licensee's 1998 Annual Effluent Release Report issued prior to May 1, 1999, the amounts of activity released from the plant in liquid and gaseous effluents had remained stable over the last several years and the radiation doses resulting from those releases were a small percentage of regulatory limits.

The Petitioner questions the degraded capability of the gaseous radwaste systems to preclude hydrogen burns and detonations. Hydrogen burns and detonations are prevented by keeping the hydrogen concentration of gases from the air ejector below the flammable limit. This goal is achieved by maintaining adequate process steam flow for dilution at all times. This steam flow is monitored and alarmed in the control room. Hydrogen analyzers are used to monitor the offgas system to provide further assurance that the hydrogen concentration is maintained below the flammable limit. However, in the unlikely event of an uncontrollable hydrogen increase, plant procedures require that the plant be shut down. The offgas system piping and components are designed to withstand the unlikely event of a hydrogen burn or detonation. The NRC staff stated in the Unit 2 SER that design provisions incorporated to reduce the potential for gaseous releases due to hydrogen explosions in the gaseous radwaste system were acceptable.

The Petitioner states that there have been more than 25 hydrogen burns and detonations in offgas systems at plants similar to Hatch. In 1990, Hatch experienced an event involving possible ignition of hydrogen in the Unit 1 offgas system. The event was discussed in LER 321/90–012, dated July 20, 1990. The LER included corrective actions to replace valves and to revise system operating and abnormal occurrence procedures to assure specific actions are taken if hydrogen concentrations exceed certain limits. The LER also stated that Hatch Unit 2 was not susceptible to the identified cause of the Unit 1 event because of a difference in design of the offgas system. The LER concluded that the health and safety of the public was not affected by the event. The LER was reviewed by NRC inspectors and discussed in an inspection report dated June 23, 1992. The inspection report discusses a number of corrective actions that were taken following the event. These corrective actions included repair or replacement of various components in the offgas system and revisions to procedures which directly affect the operation of the offgas system. The inspection report stated that these procedural revisions properly implemented corrective actions for this event.

The gaseous radwaste system is operated on a regular basis to control effluents, and any significant degradation of the material condition of the system would be quickly detected. Thus, operability of the system is demonstrated without the need for special inspections or testing.

The gaseous radwaste system is designed and licensed to limit the doses from effluents to individual members of the public to ALARA levels to comply with Appendix I to 10 CFR part 50. Based on the discussion above, the NRC concludes that the gaseous radwaste system is being operated within its design and licensing bases.

IV. Conclusion

The NRC requested information from the licensee, which, in essence, satisfied the action requested by the Petitioner. However, for the reasons discussed above, the NRC staff does not agree with the Petitioner's contentions that Hatch is being operated outside its design and licensing bases because the material condition of piping, tanks, and other components of the liquid and gaseous radwaste systems is not being properly inspected and maintained.

A copy of this Director's Decision will be filed with the Secretary of the Commission in accordance with 10 CFR 2.206(c). As provided by that regulation, this Director's Decision will constitute the final action of the Commission 25 days after the date of issuance of this Director's Decision unless the Commission, on its own motion, institutes a review of this Director's Decision within that time.

[FR Doc. 00–27289 Filed 10–23–00; 8:45 am]
BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comment Request

AGENCY: Overseas Private Investment Corporation, IDCA.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice of the **Federal Register** notifying the public that the Agency is preparing an information collection request for Office of Management and Budget (OMB) review and approval and to request public review and comment on the submission. Comments are being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed information collection request under review is summarized below.

DATES: Comments must be received on or before December 26, 2000.

ADDRESSES: Copies of the survey questions and the request for review prepared for submission to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer: Carol Brock, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527, telephone (202) 336–8563.

Summary of Form Under Review

Type of Request: New information collection.

Title: Political Risk Insurance Survey.

Form Number: OPIC 233.

Frequency of Use: Once per client.

Type of Respondents: Individual business officer representatives of business institutions.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 1 hour per client.

Number of Responses: 480.

Federal Cost: $0.

Authority for Information Collection: Section 234A, of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): OPIC is sponsoring a survey to identify trends relating to its clients' experiences with political risk in emerging markets. The survey results will not only help OPIC identify new products and opportunities to fulfill its mandate to insure investments overseas against a broad range of political risks, but will also provide valuable information to the political risk insurance industry, thereby helping the industry to enhance its programs.

Dated: October 18, 2000.

Rumu Sarkar,

Assistant General Counsel, Department of Legal Affairs.

[FR Doc. 00–27241 Filed 10–23–00; 8:45 am]

BILLING CODE 3210–01–M

PEACE CORPS

Privacy Act of 1974; System of Records

AGENCY: Peace Corps.

ACTION: Notice of change of effective date and additional modifications to proposed systems of records.

SUMMARY: Pursuant to the Privacy Act of 1974, the Peace Corps issued public notice of its proposal to modify nineteen systems of records and add six new systems of records. The notice provided information required under the Privacy Act on the revised and new systems of records. This Notice revises the effective date for two systems of records and gives notice that the effective date for the remaining systems is October 23, 2000.

FOR FURTHER INFORMATION CONTACT: Maggie Thielen, Office of the Chief Information Officer, Peace Corps, 1111 20th Street, NW, Washington, DC 20526. Telephone: (202) 692–1106.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974, the Peace Corps issued public notice on September 5, 2000, of its proposal to modify nineteen systems of records and add six new systems of records (65 FR 53772, September 5, 2000). The notice provided information required under the Privacy Act on the revised and new systems of records. The Comment deadline in the Notice was October 20, 2000, and the effective date for the systems of records was October 23, 2000, unless the Peace Corps received comments that would require a different determination. As a result of receiving internal comments, Privacy Act systems PC–17 and PC–22 will require additional modification. Therefore, these two systems will not become effective on October 23. Instead, the current version of PC–17 will remain in effect until it is republished for comment by the Peace Corps with additional modifications. The current version of PC–17 may be found at *http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?* System PC–22, which is a new system, can be found in the Notice published on September 5, 2000, at 65 FR 53772.

This notice is issued in Washington, DC, October 19, 2000.

Doug Greene,

Chief, Information Officer and Associate Director for Management.

[FR Doc. 00–27366 Filed 10–20–00; 2:39 pm]

BILLING CODE 6051–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Aican Aluminium Limited, Common Shares, No Par Value) File No. 1–03677

October 18, 2000.

Alcan Aluminium Limited, which is organized under the laws of Canada ("Company"), has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 12d–2(d) thereunder,[2] to withdraw its Common Shares, no par value ("Security"), from listing and registration on the Pacific Exchange, Inc. ("PCX") and on the Chicago Stock Exchange, Inc. ("CHX").

In addition to being listed on the PCX and CHX, the Security is currently listed on the New York Stock Exchange, Inc. ("NTSE") and trades on numerous markets around the world. The Company has determined to reduce the number of listings for its Security in order to concentrate trading on a limited number of exchanges. The Company will therefore continue to maintain its listed status on the NYSE, as well as its listings on the Toronto, London, and Swiss stock exchanges.

The Company has stated in its application that the PCX and the CHX have indicated that they will not oppose withdrawal of the Security from its respective listings. The application shall not have any effect on either the Security's continued listing on the NYSE or its registration under Section 12(b) of the Act.[3]

Any interested person may, on or before November 8, 2000, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the respective rules of the PCX and CHX and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–27236 Filed 10–23–00; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application to Withdraw from Listing and Registration; (The Network Connection, Inc., Common Stock, $.001 Par Value, and Attached Common Stock Purchase Rights) File No. 1–13760

October 18, 2000.

The Network Connection, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 12d2–2(d)[2] thereunder, to withdraw its Common Stock, $.001 par value, and attached Common Stock Purchase Rights (referred to collectively herein as the "Securities") from listing and registration on the Boston Stock Exchange ("BSE").

In addition to being listed and registered on the BSE, the Securities trade over-the-counter and have been designated for quotation on the SmallCap Market of the Nasdaq Stock Market, Inc. ("Nasdaq") since May 1995. The Company does not see any particular advantage in its Securities trading on two markets and so has applied to withdraw the Securities from listing and registration on the BSE in order to avoid possible fragmentation of the market for such Securities and to save the expense of maintaining the secondary listing.

The Company has stated in its application that it has complied with the rules of the BSE governing the withdrawal of its Securities from listing and that the BSE has in turn indicated that it will not oppose such withdrawal. In addition, the Company has stated that its application relates solely to the withdrawal of the Securities from listing and registration on the BSE and shall have no effect upon either their continued designation for quotation on the Nasdaq, their registration under Section 12(g) of the Act,[3] or the Company's continued obligation to file with the Commission the periodic and other reports required by Section 13 of the Act.[4]

Any interested person may, on or before November 8, 2000, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the BSE and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–27235 Filed 10–23–00; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(g).

[4] 15 U.S.C. 78m.

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24694; 812–11608]

William Blair Funds and William Blair & Company, L.L.C.; Notice of Application

October 17, 2000.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 ("Act") for an exemption from sections 12(d)(1)(A) and (B) of the Act, under sections 6(c) and 17(b) of the Act for an exemption from section 17(a) of the Act, and under section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint transactions.

SUMMARY OF APPLICATION: The applicants request an order that would permit certain registered management investment companies and private accounts to invest uninvested cash and cash collateral in one or more affiliated money market funds and engage in certain transactions with each other.

Applicants: William Blair Funds on behalf of its series William Blair Growth Fund, William Blair Tax-Managed Growth Fund, William Blair Large Cap Growth Fund, William Blair Small Cap Growth Fund, William Blair International Growth Fund, William Blair Emerging Markets Growth Fund, William Blair Disciplined Large Cap Fund, William Blair Value Discovery Fund, William Blair, Millennium Fund, William Blair Income Fund, William Blair Ready Reserves Fund, each subsequently created series, and any registered management investment company and its series that are currently or in the future advised by William Blair Advisers (defined below) ("Blair Funds"), and William Blair & Company, L.L.C. and any entity controlling, controlled by, or under common control with William Blair & Company, L.L.C. ("William Blair Advisers").

FILING DATES: The application was filed on May 14, 1999. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 13, 2000 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing request should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 5th Street, NW., Washington, DC 20549–0609. Applicants, 227 West Monroe Street, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Anu Dubey, Senior Counsel, at (202) 942–0687, or Michael Mundt, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 5th Street, NW, Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. William Blair Funds is organized as a Delaware business trust and is an open-end management investment company registered under the Act. One of the series of the William Blair Funds is a money market fund subject to the requirements of rule 2a–7 under the Act (together with future Blair Funds that are money market funds, the "Money Market Funds").[1] William Blair &

[1] All existing Blair Funds that currently intend to rely on the requested order are named as applicants. Applicants also request that the order extend to each applicant's successor in interest, which is any entity or entities that result from a reorganization of the entity into another jurisdiction or a change in the type of business organization of the entity.

Company, L.L.C. is the investment adviser to each series of the William Blair Funds. Each of the William Blair Advisers is or will be registered as an investment adviser under the Investment Advisers Act of 1940. A William Blair Adviser may serve as investment adviser to institutional and individual managed accounts ("Managed Accounts"). The accountholders of the Managed Accounts are individual institutions and natural persons. The Managed Accounts are not pooled investment vehicles.

2. Applicants state that the Blair Funds that are not Money Market Funds ("Investing William Blair Funds") and Managed Accounts have, or may be expected to have, uninvested cash. Such cash may result from a variety of sources, including dividends or interest received on portfolio securities, unsettled securities transactions, reserves held for investment strategy purposes, scheduled maturity of investments, liquidation of investment securities to meet anticipated redemptions, dividend payments or new monies received from investors ("Uninvested Cash"). Certain of the Blair Funds also may participate in a securities lending program under which they loan their portfolio securities to registered broker-dealers or other institutional investors ("Securities Lending Program"). The loans are secured by collateral, including cash collateral ("Cash Collateral"), equal at all times to at least the market value of the securities loaned. The Managed Accounts also may have Cash Collateral. Applicants request an order to permit the Investing William Blair Funds and Managed Accounts (together, the "Investing Funds") to use their Uninvested Cash and Cash Collateral to purchase shares of one or more of the Money Market Funds, and the Money Market Funds to sell their shares to, and redeem their shares from, the Investing Funds.

3. Applicants also state that the Blair Funds and Managed Accounts currently engage in purchase and sale transactions with other Blair Funds involving short-term money market instruments in reliance on rule 17a–7 under the Act. Applicants also seek relief so that Investing Funds may engage in these interfund transactions in the event that the Investing Funds become affiliated persons of Blair Funds by virtue of owning more than 5% of a Money Market Fund ("Interfund Transactions").

Any other existing or future entity will rely on the order only in accordance with the terms and conditions of the application.

Applicant's Legal Analysis

I. Investment of Uninvested Cash and Cash Collateral

A. Section 12(d)(1)

1. Section 12(d)(1)(A) of the Act provides that no registered investment company may acquire securities of another investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other acquired investment companies, represent more than 10% of the acquiring company's outstanding total assets. Section 12(d)(1)(B) of the Act provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, of if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of section 12(d)(1) if and to the extent that such exemption is consistent with the public interest and the protection of investors.

3. Applicants request relief under section 12(d)(1)(J) to permit the Investing William Blair Funds to use their Uninvested Cash and Cash Collateral to acquire shares of the Money Market Funds in excess of the percentage limitations in section 12(d)(1)(A), provided however, that in all cases an Investing William Blair Fund's aggregate investment of Uninvested Cash in shares of the Money Market Funds will not exceed 25% of the Investing William Blair Fund's total assets at any time. Applicants also request relief to permit the Money Market Funds to sell their securities to the Investing William Blair Funds in excess of the percentage limitations in section 12(d)(1)(B).

4. Applicants state that the proposed arrangement will not result in the abuses that sections 12(d)(1)(A) and (B) were intended to prevent. Applicants state that there is no threat of redemption to gain undue influence over the Money Market Funds due to the highly liquid nature of each Money Market Fund's portfolio. Applicants also note that the William Blair Advisers will serve as investment advisers to all of the Blair Funds. Applicants state that the proposed arrangement will not result in inappropriate layering of either sales charges or investment advisory fees. Shares of the Money Market Funds sold to the Investing William Blair Funds will not be subject to a sales load, redemption fee, asset-based distribution fee or service fee. In connection with approving any advisory contract for an Investing William Blair Fund, the board of trustees of each Investing William Blair Fund ("Board"), including a majority who are not "interested persons," as defined in section 2(a)(19) of the Act ("Independent Trustees"), shall consider to what extent, if any, the advisory fees charged to the Investing William Blair Fund by the William Blair Adviser should be reduced to account for reduced services provided to the Investing William Blair Fund by the William Blair Adviser as a result of Uninvested Cash being invested in the Money Market Funds. Applicants represent that no Money Market Funds will acquire securities of any other investment company in excess of the limitations contained in section 12(d)(1)(A) of the Act.

B. Section 17(a)

5. Section 17(a) of the Act makes it unlawful for any affiliated person of a registered investment company, acting as principal, to sell or purchase any security to or from the investment company. Section 2(a)(3) of the Act defines an affiliated person of an investment company to include any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person, any person 5% or more of whose outstanding securities are directly or indirectly owned, controlled, or held with power to vote by the other person, any person directly or indirectly controlling, controlled by, or under common control with the other person, and any investment adviser to the investment company. Because the Blair Funds and the Managed Accounts share a common investment adviser, they may be deemed to be under common control and thus affiliated persons of each of the other Blair Funds and Managed Accounts. In addition, if an Investing Fund purchases more than 5% of the voting securities of a Money Market Fund, the Investing Fund and Money Market Fund would be affiliated persons of each other. As a result of these affiliations, section 17(a) would prohibit the sale of the shares of Money Market Funds to the Investing William Blair Funds, and the redemption of the shares by Money Market Funds.

6. Section 17(b) of the Act authorizes the Commission to exempt a transaction

from section 17(a) of the Act if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each investment company concerned and with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt persons or transactions from any provision of the Act, if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

7. Applicants submit that their request for relief to permit the purchase and redemption of shares of the Money Market Funds by the Investing William Blair Funds satisfies the standards in sections 6(c) and 17(b). Applicants state that the Investing William Blair Funds will retain their ability to invest Uninvested Cash and Cash Collateral directly in money market instruments as authorized by their respective investment objectives and policies, if they believe they can obtain a higher return or for any other reason. Similarly, a Money Market Fund has the right to discontinue selling shares to any of the Investing William Blair Funds if the Money Market Fund's board of trustees or investment adviser determines that such sale would adversely affect its portfolio management and operations. In addition, applicants note that shares of the Money Market Funds will be purchased and redeemed at their net asset value, the same consideration paid and received for these shares by any other shareholders.

C. Section 17(d) and Rule 17d–1

8. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of an investment company, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates, unless the Commission has approved the joint arrangement. Applicants state that the Investing Funds and the Money Market Funds, by participating in the proposed transactions, and the William Blair Advisers, by effecting the proposed transactions, could be deemed to be participating in a joint arrangement within the meaning of section 17(d) and rule 17d–1.

9. In considering whether to approve a joint transaction under rule 17d–1, the Commission considers whether the investment company's participation in the joint enterprise is consistent with the provisions, policies and purposes of the Act and the extent to which participation in the joint enterprise is on a basis different from or less advantageous than that of other participants. Applicants state that, for the reasons discussed above, the proposed transactions meet the standards for an order under rule 17d–1.

II. Interfund Transactions

10. Rule 17a–7 under the Act excepts from the prohibitions of section 17(a) the purchase or sale of certain securities between registered investment companies which are affiliated persons, or affiliated persons of affiliated persons, of each other, or between a registered investment company and a person which is an affiliated person of such company, or an affiliated person of an affiliated person, solely by reason of having a common investment adviser or affiliated investment advisers, common officers and/or common directors. In the event that the Investing Funds could be deemed to be affiliated persons of each other, and of the Money Market Funds, by virtue of an Investing Fund owning 5% or more of the outstanding voting securities of a Money Market Fund, applicants state that they would be unable to rely on rule 17a–7 to effect Interfund Transactions.

11. Applicants request relief under sections 6(c) and 17(b) of the Act to permit the Interfund Transactions. Applicants submit that the Investing Funds and the Money Market Funds will comply with rule 17a–7 under the Act in all respects, other than the requirement that the participants be affiliated solely by reason of having a common investment adviser or affiliated investment advisers, common officers and/or common directors, solely because the Investing Funds and the Money Market Funds might become affiliated persons within the meaning of sections 2(a)(3)(A) and (B) of the Act. Applicants state that the Interfund Transactions will be reasonable and fair, will not involve overreaching, and will be consistent with the purposes of the Act and the policy of each registered investment company concerned.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. Shares of the Money Market Funds sold to and redeemed by the Investing William Blair Funds will not be subject to a sales load, redemption fee, distribution fee under a plan adopted in accordance with rule 12b–1 under the Act, or service fee (as defined in rule 2830(b)(9) of the National Association of Securities Dealers' Conduct Rules).

2. No Money Market Fund will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

3. Each of the Investing William Blair Funds will invest Uninvested Cash in, and hold shares of, a Money Market Fund only to the extent that such Investing William Blair Fund's aggregate investment of Uninvested Cash in all the Money Market Funds does not exceed 25% of the Investing William Blair Fund's total assets. For purposes of this limitation, each Investing William Blair Fund or series thereof will be treated as a separate investment company.

4. Each Investing Fund and Money Market Fund relying on the order will be advised by a William Blair Adviser.

5. Investment by an Investing William Blair Fund in shares of the Money Market Funds will be in accordance with each Investing William Blair Fund's respective investment restrictions and will be consistent with each Investing William Blair Fund's policies as set forth in its prospectus and statement of additional information.

6. Before the next meeting of the Board is held for the purpose of voting on an advisory contract under section 15 of the Act, the William Blair Adviser to the Investing William Blair Fund will provide the Board with specific information regarding the approximate cost to the William Blair Adviser of, or portion of the advisory fee under the existing advisory contract attributable to, managing the Uninvested Cash of the Investing William Blair Fund that can be expected to be invested in the Money Market Funds. In connection with approving any advisory contract for an Investing William Blair Fund, the Board, including a majority of the Independent Trustees, shall consider to what extent, if any, the advisory fees charged to the Investing William Blair Fund by the William Blair Adviser should be reduced to account for reduced services provided to the Investing William Blair Fund by the William Blair Adviser as a result of Uninvested Cash being invested in the Money Market Funds. The minute books of the Investing William Blair Fund will record fully the Board's consideration in approving the advisory contract, including the considerations referred to above.

7. Before a Blair Fund may participate in the Securities Lending Program, a majority of the trustees (including a majority of the trustees who are not

"interested persons," as defined in section 2(a)(19) of the Act) of the Blair Fund will approve the Blair Fund's participation in the Securities Lending Program. Such trustees also will evaluate the securities lending arrangement and its results no less frequently than annually and determine that any investment of Cash Collateral in the Money Market Funds is in the best interest of the shareholders of the Investing William Blair Fund.

8. To engage in Interfund Transactions, the Investing Funds and Money Market Funds will comply with Rule 17a–7 under the Act in all respects other than the requirement that the parties to the transactions be affiliated persons (or affiliated persons of affiliated persons) of each other solely by reason of having a common investment adviser or investment advisers which are affiliated persons of each other, common officers and/or common directors, solely because the Investing Funds and Money Market Funds might become affiliated persons within the meaning of section 2(a)(3)(A) and (B) of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27215 Filed 10–23–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24692; 812–11376]

The Galaxy Fund, et al.; Notice of Application

October 17, 2000.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application under sections 6(c), 10(f), and 17(b) of the Investment Company Act of 1940 ("Act") for an exemption from sections 10(f) and 17(a)(1) of the Act.

SUMMARY OF THE APPLICATION: The requested order would amend an existing order that permits an open-end management investment company to purchase certain securities: (i) from an affiliated underwriter, if such securities are solely underwritten by that underwriter or are unavailable from other members of an underwriting syndicate, and (ii) through group orders placed with an underwriting syndicate that includes the affiliated underwriter.

Applicants: The Galaxy Fund ("Trust"); Fleet Investment Advisors, Inc. ("Adviser"); and Fleet Securities, Inc. ("Fleet Securities").

FILING DATES: The application was filed on October 28, 1998, and was amended on April 22, 1999, and February 18, 2000.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 9, 2000, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants: Trust, c/o Drinker Biddle & Reath LLP, Attn: Mary Jo Reilly, Esq. or Terry Riley, Esq., 1345 Chestnut Street, Philadelphia, PA 19107; Adviser, 75 State Street, Boston, MA 02109; Fleet Securities, 14 Wall Street, 27th Floor, New York, NY 10005.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, at (202) 942–0634, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. The Trust is an open-end management investment company registered under the Act. The Trust offers several investment portfolios, including the Rhode Island Municipal Bond Fund ("Portfolio"). The Adviser, which is registered under the Investment Advisers Act of 1940, serves as investment adviser to the Portfolio. The Adviser is an indirect wholly-owned subsidiary of FleetBoston Corporation ("FleetBoston").

2. The Portfolio's investment objective is to seek as high a level of current interest income exempt from federal income tax and, to the extent possible, from Rhode Island personal income tax, as is consistent with relative stability of principal. To achieve this objective, at least 65% of the Portfolio's assets are invested in: (i) debt securities of the State of Rhode Island, its political subdivisions, authorities, agencies, instrumentalities and corporations, the interest on which is exempt from federal and Rhode Island personal income taxes ("Rhode Island Tax-Exempt Securities"); and (ii) debt securities of certain other governmental issuers such as Puerto Rico, the interest on which is exempt from federal and Rhode Island personal income taxes.

3. Fleet Securities, a wholly-owned subsidiary of FleetBoston, is one of the top three underwriters of most types of Rhode Island Tax-Exempt Securities based on both dollar volume and number of new issues. In 1994, applicants received an exemptive order under sections 6(c), 10(f), and 17(b) of the Act that permits the Portfolio to purchase Rhode Island Tax-Exempt Securities: (i) from Fleet Securities, where Fleet Securities is the sole underwriter or such securities are unavailable from other members of an underwriting syndicate, and (ii) through group orders placed with an underwriting syndicate of which Fleet Securities is a member ("Existing Order").[1] Under the Existing Order, the Portfolio and all other entities for which investment decisions are made by the Adviser, Fleet Securities, FleetBoston, and/or affiliated persons of the Adviser, Fleet Securities, and FleetBoston (collectively, "Related Purchasers"), may not, in the aggregate, purchase more than the greater of 4% or $500,000, but in no event more than 10%, of any class of an issue of Rhode Island Tax-Exempt Securities ("Existing Limit"). Applicants seek to amend the Existing Order to increase the Existing Limit consistent with rule 10f–3 under the Act currently in effect.

Applicants' Legal Analysis:

1. Section 10(f) of the Act, in relevant part, prohibits a registered investment company from purchasing securities from an underwriting syndicate in which an affiliated person of the company's investment adviser acts as a principal underwriter. Under section 2(a)(3) of the Act, Fleet Securities is an affiliated person of the Adviser because

[1] *The Galaxy Fund*, Investment Company Act Rel. Nos. 20660 (Oct. 26, 1994) (notice) and 20726 (Nov. 22, 1994) (order). A group order is an order that is allocated to all members of an underwriting syndicate in proportion to their relative participations.

both entities are under the control of FleetBoston.

2. Section 10(f) further provides that the Commission, by rule or order, may exempt any transaction or class of transactions from section 10(f) to the extent that the exemption is consistent with the protection of investors. Rule 10f–3 under the Act permits a registered investment company to make purchases otherwise prohibited by section 10(f) under certain conditions, including that the company may not purchase the securities being offered directly or indirectly from its affiliated underwriter and that purchases of municipal securities may not be designated as group sales or otherwise allocated to the account of the affiliated underwriter. Among other conditions, rule 10f–3 limits to 25% the amount of an underwriting that may be purchased by an investment company, together with all other investment companies advised by the same investment adviser.

3. Section 17(a)(1) of the Act, in relevant part, prohibits an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, from selling securities to the investment company. Under section 17(b) of the Act, the Commission will exempt a transaction from the provisions of section 17(a) if it finds that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act. Section 6(c) of the Act, in relevant part, permits the Commission to exempt any transaction or class of transactions from any provision of the Act if, and to the extent that, the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. Applicants request relief under section 10(f) from section 10(f) and under sections 6(c) and 17(b) from section 17(a)(1) to permit the Portfolio to purchase Rhode Island Tax-Exempt Securities pursuant to the terms of the Existing Order provided that the Portfolio, together with the other Related Purchasers, purchase no more than 25% of the principal amount of an offering of such securities. Applicants state that Fleet Securities has a dominant presence in the market for Rhode Island Tax-Exempt Securities. Applicants also assert that Rhode Island has a relatively short supply of newly-issued bonds and historically has had a limited secondary market for Rhode Island Tax-Exempt Securities. The Adviser has concluded that, absent the requested amended order, it may be unable to obtain sufficient Rhode Island Tax-Exempt Securities to meet the Portfolio's requirements on days when the supply is relatively low in the secondary market. In addition, even on a day when the amount available in the secondary market is relatively high, the Adviser has concluded that it may not be able reliably to meet the Portfolio's requirements from that market because the issues available may be unsuitable for purchase due to their credit quality or other characteristics. Applicants assert that these secondary market characteristics increase the Portfolio's need to acquire a greater percentage of Rhode Island Tax-Exempt Securities in underwritten offerings instead of the secondary market.

5. Applicants state that increasing the Existing Limit to 25% would benefit the shareholders of the Portfolio by providing the Portfolio with adequate access to the new issue market for Rhode Island Tax-Exempt Securities. Applicants assert that the new limit would provide adequate investor protection because a significant portion of an offering in which Fleet Securities participates would be purchased by investors other than the Portfolio and other Related Purchasers. Applicants further state that the requested order meets the standards for relief set forth in sections 6(c), 10(f), and 17(b) of the Act.

Applicants' Conditions

Applicants agree that the amended order will be subject to the following conditions:

1. Transactions effected pursuant to the amended order will be effected in accordance with all of the provisions of rule 10f–3 as amended, other than paragraph (b)(8) thereof. Related Purchasers will not, in the aggregate, purchase more than 25% of any class of an issue of Rhode Island Tax-Exempt Securities purchased pursuant to the amended order. If the aggregate number of securities the Related Purchasers wish to acquire exceeds this limit, the securities acquired will be allocated to each Related Purchaser in the proportion that the number of securities that such Related Purchaser wishes to acquire bears to the total number of securities that all Related Purchasers wish to acquire.

2. Transactions may be effected only in Rhode Island Tax-Exempt Securities that, at the time of purchase, have one of the following investment grade ratings from at least one nationally recognized rating agency: (i) one of the two highest investment grade ratings in the case of securities with remaining maturities of one year or less, and (ii) one of the three highest investment grade ratings in the case of securities with remaining maturities greater than one year.

3. Transactions effected pursuant to the amended order will be limited so that no such transactions will be effected if, as a result, the value of Rhode Island Tax-Exempt Securities held by the Portfolio and acquired pursuant to the amended order would exceed 50% of the total net assets of the Portfolio.

4. Transactions will be effected pursuant to the amended order only when the Rhode Island Tax-Exempt Securities to be acquired are otherwise unavailable for purchase. If Fleet Securities is the sole underwriter of the securities, this condition is automatically fulfilled because there is not other potential seller. When Fleet Securities is a member of an underwriting syndicate, the Adviser will observe the following procedures to determine when the securities are unavailable from other members of the syndicate. Initially, the Adviser will determine the aggregate number of securities that the Related Purchasers wish to acquire. Next, the Adviser will attempt to purchase as much of this number as possible from members of the syndicate other than Fleet Securities. After acquiring as many securities as possible from such other members, the Adviser will attempt to purchase from Fleet Securities the number of securities that the Related Purchasers wish to acquire and have been unable to obtain from such other members. The securities acquired from such other members will be allocated first to the Portfolio to the extent of the number of securities it wishes to acquire, or the number of securities it is entitled to acquire based upon the relative needs of the Related Purchasers and the total number of securities purchased from such other members and from Fleet Securities, whichever is less.

5. When the Portfolio purchases Rhode Island Tax-Exempt Securities from a syndicate manager of an underwriting syndicate of which Fleet Securities is a member, the Portfolio will not: (i) Submit designated order to a syndicate manager which are allocated to Fleet Securities, (ii) submit group orders to a syndicate manager that designate Fleet Securities to receive any portion of the commission, or (iii) otherwise allocate orders to Fleet Securities.

6. FleetBoston will not have any involvement with respect to proposed

transactions between the Portfolio and Fleet Securities and will not attempt to influence or control in any way the Adviser's placement of orders with Fleet Securities.

7. The exemption will be valid only so long as the Adviser and Fleet Securities operate as separate entities and independent profit centers within the holding company framework of FleetBoston, with their own separate officers and employees, separate capitalizations, and separate books and records.

8. The legal departments of Fleet Securities and the Adviser will prepare amended guidelines for personnel of Fleet Securities and the Adviser to make certain that transactions conducted pursuant to the amended order comply with the conditions set forth in the application and that the parties maintain arm's length relationships. The legal departments will periodically monitor the activities of Fleet Securities and the Adviser to make certain that such guidelines and the conditions set forth in the application are adhered to.

9. The board of trustees of the Trust, including a majority of the trustees who are not interested persons under section 2(a)(19) of the Act and have no direct or indirect financial interest in the transaction, will review, no less frequently than quarterly, each transaction conducted pursuant to the amended order since the last review and will determine that the terms of such transaction were reasonable and fair to the shareholders of the Portfolio and did not involve overreaching of the Portfolio or its shareholders on the part of any person concerned. In considering whether the price paid for the security was reasonable and fair, the price of the security will be analyzed with respect to comparable transactions involving similar securities being purchased or sold during a comparable period of time.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27216 Filed 10–23–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Rel. No. IC 24691; File No. 812–12218]

Mutual of America Investment Corporation, et al.

October 17, 2000.

AGENCY: Securities and Exchange Commission (the "Commission" or "SEC").

ACTION: Notice of application for an order pursuant to Section 6(c) of the Investment Company Act of 1940 (the "1940 Act") granting exemptions from the provisions of Sections 9(a), 13(a), 15(a) and 15(b) thereof and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

APPLICANTS: Mutual of America Investment Corporation (the "Investment Company") and Mutual of America Capital Management Corporation ("Capital Management").

SUMMARY OF APPLICATION: Applicants seek exemptive relief to the extent necessary to permit shares of the Investment Company and shares of any other investment company or portfolio that is designed to fund variable life insurance policies and/or variable annuity contracts (collectively, "Variable Contracts") and for which Capital Management or its affiliates may serve in the future as investment adviser, manager, principal underwriter, sponsor, or administrator ("Future Investment Companies") (collectively with the Investment Company, the "Investment Companies") to be sold to and held by (i) separate accounts funding Variable Contracts issued by both affiliated and unaffiliated life insurance companies and (ii) qualified pension and retirement plans ("Qualified Plans" or "Plans") outside the separate account context.

FILING DATE: The application was filed on August 11, 2000.

HEARING OR NOTIFICATION OF HEARING: An order granting the Application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 7, 2000, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interests, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants, c/o Dolores J. Morrissey, President and Chief Executive Officer, Mutual of America Investment Corporation, 320 Park Avenue, New York, New York 10022; copy to J. Sumner Jones, Esq., Jones & Blouch L.L.P., 1025 Thomas Jefferson St., NW., Suite 410 East, Washington, DC 20007–0805.

FOR FURTHER INFORMATION CONTACT: Keith Carpenter, Branch Chief, or Rebecca A. Marquigny, Senior Counsel, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the Application. The complete Application is available for a fee from the SEC's Public Reference Branch, 450 Fifth St., NW., Washington, DC 20549 (tel. (202) 942–8090).

Applicants' Representations

1. The Investment Company is a Maryland corporation that is registered under the 1940 Act as an open-end management investment company. It currently has nine investment portfolios (each a "Fund"): the Equity Index Fund, All America Fund, Mid-Cap Equity Index Fund, Aggressive Equity Fund, Composite Fund, Bond Fund, Mid-Term Bond Fund, Short-Term Bond Fund and Money Market Fund. Currently, the Investment Company sells shares of the Funds to the respective separate accounts of Mutual America Life Insurance Company ("Mutual of America") and The American Life Insurance Company of New York ("American Life"), an indirect wholly-owned subsidiary of Mutual of America, as investment vehicles for Variable Contracts issued by such companies. The Investment Company may offer additional investment portfolios in the future (each a "Future Fund") (the current Funds and the Future Funds are collectively referred to as the "Funds").

2. Capital Management is registered as an investment adviser under the Investment Advisers Act of 1940 and serves as the investment adviser to the Investment Company. Capital Management is an indirect wholly-owned subsidiary of Mutual of America.

3. Mutual of America has entered into an agreement to sell American Life to an unaffiliated third party. As of the date of such sale, American Life will no longer be an affiliate of Mutual of America and the Investment Company, and the provisions of Rules 6e–2 and

6e–3(T) under the 1940 Act will no longer be available. As of such date, the Investment Company will enter into separate agreements (each a "Participation Agreement") with Mutual of America and American Life covering the sale of Fund shares to such companies and their respective separate accounts.

4. Mutual of America, American Life and all other insurance companies which in the future may purchase shares of the Funds or of the portfolios of the Future Investment Companies through their respective separate accounts to fund Variable Contracts are together referred to as the "Participating Insurance Companies" (and individually as a "Participating Insurance Company"). Each of Mutual of America and American Life as of the date of the sale of American Life, and each of the other Participating Insurance Companies as of the date of its initial purchase of shares of the funds or of portfolios of Future Investment Companies: (a) Will have one or more separate accounts established in accordance with applicable insurance laws ("Separate Accounts") in connection with the issuance of Variable Contracts and the obligation to satisfy all applicable requirements under both state and federal law; and (b), on behalf of its Separate Accounts, will have entered into a Participation Agreement with each of the relevant Investment Companies. Under the Participation Agreements, the Investment Companies will be obligated, among other things, to offer the shares of their portfolios to the participating Separate Accounts and to comply with any conditions that the Commission may impose upon granting the order requested herein.

5. Applicants also propose that the Investment Companies may offer and sell shares of their portfolios to Qualified Plans that are not funded through Separate Accounts. Such shares sold to Qualified Plans would be held by Plan trustees as required by Section 403(a) of the Employee Retirement Income Security Act ("ERISA"). To the extent permitted under applicable law, Capital Management or one of its affiliates may act as investment adviser or trustee to Qualified Plans that purchase shares of the Funds or of portfolios of Future Investment Companies.

Applicants' Legal Analysis

1. In connection with the funding of scheduled premium variable life insurance contracts issued through a separate account registered as a unit investment trust ("UIT") under the 1940 Act, Rule 6e–2(b)(15) provides partial exemptions from sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act to the extent those sections require "pass-through" voting with respect to an underlying fund's shares. These exemptions are available only when all the assets of the UIT are shares of management investment companies "which offer their shares exclusively to variable life insurance separate accounts of the life insurer or of any affiliated life insurance company." Accordingly, the relief granted by Rule 6e–2(b)(15) is not available with respect to a scheduled premium life insurance separate account that owns shares of an underlying fund that also offers its shares to a variable annuity or flexible premium variable life insurance separate account of the same company. The use of a common management investment company as the underlying investment medium for both variable annuity and variable life insurance separate accounts of the same life insurance company and any affiliated life insurance company is referred to as "mixed funding."

2. The relief granted by Rule 6e–2(b)(15) also is not available with respect to a scheduled premium variable life insurance separate account that owns shares of any underlying fund that also offers its shares to separate accounts funding Variable Contracts of unaffiliated life insurance companies. The use of a common management investment company as the underlying investment medium for variable annuity and/or variable life insurance separate accounts of unaffiliated life insurance companies is referred to as "shared funding."

3. Rule 6e–3(T)(b)(15) similarly provides partial exemptions from sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act in connection with the funding of flexible premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a UIT. These exemptions are available only where all the assets of the separate account are shares of one or more registered management investment companies which offer to sell their shares "exclusively to separate accounts of the life insurer, or of any affiliated life insurance company, offering either scheduled contracts or flexible contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company." Accordingly, Rule 6e–3(T) permits mixed funding but does not permit shared funding.

4. Neither Rule 6e–2 nor Rule 6e–3(T) contemplates that shares of an underlying portfolio funding Variable Contracts might also be sold to Qualified Plans. The use of a common management investment company as the underlying investment medium for Qualified Plans as well as for variable annuity and variable life separate accounts of affiliated and unaffiliated insurance companies is referred to herein as "extended mixed and shared funding."

5. Applicants state that changes in the federal tax law have created the opportunity for the Investment Companies to substantially increase their assets by selling shares to Qualified Plans. Section 817(h) of the Internal Revenue Code of 1986, as amended (the "Code"), imposes certain diversification standards on the assets underlying Variable Contracts, such as those in the Funds or the portfolios of Future Investment Companies. The Code provides that Variable Contracts will not be treated as annuity contracts or life insurance contracts, as the case may be, for any period (or any subsequent period) for which the underlying assets are not, in accordance with regulations issued by the Treasury Department (the "Regulations"), adequately diversified. On March 2, 1989, the Treasury Department issued Regulations (Treas. Reg. 1.817–5) which established specific diversification requirements for investment portfolios underlying Variable Contracts. The Regulations generally provide that, in order to meet these diversification requirements, all of the beneficial interests in such portfolios must be held by the segregated asset accounts of one or more life insurance companies. The Regulations, however, contain an exception to this requirement. This exception permits trustees of Qualified Plans to hold shares of an investment company portfolio which are also held by insurance company segregated asset accounts without adversely affecting the status of such portfolio as an adequately diversified underlying investment for Variable Contracts issued through such segregated asset accounts (Treas. Reg. 1.817–5(f)(3)(iii)). Applicants maintain that, as a result of this exception to the general diversification requirement, Qualified Plans may select the Funds or the portfolios of Future Investment Companies as investment options without endangering the tax status of the Variable Contracts issued through Participating Insurance Companies.

6. Applicants note that the Commission promulgated Rules 6e–2(b)(15) and 6e–3(T)(b)(15) prior to the issuance of the Regulations which permit shares of an investment company portfolio to be held by the trustee of a

Qualified Plan without adversely affecting the holding of shares in the same portfolio by separate accounts supporting Variable Contracts. Thus, the sale of shares of the same underlying portfolio to both separate accounts and Qualified Plans was not contemplated at the time when Rules 6e–2(b)(15) and 6e–3(T)(b)(15) were adopted.

7. Section 9(a)(3) of the 1940 Act provides that it is unlawful for any company to serve as investment adviser or principal underwriter of any registered open-end investment company if an affiliated person of that investment adviser or principal underwriter is subject to a disqualification enumerated in sections 9(a)(1) or (2). Rules 6e–2(b)(15)(i) and (ii) and Rules 6e–3(T)(b)(15)(i) and (ii) under the 1940 Act provide exemption from Section 9(a) under certain circumstances, subject to the limitations on mixed and shared funding. These exemptions limit the application of the eligibility restrictions to those affiliated individuals or companies that directly participate in the management of the underlying management company.

8. Applicants state that the relief provided by Rules 6e–2(b)(15)(ii) and 6e–3(T)(b)(15)(ii) permits the life insurance company to serve as the underlying fund's investment adviser or principal underwriter, provided that none of the insurer's personnel who are ineligible pursuant to section 9(a) participates in the management or administration of the fund. This partial relief from the requirements of section 9 serves to limit the amount of monitoring necessary to ensure compliance with section 9 to that which is appropriate in light of the policy and purposes of that section. Applicants state that Rules 6e–2(b)(15) and 6e–3(T)(b)(15) recognize that the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act do not require application of section 9(a) to individuals in a large insurance company complex, most of whom will have no involvement in matters pertaining to investment companies within such a complex. These rules further recognize that it is unnecessary to apply section 9(a) to individuals in unaffiliated insurance companies (or their affiliated companies) that may utilize an investment company as the funding medium for Variable Contracts. In Applicants' view, no regulatory purpose is served by extending section 9(a) monitoring requirements in the context of extended mixed or shared funding. The Participating Insurance Companies and Qualified Plans are not expected to play any role in the management of the Investment Companies. The individuals who manage the Investment Companies will remain the same regardless of which Separate Accounts or Qualified Plans invest in the Investment Companies. Applicants further submit that the costs of such extended monitoring may result in increased costs for Participating Insurance Companies and Qualified Plans and may thereby adversely affect contract owners and Plan participants.

9. Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) provide exemptions from the pass-through voting requirements with respect to several significant matters. Rules 6e–2(b)(15)(iii)(A) and 6e–3(T)(b)(15)(iii)(A) provide that an insurance company may disregard contract owners' voting instructions which would change the sub-classification or investment objectives of an underlying fund, or any contract between such a fund and its investment adviser, when required to do so by an insurance regulatory authority (subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of Rules 6e–2 and 6e–3(T)). Rules 6e–2(b)(15)(iii)(B) and 6e–3(T)(b)(15)(iii)(A)(*2*) provide that an insurance company may disregard contract owners' voting instructions which would initiate any change in an underlying fund's investment policies, principal underwriter, or investment adviser, provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(5)(ii), (b)(7)(ii)(B), and (b)(7)(ii)(C) of Rules 6e–2 and 6e–3(T).

10. With respect to Qualified Plans, which are not registered as investment companies under the 1940 Act, there is no requirement to pass-through voting rights to Plan participants. Indeed, applicable law expressly reserves voting rights associated with Plan assets to certain specified persons. Under section 402(a) of ERISA, mutual fund shares sold to a Qualified Plan must be held by the trustees of the Plan. Section 403(a) also provides that Plan trustees) must have exclusive authority and discretion to manage and control the Plan, except: (a) When the Plan expressly provides that the trustee(s) are subject to the direction of a named fiduciary who is not a trustee, in which case the trustees are subject to proper directions made in accordance with the terms of the Plan and not contrary to ERISA, and (b) when the authority to manage, acquire, or dispose of Plan assets is delegated to one or more investment managers pursuant to Section 402(c)(3) of ERISA. Unless one of these two exceptions applies, Plan trustees have the exclusive authority and responsibility for voting proxies.

11. When a named fiduciary to a Qualified Plan appoints an investment manager, the investment manager has the responsibility to vote the shares held by the Plan unless the right to vote such shares is reserved to the trustees or the named fiduciary. Qualified Plans may have their trustee(s) or other fiduciaries exercise voting rights attributable to investment securities held by the Qualified Plans in their discretion. Some Qualified Plans, however, may provide for the trustee(s), an investment adviser (or advisers), or another named fiduciary to exercise voting rights in accordance with instructions from Plan participants.

12. Applicants state even if a Qualified Plan were to hold a controlling interest in an open-end management investment company, Applicants do not believe that such control would disadvantage other investors in such company to any greater extent than is the case when any institutional shareholder holds a majority of the voting securities in an underlying fund. In this regard, Applicants submit the investment in an underlying fund by a Plan will not create any of the voting complications occasioned by mixed funding or shared funding. Unlike mixed funding or shared funding, Plan investor voting rights cannot be frustrated by veto rights of insurers or state regulators.

13. Applicants state that shared funding by unaffiliated insurance companies does not present any issues that do not already exist where a single insurance company is licensed to do business in several or all states. A particular state insurance regulatory body could require action that is inconsistent with the requirements of other states in which the insurance company offers its policies. The fact that different insurers may be domiciled in different states does not create a significantly different or enlarged problem.

14. Applicants further state that shared funding by unaffiliated insurers, in this respect, is no different that the use of the same investment company as the funding vehicle for affiliated insurers, which Rules 6e–2(b)(15) and 6e–3(T)(b)(15) permit. Affiliated insurers may be domiciled in different states and subject to differing state law requirements. In Applicants' view, affiliation does not reduce the potential, if any exists, for differences in state regulatory requirements. Applicants submit that the conditions set forth in the Application and included in this notice are designed to safeguard against, and provide procedures for resolving, any adverse effects that differences

among state regulatory requirements may produce. If a particular state insurance regulatory's decision conflicts with the position of a majority of other state regulators, then the affected insurer will be required to withdraw its Separate Account's investment in the Investment Companies. This requirement will be provided for in the Participation Agreements.

15. Rules 6e–2(b)(15) and 6e–3(T)(b)(15) give the insurance company the right to disregard the contract owners' voting instructions in certain specific circumstances. This right does not raise any issues different from those raised by the authority of state insurance administrators over separate accounts. Applicants submit that affiliation does not eliminate the potential, if any exists, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter or investment adviser initiated by contract owners. The potential for disagreement is limited by the requirements in Rules 6e–2 and 6e–3(T) that the insurance company's disregard of voting instructions be reasonable and based on specific good-faith determinations.

16. Applicants state that a particular insurer's disregard of voting instructions could, nevertheless, conflict with the majority of contract owners' voting instructions and with the determinations of all or some other insurers (including affiliated insurers) that contract owners' voting instructions should prevail. It could either preclude a majority vote approving a change or represent a minority view. If the insurer's judgment represented a minority position or precluded a majority vote, then the insurer might be required, at the relevant Investment Company's election, to withdraw its Separate Account's investment from the affected portfolio. No charge or penalty would be imposed as a result of such withdrawal. This requirement will be provided for in the Participation Agreements.

17. Applicants submit that there is no reason why the investment policies of an underlying fund would or should be materially different depending on whether such underlying fund funds only variable annuity contracts or only variable life insurance policies, whether flexible premium or scheduled premium policies. Each type of insurance product is designed as a long-term investment program. Applicants represent that each of the Funds and the portfolios of Future Investment Companies will be managed to attempt to achieve its investment objective or objectives, and not to favor or disfavor any particular Participating Insurance Company or type of insurance product.

18. Applicants state that no one investment strategy can be identified as appropriate to a particular insurance product. Each pool of variable annuity and variable life insurance contract owners is composed of individuals of diverse financial status, age, and insurance and investment goals. An underlying fund supporting even one type of insurance product must accommodate these diverse factors in order to attract and retain purchasers. Permitting mixed and shared funding will broaden the base of contract owners which will facilitate the establishment of additional funds serving diverse goals.

19. As noted above, section 817(h) of the Code imposes certain diversification standards on the underlying assets of Variable Contracts held in an underlying mutual fund. The Code provides that a Variable Contract shall not be treated as an annuity contract or life insurance, as applicable, for any period (and any subsequent period) for which the investments are not, in accordance with Regulations, adequately diversified.

20. Regulations issued under section 817(h) provide that, in order to meet the statutory diversification requirements, all of the beneficial interests in the investment company must be held by the segregated asset accounts of one or more insurance companies. The Regulations, however, contain certain exceptions to this requirement, one of which allows shares in an underlying mutual fund to be held by the trustees of a Qualified Plan without adversely affecting the ability of such shares also to be held by separate accounts of insurance companies in connection with their Variable Contracts (Treas. Reg. 1.817–5(f)(3)(iii)). The Regulations thus specifically permit "qualified pension or retirement plans" and separate accounts to invest in the same underlying fund. For this reason, Applicants have concluded that the Code, Regulations and Revenue Rulings thereunder do not present any inherent conflicts of interest.

21. Applicants note that while there are differences in the manner in which distributions from Variable Contracts and Qualified Plans are taxed, these differences will have no impact on the Investment Companies. If, at the time distributions are to be made, a Separate Account or Qualified Plan is unable to net purchase payments against distributions, each will redeem shares of the relevant underlying funds at their respective net asset values in conformity with Rule 22c–1 under the 1940 Act (without the imposition of any sales charge) to provide proceeds for distribution needs. A Participating Insurance Company will then make distributions in accordance with the terms of its Variable Contract, and a Qualified Plan will then make distributions in accordance with the terms of the Plan.

22. Applicants considered whether, and determined that it is possible, to provide an equitable means of giving voting rights to contract owners in Separate Accounts and, if necessary or desirable, to Qualified Plans. In connection with any meeting of shareholders, the Investment Companies will inform each separate Account and Qualified Plan of its respective shares of ownership in the Funds or the portfolios of Future Investment Companies. Each Participating Insurance Company will then solicit voting instructions in accordance with Rules 6e–2 and 6e–3(T), as applicable, and its obligations under Participation Agreements with the Investment Companies. Qualified Plans and Separate Accounts will each have the opportunity to exercise voting rights with respect to their shares in the Funds or the portfolios of Future Investment Companies, although only the Separate Accounts are required to pass-through their votes to contract owners. The voting rights provided to a Qualified Plan with respect to shares of the Funds or portfolios of Future Investment Companies would be no different from the voting rights that are provided to Qualified Plans with respect to shares of mutual funds sold to the general public. Furthermore, if a material irreconcilable conflict arose because a Qualified Plan decided to disregard Plan participants' voting instructions, if applicable, and that decision represented a minority position or precluded a majority vote, a Plan which had entered into a Participation Agreement could be required, at the election of the relevant Investment Company, to withdraw its investment in the particular Fund or portfolio of a Future Investment Company, with no charge or penalty imposed as a result of such withdrawal.

23. Applicants also considered whether a "senior security," as such term is defined under section 18(g) of the 1940 Act, may be created with respect to any Variable Contract owner as opposed to a participant under a Qualified Plan. Applicants concluded that the ability of the Investment Companies to sell shares of each Fund or portfolio of a Future Investment Company directly to Qualified Plans does not create a "senior security" which is defined under Section 18(g) to

include "any stock of a class having priority over any other class as to distribution of assets or payment of dividends." Regardless of the rights and benefits of participants under Plans or contract owners under Variable Contracts, the Plans and the Separate Accounts only have rights with respect to their respective shares of the Funds and the portfolios of Future Investment Companies. They only can redeem such shares at net asset value. No shareholder of a Fund or of a portfolio of a Future Investment Company has any preference over any other shareholder with respect to distribution of assets or payment of dividends.

24. Applicants also considered whether there are any conflicts between contract owners of the Separate Accounts and participants under the Plans with respect to state insurance commissioners' veto powers over investment objectives. Applicants note that a basic premise of corporate democracy and shareholder voting is that not all shareholders may agree with a particular proposal. That the interests and opinions of shareholders may differ does not mean that inherent conflicts of interest exist between or among shareholders. State insurance commissioners have been given the veto power in recognition of the fact that insurance companies usually cannot simply redeem their separate accounts out of one fund and invest in another. Generally, time-consuming, complex transactions must be undertaken to accomplish such redemptions and transfers. Conversely, the trustees of Qualified Plans, or participants in participant-directed Qualified Plans, can make such decisions quickly and redeem their interests in a fund and reinvest in another funding vehicle without the regulatory impediments faced by the Separate Accounts or, as is the case with most Qualified Plans, even hold cash pending suitable investment. Applicants believe that issues where the interests of contract owners and Qualified Plans are in conflict can be almost immediately resolved since the trustees of (or participants in) the Plans can, on their own, redeem the shares out of underlying funds.

25. Applicants also considered whether there is a potential for future conflicts of interest between Participating Insurance Companies and Qualified Plans as a result of future changes in the tax laws. Applicants do not see any greater potential for material irreconcilable conflicts between the interests of participants in Qualified Plans and contract owners of the Separate Accounts resulting from future changes in the federal tax laws than that which already exists between variable annuity contract owners and variable life insurance contract owners.

26. Applicants state that the foregoing list, while not all inclusive, is representative of issues which Applicants believe are relevant to this Application. Applicants believe that the discussion contained in the Application demonstrates that the sale of shares of the Funds and of portfolios of Future Investment Companies to Qualified Plans does not increase the risk of material irreconcilable conflicts of interest. Further, Applicants submit that the use of the Funds and portfolios of Future Investment Companies with respect to Qualified Plans is not substantially dissimilar from their anticipated use with respect to Variable Contracts in that both are generally long-term retirement vehicles.

27. Applicants note that various factors have kept more insurance companies from offering Variable Contracts than currently offer them. These factors include the costs of organizing and operating a funding medium, the lack of expertise with respect to investment management (principally with respect to stock and money market investments), and the lack of public name recognition of certain insurers as investment experts with which the public feels comfortable entrusting their investment dollars. For example, some smaller life insurance companies may not find it economically feasible, or within their investment or administrative expertise, to enter the Variable Contracts business on their own. Use of investment company portfolios such as the Funds or portfolios of Future Investment Companies as common investment media for Variable Contracts would reduce or eliminate these concerns. Applicants submit that mixed and shared funding also should provide several benefits to Variable Contract owners by eliminating a significant portion of the costs of establishing and administering separate funds. Applicants maintain that Participating Insurance Companies will benefit not only from the investment and administrative expertise of the Investment Companies, but also from the cost efficiencies and investment flexibility afforded by a large pool of funds. Mixed and shared funding also would make greater amounts of assets available for investment by the Funds and the portfolios of Future Investment Companies, thereby promoting economies of scale, permitting increased safety through greater diversification, and making more feasible the addition of new Funds and portfolios. Therefore, making the Investment Companies available for mixed and shared funding will encourage more insurance companies to offer Variable Contracts, and this should result in increased competition in both Variable Contract design and pricing and hence in more product variation and lower charges. Applicants assert that the sale of shares of the Funds and of portfolios of Future Investment Companies to Qualified Plans, in addition to Separate Accounts, should enhance these results.

28. Applicants submit that, regardless of the type of shareholder in the Funds or portfolios of Future Investment Companies, the Investment Companies are or will be contractually and otherwise obligated to manage those Funds or portfolios solely and exclusively in accordance with their respective investment objectives, policies and restrictions as well as any guidelines established by the Board of Directors of the applicable Investment Company (the "Board"). The Investment Companies will work with pools of money and will not take into account the identities of shareholders. Thus, each of the Funds and the portfolios of Future Investment Companies will be managed in the same manner as any other mutual fund.

Applicants' Conditions

Applicants have consented to the following conditions:

1. A majority of the Board of each of the Investment Companies will consist of persons who are not "interested persons" of such investment company, as defined by section 2(a)(19) of the 1940 Act and the rules thereunder, and as modified by any applicable orders of the Commission, except that if this condition is not met by reason of the death, disqualification, or bona-fide resignation of any director or directors, then the operation of this condition will be suspended: (a) For a period of 45 days if the vacancy or vacancies may be filled by the Board; (b) for a period of 60 days if a vote of shareholders is required to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application.

2. The Board of each of the Investment Companies will monitor such investment company for the existence of any material irreconcilable conflict among the interests of the contract owners of all Separate Accounts and the participants under Qualified Plans investing in such investment company and will determine what action, if any, should be taken in response to such conflicts. A material irreconcilable conflict may arise for a

variety of reasons, including: (a) An action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance, tax or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretative letter, or any similar action by insurance, tax, or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of such investment company are being managed; (e) a difference in voting instructions given by variable annuity contract owners, variable life insurance contract owners, and trustees of Qualified Plans; (f) a decision by a Participating Insurance Company to disregard the voting instructions of contract owners; or (g) if applicable, a decision by a Qualified Plan to disregard voting instructions of Plan participants.

3. The Participating Insurance Companies, any Qualified Plan that executes a Participation Agreement upon becoming an owner of 10 percent or more of the assets of any of the Funds or the portfolios of Future Investment Companies (a "Participating Qualified Plan"), and Capital Management or any other investment adviser to the Investment Companies (collectively, the "Participants") will report any potential or existing conflicts to the relevant Board. Participants will be responsible for assisting the relevant board in carrying out its responsibilities under these conditions by providing the Board with all information reasonably necessary for it to consider any issues raised. This responsibility includes, but is not limited to, an obligation by each Participating Insurance Company to inform the relevant Board whenever contract owners' voting instructions are disregarded, and, if pass-through voting is applicable, an obligation by each Participating Qualified Plan to inform the relevant Board whenever such Plan has determined to disregard Plan participants' voting instructions. The responsibility to report such information and contracts, and to assist the Board, will be a contractual obligation of all Participating Insurance Companies and Participating Qualified Plans under their Participation Agreements with the Investment Companies, and this responsibility will be carried out with a view only to the interests of the conflict owners or Plan participants, as applicable.

4. If it is determined by a majority of a Board, or a majority of its disinterested members, that a material irreconcilable conflict exists, then the relevant Participant will, at its expense and to the extent reasonably practicable (as determined by a majority of the disinterested directors), take whatever steps are necessary to remedy or eliminate the material irreconcilable conflict, up to and including: (a) Withdrawing the assets allocable to some or all of the Separate Accounts or Participating Qualified Plans from the relevant Fund or portfolio of a Future Investment Company and reinvesting such assets in a different investment medium, including another such Fund or portfolio, or in the case of Participating Insurance Companies submitting the question as to whether such segregation should be implemented to a vote of all affected contract owners and, as appropriate, segregating the assets of any appropriate group (*i.e.*, annuity contract owners or life insurance contract owners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected contract owners the option of making such a change; and (b) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a decision by a Participating Insurance Company to disregard contract owners' voting instructions, and that decision represents a minority position or would preclude a majority vote, then such insurer may be required, at the election of the relevant Investment Company, to withdraw such insurer's Separate Account's investment in such Investment Company, with no charge or penalty imposed as a result of such withdrawal. If a material irreconcilable conflict arises because of a Participating Qualified Plan's decision to disregard Plan participants' voting instructions, if applicable, and that decision represents a minority position or would preclude a majority vote, such Plan may be required, at the election of the relevant Investment Company, to withdraw its investment in the relevant Investment Company, with no charge or penalty imposed as a result of such withdrawal. The responsibilities to take remedial action in the event of a Board determination of a material irreconcilable conflict and to bear the cost of such remedial action will be contractual obligations of all Participating Insurance Companies and Participating Qualified Plans under the Participation Agreements, and these responsibilities will be carried out with a view only to the interests of contract owners or Plan participants, as applicable.

For purposes of this Condition 4, a majority of the disinterested members of a Board will determine whether or not any proposed action would adequately remedy any material irreconcilable conflict, but in no event will any of the Investment Companies or their investment advisers be required to establish a new funding medium for any Variable Contract. No Participating Insurance Company will be required by this Condition 4 to establish a new funding medium for any Variable Contract if any offer to do so has been declined by vote of a majority of the contract owners materially and adversely affected by the material irreconcilable conflict. Further, no Participating Qualified Plan will be required by this Condition 4 to establish a new funding medium for such Plan if (a) a majority of the Plan participants materially and adversely affected by the material irreconcilable conflict vote to decline such offer, or (b) pursuant to documents governing the Plan, the Plan makes such decision without a vote of Plan participants.

5. A Board's determination of the existence of a material irreconcilable conflict and its implications will be made known in writing promptly to all Participants.

6. Participating Insurance Companies will provide pass-through voting privileges to all contract owners so long as the Commission continues to interpret the 1940 Act to require such pass-through voting. Accordingly, such Participants, where applicable, will vote shares of the applicable Fund or portfolio of a Future Investment Company held in their Separate Accounts in a manner consistent with voting instructions timely received from contract owners. Participating Insurance Companies will be responsible for assuring that each of their Separate Accounts investing in a Fund or portfolio of a Future Investment Company calculates voting privileges in a manner consistent with other Participating Insurance Companies. All Participating Insurance Companies will contractually agree to calculate voting privileges as providing in this Application, pursuant to their Participation Agreements with the Investment Companies. Each Participating Insurance Company will vote shares for which it has not received timely voting instructions as well as shares it owns that are not attributable to Variable Contracts in the same proportion as it votes those shares for which it has received voting instructions. Each Participating Qualified Plan will vote as required by

applicable law and governing Plan documents.

7. Each of the Investment Companies will comply with all provisions of the 1940 Act requiring voting by shareholders (which for these purposes shall be the persons having a voting interest in the shares of the respective Funds or portfolio of Future Investment Companies) and, in particular, will either provide for annual meetings (except insofar as the Commission interprets or may interpret section 16 of the 1940 Act not to require such meetings) or comply with section 16(c) of the 1940 Act (although the Investment Companies are not trusts of the type described in section 16(c)), as well as with section 16(a) of the 1940 Act and, if and when applicable, section 16(b) of the 1940 Act. In addition each of the Investment Companies will act in accordance with the Commission's interpretation of the requirements of section 16(a) with respect to periodic elections of directors and with such rules as the Commission may promulgate with respect thereto.

8. Each of the Investment Companies will notify all Participants that it may be appropriate to include in Separate Account or Plan prospectuses or other disclosure documents disclosure regarding potential risks of mixed and shared funding. Each of the Investment Companies will disclose in its prospectus that: (a) Shares of such investment company may be offered to insurance company separate accounts of both variable annuity and variable life insurance contracts and, if applicable, to Qualified Plans; (b) due to differences in tax treatment and other considerations, the interests of various contract owners participating in such investment company and the interests of Qualified Plans investing in such investment company, if applicable, may conflict; and (c) its Board will monitor events in order to identify the existence of any material irreconcilable conflicts and to determine what action, if any, should be taken in response to any conflict.

9. If and to the extent that Rules 6e–2 and 6e–3(T) under the 1940 Act are amended, or proposed Rule 6e–3 under the 1940 Act is adopted, to provide exemptive relief from any provision of the 1940 Act or the rules promulgated thereunder with respect to mixed or shared funding, on terms and conditions, materially different from any exemptions granted in the order requested in this Application, then the Investment Companies and/or Participating Insurance Companies and Participating Qualified Plans, as appropriate, shall take such steps as may be necessary to comply with Rules 6e–2 and 6e–3(T), or Rule 6e–3, as such rules are applicable.

10. The Participants, at least annually, will submit to each relevant Board such reports, materials, or data as such Board reasonably may request so that the directors may fully carry out the obligations imposed upon the Board by the conditions set forth in the Application, and said reports, materials, and data will be submitted more frequently if deemed appropriate by such Board. The obligations of Participating Insurance Companies and Participating Qualified Plans to provide these reports, materials, and data to a Board, when it so reasonably requests, will be a contractual obligation under the Participation Agreements.

11. All reports of potential or existing conflicts received by a Board, and all Board action with regard to determining the existence of a conflict, notifying Participants of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

12. None of the Investment Companies will accept a purchase order from a Qualified Plan if such purchase would make such Plan an owner of 10 percent or more of the assets of one of the Funds or the portfolios of Future Investment Companies unless such Plan executes a Participation Agreement with the relevant Investment Company that includes the conditions set forth in the Application to the extent applicable. A Plan will execute an application containing an acknowledgment of this condition at the time of its initial purchase of shares of any such Fund or portfolio.

Conclusion

For the reasons summarized above, Applicants believe that the requested exemptions, in accordance with the standards of section 6(c), are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27217 Filed 10–23–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24695; 812–11746]

Provident Institutional Funds, et al.; Notice of Application

October 18, 2000.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application under sections 6(c) and 17(b) of the Investment Company Act of 1940 (the "Act") for an exemption from section 17(a) of the Act.

SUMMARY OF APPLICATION: Applicants seek an order that would permit a registered open-end management investment company to enter into repurchase agreements with an affiliated person.

Applicants: Provident Institutional Funds (the "Fund"), the PNC Financial Services Group, Inc. ("PNC"), and blackRock Advisors, Inc. ("BlackRock").

FILING DATES: The application was filed on August 12, 1999, and amended on October 18, 2000.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 8, 2000, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants, c/o BlackRock Financial Management, 345 Park Avenue, New York, New York 10154.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Special Counsel, at (202) 942–0572, or Christine Y. Greenlees, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 5th Street, NW., Washington, DC 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. The Fund is an open-end, diversified management investment company consisting of ten series (each, a "Series"). Each Series is a money market fund that complies with rule 2a–7 under the Act.

2. BlackRock, an investment adviser registered under the Investment Advisers Act of 1940 ("Advisers Act"), is the investment adviser for each Series. BlackRock is a direct wholly-owned subsidiary of BlackRock, Inc., which, in turn, is a majority-owned subsidiary of PNC Bank, N.A. ("PNC Bank"). PNC Bank is a wholly-owned subsidiary of PNC. PNC is a bank holding company that operates subsidiary banks and other subsidiaries engaged in financial businesses. PFPC Trust company, an indirect wholly-owned subsidiary of PNC, is the Fund's custodian.

3. Applicants request that relief be extended to (a) any other investment adviser registered under the Advisers Act that controls, is controlled by, or is under common control with BlackRock (collectively, the "Advisors"), and (b) any entity that controls, is controlled by, or is under common control with PNC (collectively, the "PNC Companies").[1] Applicants also request that the relief be extended to future Series of the Fund and to such other registered open-end management investment companies and their series that in the future: (a) are advised by the Advisors or the PNC Companies, (b) are taxable money market funds under rule 2a–7 under the Act, and (c) effect purchases and sales through PNC's "sweep" program (collectively, such future companies and the Fund are the "Funds").[2]

4. The Fund's shares are purchased by customers of the PNC Companies, including qualified deposit, custody, agency, and trust accounts, through their accounts with the PNC Companies. The Fund's shares may be purchased through automatic investment transactions. In these transactions, one of PNC's subsidiary banks, as agent, follows the standing instructions of the customer and automatically invests excess cash balances in the customer's accounts in shares of one or more Series ("sweep program").[3] Each of the participating Series currently declares dividends daily to shareholders of record as of 4 p.m. on that day and accepts orders at the next net asset value determined after the order is received. Net asset value is determined as of 12 noon and 5:30 p.m. Orders are executed when good funds are received, which is normally after the dividend is declared for the day on which the order is received. Accordingly, in the sweep program, customers do not earn a dividend in the Fund for the day on which the customers' banking transactions occurred. This would normally result in the customers losing a day's worth of income on such funds.

5. To permit BlackRock, as the Fund's investment adviser, to invest anticipated new assets attributable to the sweep program on the same day that they are available for investment (despite the fact that the exact amount will not be known until after the time for investment that day), applicants propose that the PNC Companies enter into overnight repurchase agreements with each Series. The assets would be invested in fund shares as of the time the relevant Series determined its net asset value on the same day the sweep occurs (the "Sweep Time"). The Fund proposes to enter into a master repurchase agreement with the PNC Companies, which is substantially the same as the industry standard master repurchase agreement promulgated by the Public Securities Association, covering all repurchase agreement transactions (the "Master Repurchase Agreement").

6. In order to enable each Series to handle sweep transactions that result in net redemptions as well as net investments, BlackRock would plan each day's portfolio transactions for each Series to include an overnight repurchase agreement transaction with the PNC Companies in a specified standing base amount ("Base Amount"). The Base Amount would represent the greatest amount of net redemptions likely to be experienced by a Series as a result of the sweep program on any given day and would be approximately 2% to 5% of the aggregate net asset value of each Series and would be the amount that a Series otherwise would have in uninvested cash to meet redemptions expected from the sweep program. The Base Amount as to any particular Series on any particular day will not exceed 5% of that Series' net assets prior to giving effect to the sweep for that day, or such lower amount as the Fund's board of trustees ("Board"), including a majority of the trustees who are not "interested persons," as defined by section 2(a)(19) of the Act, of the PNC Companies, the Advisors, or the Fund ("Independent Trustees"), may determine. The purpose of a repurchase agreement in the Base Amount would be to enable a Series to adjust its earning assets downward after normal trading hours in response to a net redemption being required by the sweep program for that Series on a particular day. Thus, the Base Amount for each Series would be the amount of the purchase agreement that would be in effect overnight with the PNC Companies if the sweep program produces no net investment or net redemption, giving the Series an opportunity to reduce the repurchase agreement (and thus its assets) if there are net redemptions on that day. If the operation of the sweep program produces net investment into a Series on a given day, the Fund will invest the net amount swept into that Series by increasing the Base Amount of the overnight repurchase agreement transaction with the PNC Companies by the net amount being swept into the Series. If the operation of the sweep program produces net redemptions from a Series on a given day, the amount of the overnight repurchase agreement transaction for that Series will be reduced from the Base Amount by the net amount being redeemed.

7. Applicants intend to limit the amount of each Series' net assets that may be invested pursuant to the requested order with the PNC Companies to a percentage upon which applicants from time to time may agree (the "Maximum Purchase Amount"). The Maximum Purchase Amount may fluctuate but will not exceed 15% of the net assets of a Series after giving effect to the sweep for that day.

8. To facilitate the repurchase transaction where the exact amount of the overnight repurchase agreement and, consequently, the amount of the required collateral is not known until PNC's computer processing is completed during the night (the "Completion Time"), the PNC Companies, at no cost to the Fund, will maintain at all times in a segregated subcustodian account in the name of the Fund, for the benefit of the applicable Series, collateral having a value when added to the value of the collateral collateralizing any overnight repurchase agreements with the PNC Companies outstanding at the time, at least equal to the amount (the "Required Collateral Amount") necessary to collateralize fully (within the meaning of rule 2a–7 under Act) repurchase agreements with

[1] Applicants represent that every Advisor will be registered under the Advisers Act, and any PNC Company that serves as an investment adviser to any Series will be registered or exempt from registration under the Advisers Act.

[2] Any future entity that relies on the requested order will do so only in accordance with the terms and conditions of the application. Each entity that currently intends to rely on the requested order has been named as an applicant.

[3] In accordance with the standing instructions of the customers of the PNC Companies, the computer program also provides for the automatic redemption of Fund shares held in an account as of the next determined net asset value if the cash balance in the account is less than the minimum balance specified by the customer.

the Fund on behalf of each applicable Series in an amount equal to the Maximum Purchase Amount. BlackRock will notify the Fund's custodian and PNC of any change in the Maximum Purchase Amount, and the PNC Companies will adjust the amount of collateral maintained in the segregated account as often as necessary so that it at least equal the aggregate Required Collateral Amount for the applicable Series. The relevant Series will have a perfect security interest in the repurchase agreement collateral held in the account.

9. PNC Bank's Trust Department will act as the Fund's subcustodian pursuant to a subcustodian agreement approved by the Board, including a majority of the Independent Trustees.[4] The Fund's assets held by PNC Bank's Trust Department would be maintained in a segregated custodian account established on behalf of the Fund in accordance with the rules and standards of the Comptroller of the Currency and the Act. PNC Bank's Trust Department would receive the eligible securities transferred to it in its capacity as subcustodian for the Fund and hold them in a manner complying with the requirements of section 17(f) of the Act. After the Completion Time that night, the records maintained by PNC Bank's Trust Department in its capacity as the Funds' subcustodian would show:

(a) For each customer account participating in the sweep program, a cash entry for the number of shares of the applicable Series' shares purchased or redeemed and a corresponding sub-entry for the number of shares purchased or redeemed as of the Sweep Time through operation of the computer sweep program; and

(b) For the Fund's subcustodian account, all purchase and sales transactions (which, where a PNC Company is a trustee, nominee, or the equivalent, may be a single net purchase or redemption transaction for a number of subaccounts maintained by that PNC Company) and the net cash proceeds, if any, received by the Fund for each applicable Series through the operation of the sweep (or, conversely, the net redemption proceeds paid or payable by the Fund for each applicable Series if there were net redemptions). In addition, the Fund's subcustodian account would reflect the specific amount in fact invested in an overnight repurchase agreement for each applicable Series (including the ownership of the securities securing the repurchase agreement). If the sweep resulted in net redemptions for any Series, the subcustodian account would reflect this fact and show reduced or no ownership of securities held in the subcustodian account to secure repurchase transactions with the PNC Companies, since (contrary to expectations) none of the Fund's assets had been used to purchase such securities. To the extent that securities transferred to secure the repurchase agreements exceeded the amount of collateral actually required for that day's repurchase agreements (as shown by the results of the day's computer processing), the appropriate PNC Company would be shown to be the owner of the excess securities.

10. After the Completion Time, PNC would transmit to the Funds' transfer agent records relating to the automatic investment transaction. The transfer agent's records would then show an entry to each of the corresponding shareholder accounts for the number of each relevant Series' shares automatically purchased or redeemed as of the Sweep Time through operation of the sweep.

11. Each Series will purchase only securities in which it may invest as described in its prospectus and statement of additional information and as limited by rule 2a–7. The Master Repurchase Agreement will be collateralized only by securities that are, except as to maturity, "first-tier securities" as defined by rule 2a–7(a)(12) under the Act ("First-Tier Securities") and that are eligible collateral for the applicable Series under the Series' prospectuses and statement of additional information and rule 2a–7 under the Act. The transactions will comply with the guidelines set forth in Investment Company Act Release No. 13005 (February 2, 1983) and will be collateralized fully as that term is defined in rule 2a–7. Any repurchase agreement entered into by a Fund will satisfy the requirements of proposed rule 5b–3,[5] if and when the rule is adopted and becomes effective. The Master Repurchase Agreement will be subject to annual approval with respect to each Series by the Board, including a majority of the Independent Trustees.

12. The transactions would be "repurchase agreements" for purposes of Chapter 11 of the United States Bankruptcy Code and the Financial Institutions Reform, Recovery and Enforcement Act of 1989. These statutes provide that, if the bankruptcy of the counterparty occurs, the repurchase agreement can be liquidated without being subject to the potential delay associated with the automatic stay or similar provision of those statutes.

Applicants' Legal Analysis

1. Section 17(a) of the Act makes it unlawful for any affiliated person of a registered investment company, or any affiliated person of such affiliated person, acting as principal, to sell or purchase any security to or from such investment company. Section 2(a)(3) of the Act defines an affiliated person to include any investment adviser of a registered investment company and a person that controls, is controlled by, or is under common control with another person. Each Advisor, as the Funds' investment adviser, is affiliated with the Funds. In addition, since each Advisor will be controlled by PNC and will be under common control with each of the other PNC Companies, PNC and each of the other PNC Companies would be an affiliated person of an affiliated person (Advisor) of the Funds. Accordingly, the Advisors and the PNC Companies are subject to the prohibitions contained in section 17(a) with respect to the Funds.

2. Section 17(b) of the Act authorizes the SEC to exempt a transaction from section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transaction is consistent with the policy of each registered investment company concerned, and the proposed transaction is consistent with the general policy of the Act.

3. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request relief under sections 17(b) and 6(c) of the Act from section 17(a) of the Act to permit the Funds to engage in overnight repurchase agreements with the PNC Companies. Applicants submit that the requested relief satisfies the standards for relief in sections 6(c) and 17(b) for the reasons discussed below.

4. Applicants submit that the requested relief is appropriate and in the public interest because it will permit the applicable States to invest at a favorable yield incremental net assets attributable to the "sweep" program on

[4] The subcustodian account may be maintained with PNC Bank's Trust Department or a nominee qualified to act as a custodian pursuant to section 17(f) of the Act, and references in this notice to PNC Bank's Trust Department mean either entity.

[5] Investment Company Act Release No. 24050 (Sept. 23, 1999) (proposing rule 5b–3).

the same day that such assets are available for investment. Applicants believe that a more attractive "sweep" program of this type would result in increased assets for the applicable Series and the Fund. Applicants submit that a larger asset base for a particular Series would benefit that Series' shareholders by spreading expenses over a larger asset base.

5. Applicants contend that the proposed exemption is necessary to enable the Fund to earn market rates of return on assets obtained on a particular day through the sweep program. Applicants state that they have been unable to local any unaffiliated issuer willing to engage in the transactions on a basis as favorable to the Fund as the proposed amendments.

6. Applicants state that PNC and its affiliates are aware of the potential conflicts of interest inherent in the operation of the sweep program if the proposed relief is granted. Applicants state that, therefore, PNC and BlackRock have established procedures and conditions to be followed by their employees and agents to prevent any overreaching on the part of any person that could act to the detriment of the Fund and to ensure that each transaction is effected on a reasonable and fair basis.

7. Applicants submit that the proposed transactions will not reduce any of the applicable Series' yields. If the operation of the proposed sweep program shortens the Funds' average daily portfolio maturity, the effect of the reduction would be minimal because: (a) each Series currently maintains a relatively short average daily portfolio maturity; (b) upon receipt of assets, the Series historically have invested the assets in overnight or very short-term obligations with the investment occurring one day later; and (c) yields on overnight instruments are often very similar to or even higher than rates on comparable credit quality instruments with maturities of 30 to 40 days. Thus, applicants believe that any effect on yield as a result of the proposed sweep program would be negligible. In addition, operations pursuant to the independent pricing mechanism set forth in condition (9) below should provide yields from sweep investments that are no lower than similar non-sweep investments.

Applicants' Conditions

Applicants agree that any order of the SEC granting the requested relief will be subject to the following conditions:

1. No sweep account customer of any of the PNC Companies will be permitted to effect a sweep transaction for any participating Series of any Fund after the Sweep Time for the Series and the Series' net asset value has been computed for that day.

2. The Board of each Fund, including a majority of the Independent Trustees, will: (a) Adopt procedures that are reasonably designed to provide that the conditions set forth below and the requirements of Investment Company Act Release No. 13005 (Feb. 2, 1983) have been complied with; (b) make and approve changes to the procedures as deemed necessary; (c) determine no less frequently than quarterly that the transactions made pursuant to the order during the preceding quarter were effected in compliance with the procedures; and (d) approve the Master Repurchase Agreement annually. The Advisor of each Fund may implement these procedures, subject to the direction and control of the Board of each Fund.

3. The legal or compliance department of, and internal and outside auditors for, the PNC Companies ("Compliance Personnel") will prepare guidelines for the Advisors and the PNC Companies to ensure that the transactions described in the application comply with the conditions of the application and that the integrity of the program is maintained. The Funds' independent public accountants will verify assets held in each subcustodian account in accordance with rule 17f–2 under the Act. The Compliance Personnel will periodically monitor the activities of the Advisors and the PNC Companies in connection with the operation of the sweep program to ensure that the conditions set forth in the application are adhered to.

4. The terms of the relief will be disclosed fully in each Fund's prospectus and statement of additional information. A schedule of all transactions with the PNC Companies will be filed with each semi-annual report filed by the Funds with the Commission pursuant to sections 30(a) and 30(b)(1) of the Act. The relevant Advisor will provide each Fund's Board with a full report of the transactions under the sweep program, as described in the application, no less frequently than quarterly. The relevant Advisor also will provide each Fund's Board with a statement that, as the Fund's investment adviser, it determined the repurchase transactions to be necessary and appropriate under the circumstances.

5. The Funds, the PNC Companies, and the Advisors will maintain records with respect to those transactions conducted pursuant to the requested exemption as may be necessary to confirm compliance with the conditions to the requested relief. In this regard, each Fund will maintain an itemized daily record of repurchase agreement transactions entered into pursuant to the exemption, showing for each transaction: That it has entered into the transaction; the entity with which it has entered into the transaction; the purchase and repurchase prices; the time and date of the transaction; the type and amount of collateral; and the date fixed for termination of the transaction, which will always be the next business day. For each transaction, the records also shall document the quotations received from other dealers in accordance with condition (9), including: The names of the dealers; the prices quoted; and the times and dates the quotations were received. The records required by this condition will be maintained and preserved in the same manner as records required under rule 31a–1(b)(1) under the Act.

6. The Maximum Purchase Amount will be the amount stipulated by the PNC Companies from time to time but will not exceed 15% of the sum of the net assets of the applicable Series after giving effect to the sweep for any particular day. The Base Amount as to any particular Series on any particular day will not exceed 5% of that Series' net assets prior to giving effect to the sweep for that day, or such lower amount as the Board of the Funds, including a majority of the Independent Trustees, may determine. With respect to a particular Series on a particular day, the amount invested pursuant to the requested exemption will not exceed the lesser of the sum of the Base Amount for that Series plus the amount swept into that Series on that day or 15% of the next assets of that Series after giving effect to the sweep for that day.

7. All records pertaining to the sweep program will be preserved for a period of not less than six years, the first two years in an easily accessible place, from the end of the fiscal year in which any sweep transaction occurred.

8. In connection with overnight repurchase agreement transactions pursuant to the Master Repurchase Agreement, the PNC Companies will maintain at all times during operation of the sweep program in a segregated subcustodian account in the name of the relevant Fund for the benefit of the applicable Series' collateral comprised only of securities that are, except for their maturity, First-Tier Securities valued at an amount equal to the Required Collateral Amount. In addition, the PNC Companies will transfer the collateral through the book

entry system of the Federal Reserve, the Depository Trust Company, or another book entry system approved by the Independent Trustees (each, an "approved book entry system") and, in connection with the transfer, each Fund's subcustodian account with PNC Bank's Trust Department will be designated through an approved book entry system as the recipient of the securities and the PNC Companies' internal records and written confirmation will indicate that the collateral is being held on behalf of and in the relevant Fund's name for the benefit of the applicable Series. Each Fund thereby will acquire a security interest in the collateral for the benefit of the applicable Series. Any repurchase agreements entered into by a Fund will satisfy the requirements of proposed rule 5b–3 under the Act, if and when the rule is adopted and becomes effective.

9. Before any transaction may be conducted pursuant to the requested exemption, the relevant Advisor must obtain the information as it deems necessary to determine that the price test below has been satisfied. Before any repurchase agreement is entered into pursuant to the requested exemption, the relevant Advisor must obtain and document competitive quotations from at least two other dealers with respect to repurchase agreements comparable to the type of repurchase agreement involved (including size, which would equal the Maximum Purchase Amount for the particular Series in question, maturity, and collateral), except that if quotations are unavailable from two dealers only one other competitive quotation is required. In addition, the repurchase transactions for which quotations are sought must be conventional overnight repurchase agreements in which the funds would be transferred by the relevant Fund on behalf of the participating Series as of the same day that the transaction is entered into, and then returned by the counterparty on the following business day. Before entering into a transaction pursuant to the requested exemption, a determination will be required in each instance, based upon the information available to the relevant Advisor, that the income to be earned from the repurchase agreement to be entered into with any PNC Company is at least equal to that available from the repurchase agreements with respect to which quotes were obtained.

10. No less frequently than quarterly, the Board of each Fund, including a majority of the Independent Trustees, on behalf of each Series of that Fund, will review the Base Amounts that have been established for the Series during the preceding quarter to determine whether the Base Amounts appropriately reflected the amounts of the Series' net assets that would have remained uninvested at the Fund's custodian in order to meet potential redemptions from the sweep program if the Base Amounts were not available. To assist the Board in this review, the Advisors will provide the Board with all relevant information. The Board, including a majority of the Independent Trustees, will take such steps as it deems necessary to assure that the Base Amounts for each Series appropriately reflect the amounts of the Series' net assets that would remain uninvested at the Fund's custodian in order to meet potential redemptions from the sweep program if the Base Amounts are not available.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27234 Filed 10–23–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43456; File No. SR–CBOE–00–14]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to an Increase in the Position Limits for Nasdaq 100 Stock Index Options

October 17, 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 April 10, 2000, the Chicago Board Options Exchange, Inc. ("CBOE" 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 CBOE proposes to amend Exchange Rule 24.4—*Position Limits for Broad Based Index Options*, to increase the standard position and exercise limits for the NASDAQ 100 Index ("NDX") option class, expand the index hedge exemption, and eliminate the near term position limit restriction. The text of the proposed rule change is available at the CBOE and at the Commission's Public Reference Room.

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 CBOE 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 CBOE 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 CBOE proposes to amend Exchange Rule 24.4 by increasing the broad based index option position limit for the NDX, eliminating the restriction on near term NDX option positions, and increasing the NDX index hedge exemption. Specifically, the Exchange proposes to increase the overall position limit from 25,000 contracts to 75,000 contracts—a tripling of the current limit.[3] The Exchange also proposes to eliminate the 15,000 contract near term limit. Lastly, the Exchange proposes to raise the index hedge exemption from 75,000 option contracts, which is in addition to the standard limit, to 150,000 option contracts.[4]

The CBOE believes that an increase in position and exercise limits for NDX options is appropriate for several reasons. The current limit of 25,000 contracts, with no more than 15,000 contracts in the near term series, has been in place since the inception of trading in the NDX option class on February 7, 1994. The CBOE notes that the Commission recently approved rule filings increasing position and exercise limits for standardized equity option

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exercise limits will continue to correspond to position limits, so that investors may exercise the number of contracts set forth as the position limit, during any five consecutive business day period.

[4] The Exchange recently listed and traded options based on a value of 1/10 the current value of the Nasdaq 100 Index and made related changes to position and exercise limits for that option class. See Securities Exchange Act Release No. 43000 (June 30, 2000), 65 FR 42409 (July 10, 2000).

contracts.[5] The Commission also approved the elimination of position and exercise limits for certain broad-based index option contracts for a 2-year pilot program.[6] The highest equity option position limit tier is now 75,000 contracts. As a comparison, market capitalization for IBM, which has a base position limit of 75,000 contracts, is approximately $191 billion, while the market capitalization for NDX with a 25,000/15,000 position limit is over $4.2 trillion. Additionally, the average daily volume and open interest in NDX has increased by approximately 150% since October 1999 (see Exhibit B). Based on these statistics and the recent position limit relief granted for standardized equity options, the CBOE believes it is reasonable to allow for changes to the position and exercise limits for NDX index options.

With respect to the near term limitation, the Exchange believes that the rationale for imposing such a limitation is not applicable to the NDX. Historically, a front month limitation was established for American style broad-based index options as a measure to lessen market volatility experienced at the close of trading on expiration when stock/index programs were unwound.[7] However, these conditions are not relevant for the NDX. NDX is a European style contract with a settlement value based on a volume weighting of opening stock prices as reported within the first five (5) minutes of trading. Additionally, it should be noted that the CBOE's surveillance procedures during the week of expiration include communication with NASD Regulation to determine whether there are any concerns regarding potential manipulation in the securities, which comprise the NASDAQ 100. Staff believes that the front month limit for NDX options is not necessary, and that it only provides a further restriction to the investing public, and, therefore, should be eliminated. Eliminating the front month position and exercise limits for NDX index options may bring additional depth an liquidity, in terms of both volume and open interest, to the NDX without significantly increasing concern regarding intermarket manipulations or disruptions of the index options or the underlying component securities.

2. Statutory Basis

The CBOE believes the proposed rule change is consistent with and the furthers the objectives of Section 6(b)(5)[8] of the Act in that it is designed to remove impediments to a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice and 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 proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–00–14 and should be submitted by November 14, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27238 Filed 10–23–00; 8:45 am]

BILLING CODE 8010–01–M

[5] *See* Securities Exchange Act Release No. 40875 (December 31, 1998), 64 FR 1842 (January 12, 1999) (File Nos. SR–CBOE–98–25; Amex–98–22; PCX–98–33; and Phlx–98–36) (increasing position limits for standardized equity options to 13,500, 22,500, 31,500, 60,000, and 75,000).

[6] *See* Securities Exchange Act Release No. 40969 (January 22, 1999), 64 FR 4911 (February 1, 1999) (File No. SR–CBOE–98–23); Securities Exchange Act Release No. 41011 (February 1, 1999), 64 FR 6405 (February 9, 1999) (File No. SR–Amex–98–38).

[7] According to CBOE, OEX is the only American style broad-based index option traded on the Exchange. The Exchange stated that a front month limitation was established for the OEX index option when the Exchange initially sought to increase the position limits for the option. Other broad-based index options traded on the Exchange are European style options, and therefore can only be exercised on the expiration date. Telephone conversation between Pat Cerny, Director, Department of Market Regulation, CBOE, and Joseph Corcoran, Attorney, Division of Market Regulation, Commission, on October 12, 2000.

[8] 15 U.S.C. 78f(b)(5).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43452; File No. SR–CBOE–00–40]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to SPX Combination Orders

October 17, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] is hereby given that on August 17, 2000, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the CBOE. 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 CBOE proposes to adopt CBOE Rule 24.20, "SPX Combination Orders," to allow S&P 500 Index option ("SPX") traders to print and execute orders for SPX options and orders for hedging transactions in SPX combination orders ("combos")[2] outside of the prevailing

[1] 15 U.S.C. 78s(b)(1).

[2] A combination order is an order involving a number of call option contracts and the same number of put option contracts in the same underlying security. *See* CBOE Rule 6.53(e).

bid or offer ("out-of-range") at any time during the trading day, at the prices originally quoted for each option so long as each option when originally quoted would not trade at a price outside the displayed bids or offers in the trading crowd or bids or offers in the SPX customer limit order book. The member initiating the orders must indicate the delta [3] of the options he wishes to trade and must bid and offer for each of the options and each of the legs of the SPX combo on the basis of the total debit or credit. The text of the proposed rule appears below. Proposed new language is in italics.

SPX Combination Orders

Rule 24.20(a) For purposes of this rule, the following terms shall have the following meanings:

(1) An "SPX combination" is an order combining a long SPX call and a short SPX put of the same series, or an order combining a short SPX call and a long SPX put of the same series.

(2) A "delta" is the number of SPX combinations required to establish a delta neutral hedge with an SPX option position, based on the value of the underlying S&P futures contract.

(b) Notwithstanding any other rules of the Exchange, orders for SPX options executed in conjunction with SPX combination orders may be transacted in the following manner:

(i) A member holding an order(s) to purchase or sell SPX options must indicate the delta of the option and must bid or offer for each option and each of the legs of a combination order(s) on the basis of the total debit or credit. At the time they are originally quoted, the prices quoted for the options and each leg of the combination order(s) must be such that none would trade at a price outside the currently displayed bids or offers in the trading crowd or bids or offers in the SPX customer limit order book.

(ii) The option order(s) and each leg of the combination order(s) may be executed immediately or at any time during the trading day. If the orders are not executed immediately, the option order(s) and each leg of the combination order(s) may be printed at their originally quoted prices in order to achieve the total debit or credit agreed to for the entire transaction.

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 CBOE 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 CBOE 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

The purpose of the proposed rule change is to establish a new rule, CBOE Rule 24.20, that will facilitate the use of SPX combination orders ("SPX combos") to hedge positions in SPX options. The proposed new rule would allow SPX traders to print and execute orders for SPX options, and orders for hedging transactions in SPX combos, outside of the prevailing bid or offer ("out-of-range") at any time during the trading day, at the prices originally quoted for each option, so long as each option when originally quoted would not trade at a price outside the displayed bids or offers in the trading crowd or bids or offers in the SPX customer limit order book.

According to the CBOE, SPX traders commonly hedge their positions in SPX options with SPX combos, also called "synthetic futures," which are created by combining long (short) SPX calls with short (long) SPX puts of the same series, in lieu of hedging with the actual S&P 500 Index futures contract. The individual legs of the SPX combo are priced so that a value for the SPX combo is established which is equivalent to the value of a future at a level at which the trader wishes to make the underlying futures market "static." Then, based on the "underlying" value established by the SPX combo that has been quoted, the trader will request a market for the options that he wishes to trade, and will indicate the delta of the option. An SPX trader will execute SPX combos in conjunction with transactions in SPX options, taking into account the delta of the particular option, so that the combined positions will create a "delta neutral" hedge, *i.e.*, a position that has no market exposure.[4]

According to the CBOE, proposed CBOE Rule 24.20 will alleviate a reoccurring problem faced by SPX traders executing SPX combo orders. According to the CBOE, current CBOE Rules provide that a combination order (and any spread order) may be executed only so long as no leg of the order would trade at a price outside the currently displayed bids or offers in the trading crowd or bids or offers in the customer limit order book.[5] The prices of the options and the legs of the SPX combo can, and frequently do, move away quickly from the market that prevailed when the options were originally quoted (and away from the level at which the trader sought to reproduce the value of the underlying future). If the market moves before the trader is able to effect all of the required transactions, the trader cannot complete the strategy as originally designed because the options or the legs of the SPX combo, if traded at the originally quoted prices, would trade out-of-range.

Proposed CBOE Rule 24.20 would allow an SPX trader who is unable to complete the transactions before the market moves the component options away from the displayed bids or offers to print and execute the orders at any time during the trading day at the originally quoted prices. Proposed CBOE Rule 24.20 would permit these orders to be transacted in this manner only if two conditions are satisfied: (1) the member initiating the orders indicates the delta (as defined in proposed CBOE Rule 24.20(a)(2)) of the options he wishes to trade and bids and offers for each of the options each of the legs of the SPX combo on the basis of the total debit or credit; and (2) at the time they are quoted, the options and the leges of the SPX combo are quoted so that none would trade at a price outside the currently displayed bids or offers in the crowds or bids or offer in the book.

The CBOE notes that a delta neutral SPX combo trade is designed so that market movement will have no impact on the resulting position. The delta made known to the participants to the trade is used to establish the hedge ratio required to keep the trade market neutral. Therefore, whether the component options of a delta neutral SPX combo are traded immediately or later, the Exchange beleives the SPX trader should be allowed to print the options at the original quotes (which represent the level at which the underlying future was "frozen") because

[3] For purposes of proposed CBOE Rule 24.20, the "delta" is the number of SPX combos required to establish a delta neutral hedge with an SPX option position, based on the value of the underlying S&P 500 futures contract. *See* CBOE Rule 24.20(a)(2).

[4] For example, the purchase of 100 SPX puts with a 30 delta would require the purchase of 30 "long" SPX combos (30 long SPX calls and 30 short SPX puts of the same series) to be hedged delta neutral.

[5] CBOE Rule 6.45(e) provides, in part, that when a member holding a combination order and bidding or offering in a multiple of 1/16 on the basis of a total credit or debit for the order has determined that the order may not be executed by a combination of transactions with the bids and offers displayed in the customer limit order book or announced by members in the trading crowd, then the order may be executed as a combination at the total debit or credit with one other member without giving priority to bids or offers of members in the trading crowd that are no better than the bids or offers comprising such total debit or credit and bids and offers in the customer limit order book, provided at least one leg of the order would trade at a price that is better than the corresponding bid or offer in the book.

the originally quoted prices were tied to the delta of the options.

The following example illustrates how proposed CBOE Rule 24.20 would operate: Assume that the S&P 500 Index September futures contract is trading at 1495 and an SPX trader requests quotes for the SPX September 1495 call and September 1495 put, for the purpose of pricing an SPX combo that will reproduce the S&P 500 future at 1495. Assume the September 1495 call and September 1495 put are each quoted at 12 bid, 12⅛ asked. Assume that the trader then requests quotes for the 30 delta SPX September 1480 puts, based on the underlying futures value of 1495, and receives a quote of 6 bid, 6⅛ asked. The trader agrees to buy 100 of the 1480 puts at 6⅛ and to hedge these agrees to buy 30 September 1495 calls at 12 and to sell 30 September 1495 puts at 12 (30 "long" combos). Now assume that the market rallies five points, to a new underlying futures level of 1500, before these orders can be executed. The September 1495 call is now trading at 15, the September 1495 put at 10 and the September 1480 puts at 4⅝. Under current Exchange rules, the trader could purchase the 1480 puts at 6⅛, but could not execute the legs of the SPX combo at 12 because they would trade out-of-range of the current displayed market. Proposed CBOE Rule 24.20 would allow the parties to the trade to print and execute the orders at the original quotes, 12 and 6⅛, because the options would not have traded outside the displayed bids or offers in the crowd or in the book (12 bid, 12⅛ asked: 6 bid, 6⅛ asked), and because the transaction as agreed to at a futures level of 1495 had market neutrality and would not have been affected by the five point market rally (the gain on the SPX combo of 5 points × 30 contracts x 500 multiplier = $75,000, is offset by the loss on the 1480 puts of 1.5 × 100 contracts × 500 = $75,000).

When an SPX combo transaction is effected out-of-range pursuant to proposed CBOE Rule 24.20, that fact will be denoted in the Exchange's disseminated quote by an "indicator."

The Exchange believes the proposed CBOE Rule 24.20 will give both customers and traders of SPX options an efficient means of hedging positions in SPX options, benefiting the marketplace. The Exchange believes that as a result of proposed CBOE Rule 24.20, SPX combo trading will become more consistent with current pricing practices in the futures markets [6] and the over-the-counter market, enabling the Exchange to compete more effectively with these markets and offering Exchange members and their customers greater flexibility.

The CBOE believes that the proposed rule will allow for the efficient conduct of SPX combo orders and will be beneficial to both customers and traders. Accordingly, the CBOE believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b) of the Act, in general, and Section 6(b)(5), in particular, in that is designed to facilitate transactions in securities, to perfect the mechanisms of a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE 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

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will by order approve such proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submission should refer to File No. SR–CBOE–00–40 and should be submitted by November 14, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27239 Filed 10–23–00; 8:45 am]

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[6] *See* Chicago Mercantile Exchange Rule 542, which provides that spread and combination transactions involving options need not satisfy the requirement that at least one leg must be within the price range established during the trading session whenever the spread or combination involves one or more contract months which have an established price range.

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43443; File No. SR–CHX–00–20]

Self-Regulatory Organizations Chicago Stock Exchange, Inc.; Order Granting Approval of Proposed Rule Change and Amendment No. 1 by the Chicago Stock Exchange, Incorporated Relating to Automatic Execution of Orders for Nasdaq/NM Securities

October 13, 2000.

I. Introduction

On June 9, 2000, the Chicago Stock Exchange, Incorporated ("CHX" or "Exchange") submitted to the Securities and Exchange Commission "SEC" or "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 relating to the automatic execution of orders for Nasdaq/NM Securities. On August 18, 2000, the Exchange filed Amendment No. 1, to the proposed rule change.[3]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Paul O'Kelly, Executive Vice President, CHX, to Katherine England, Assistant Director, Division of Market Regulation, Commission, dated August 15, 2000. ("Amendment No. 1"). In Amendment No. 1, the Exchange clarified how specialists would utilize the proposed enhanced liquidity function, and deleted a portion of the proposed rule text that would have permitted a specialist to switch to manual execution mode in unusual trading situations after, among other things, seeking relief from a member of the

The proposed rule change, including Amendment No. 1, was published for comment in the **Federal Register** on August 30, 2000.[4] No comments were received on the proposal. This order approves the proposal.

II. Description of Proposal

In its proposed rule change, the Exchange seeks to amend the CHX rules governing automatic execution sequences and algorithms relating to the trading of Nasdaq/NM Securities on the Exchange.[5] The Exchange has represented that the proposed changes are intended to bring the CHX rules in line with the practices that currently exist in the Nasdaq market with respect to the trading of Nasdaq/NM Securities.[6]

CHX Article XX, Rule 37, describes among other things, the circumstances under which orders must be accepted and guaranteed an execution at the national best bid or offer (the "BEST Rule"). CHX Rule 37 also describes a specialist's ability to set a parameter (the auto-execution threshold) that identifies (by size) which orders guaranteed a fill under the BEST Rule will be automatically executed.

The proposed rule change would allow specialists to reduce the minimum auto-execution threshold from 1,000 shares to 300 shares for each security in which the specialist makes a market. It would not change specialists' obligations under the BEST Rule.[7] In other words, specialists could choose to obligate themselves to *automatically* execute only those orders for 300 shares or less. Under these circumstances, specialists would still be required, however, to guarantee execution at the national best bid or offer ("NBBO") for orders up to the size associated with the NBBO.

Further, under the proposed rule, if a specialist at the NBBO chooses to set the auto-execution threshold at 300 shares, and an order for 1,000 shares is entered, the specialist must automatically execute 300 shares (the size of his bid or offer). The portion of the order that exceeds 300 shares (in this example, 700 shares) shall be treated as an open order, and must be manually executed at the NBBO.

The proposed rule also would permit specialists to choose to provide an enhanced execution guarantee for orders by setting a new parameter called an "enhanced liquidity quantity." The enhanced liquidity quantity, as the name implies, would permit a specialist to raise its automatic execution threshold to a size greater than 300 shares. If a specialist chooses to utilize this parameter, orders would be automatically executed up to the enhanced liquidity quantity designated by the specialist.[8] The specialist can designate an enhanced liquidity quantity on a stock by stock basis.

Lastly, the proposed rule provides new guidelines for Nasdaq/NM specialists that want to switch from automatic execution mode to a manual execution mode when unusual trading conditions exist. The proposed rule would define the term "unusual trading conditions" to include the existence of large order imbalances and/or significant price volatility. the rule would require that upon switching to manual execution mode based on the existence of unusual trading conditions, a specialist must: (1) Document the basis for election of manual execution mode; (2) disclose to its customers the differences in procedures from normal market conditions and the circumstances under which the specialist generally may activate manual execution mode; and (3) seek permission to switch to manual execution mode for two floor officials.[9]

III. Discussion

After careful review, the Commission finds that the proposed rule is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[10] In particular, the Commission believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act[11] in that it is designed to promote just an equitable principles of trade, to facilitate transactions in securities, to remove impediments to and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission believes that it is appropriate for the Exchange to allow specialist flexibility in determining the size of orders that they will guarantee receive automatic executions. Automatic execution systems help specialists meet the demands of high trade volume in the Nasdaq market, and competitive pressures to provide fast, efficient executions. The Commission recognizes that there are conditions under which specialists are not willing to provide automatic executions. During extreme market conditions, where there are large order imbalances or significant private volatility, guarantees of automatic executions for large orders subject specialists to a high degree of risk. The proposed rule change offered by the CHX is designed to mitigate that risk.

By giving specialists the option of lowering the size of orders that they must guarantee an automatic execution from 1,000 shares to 300 shares, the Commission believes the Exchange is providing specialists with an acceptable way to limit their exposure. The CHX has represented that reduction of the minimum auto-execution threshold is intended to limit the exposure of Nasdaq/NM specialists in the case of highly-volatile Nasdaq/NM Securities. The Exchange has stated that it anticipates that for the majority of Nasdaq/NM Securities, specialists will voluntarily remain at the 1,000-share auto-execution threshold.

In reviewing this proposal, the Commission considered it important that while a specialist may lower the size of orders that are guaranteed *automatic* execution to 300 shares, under the proposed rule change a specialist must still provide an execution at the NBBO for all orders of 1,000 shares or less pursuant to the Exchange's Best Rule. Further, the proposed rule provides that in the case of orders larger than a specialist's automatic execution threshold, the specialist must provide an automatic execution up to the specialist's threshold, with the remainder of the order sent for manual execution. In this way, the Exchange is providing investors with some opportunity for a guaranteed automatic execution, while at the same time, protecting the specialist from unreasonable risk.

The Commission also finds that the Exchange's proposal to allow specialists to designate an "enhanced liquidity quantity" will give specialists an appropriate level of flexibility in determining what size orders they want to guarantee automatic executions. If a specialist chooses to offer automatic executions to orders greater than his or

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Exchange. Under the amended version of the rule, a specialist must seek relief from two floor officials.

[4] Securities Exchange Release No. 43199 August 23, 2000), 65 FR 52802.

[5] *See* CHX Article XX, rules 37 and 43.

[6] *See* NASD Notices to Members 99–11 and 99–12 (February, 1999)(discussing NASD member firm order execution practices, particularly during periods of significant market volatility).

[7] The CHX has represented that reduction of the minimum auto-execution threshold is intended to limit the exposure of Nasdaq/NM specialists in the case of highly-volatile Nasdaq/NM Securities. The Exchange anticipates, however, that for the majority of Nasdaq/NM Securities, specialists will voluntarily remain at the 1000-share auto-execution threshold.

[8] *See* Amendment No. 1, *supra* note 3.

[9] *See* Amendment No. 1, *supra* note 3.

[10] In approving this rule proposal, the Commission notes that it has also considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78s(b)(5).

her automatic execution threshold, he or she may do so using this function.

Next, the Commission believes that the Exchange's proposal to allow Nasdaq/NM specialists to switch from automatic execution mode to a manual execution mode in the event of unusual trading situations if they comply with certain requirements will also provide specialists with adequate protection in the event of large order imbalances and/or significant price volatility, or other unusual trading situations.[12] The proposed rule requires that upon switching to manual execution mode based on the existence of unusual trading conditions, a specialist must: (1) document the basis for election of manual execution mode; (2) disclose to its customers the differences in procedures from normal market conditions and the circumstances under which the specialist generally may activate manual execution mode; and (3) seek permission to switch to manual execution mode from two floor officials. The Commission believes the proposed rule adequately balances the concern that specialists not be required to offer automatic executions under truly unusual circumstances with the concern that investors who reasonably except to receive an automatic execution pursuant to Exchange rules and policies actually receive an automatic execution. The Commission believes that with the aforementioned requirements prior to switching from automatic to manual executions, both specialists and investors will be protected in the event of unusual market conditions.

IV. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (SR–CHX–00–20) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27240 Filed 10–23–00; 8:45 am]

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[12] The Commission expects the Exchange to keep records of instances when specialists are permitted to switch to a manual execution mode so that the Exchange and the Commission can monitor the use of this option.

[13] 15 U.S.C. 78f(b)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43457; File No. SR–NSCC–00–12]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Relating the Submission of Extended Corrections in Fund/Serv

October 17, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on August 28, 2000, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") and on October 16, 2000, amended the proposed rule change as described in Items I, II, and II below, which items have been prepared primarily by NSCC. 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 modify NSCC's rules to allow Fund Members and Mutual Fund Processors to submit extended (post settlement) corrections in NSCC's Fund/Serv.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC 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

Pursuant to NSCC's Rule 52A, Section 12, only a Settling Member or TPA Member may currently submit extended (post settlement) correction instructions. These types of instructions are submitted when a Settling Member or TPA Member determines that data previously transmitted to a Fund Member or Mutual Fund Processor with respect to a settled order is in need of correction.[3]

Under the proposed rule change, Section 12 will be amended to also permit Fund Members and Mutual Fund Processors to submit extended (post settlement) corrections to Settling Members or TPA Members. No action will be required by a Settling Member or TPA Member if it determines to accept the extended correction of a Fund Member or Mutual Fund Processor. A Settling Member or TPA Member will be able to reject the extended correction instruction within the time frame established by NSCC.[4] In addition, Section 12 will be revised to permit extended corrections for exchange orders.

The rule change also proposes to make two additional changes to Rule 52A. Sections 4 and 8 of Rule 52A will be amended to allow NSCC to delete certain orders, corrections, and extended corrections that have not been confirmed or rejected, respectively, within a time frame established by NSCC. Section 21 will permit NSCC to reduce the maximum time frame within which a Delivering Fund Member must confirm the value of Fund/Serv eligible mutual fund shares, investment funds, or UIT units from sixty days to ten days.[5]

NSCC intends to implement these changes, subject to SEC approval, on November 20, 2000.

NSCC believes the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act and the rules thereunder because it will facilitate the prompt and accurate clearance and settlement of securities transactions.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by NSCC.

[3] Securities Exchange Act Release No. 31937 (March 1, 1993), 58 FR 12609 [SR–NSCC–92–14] (order approving post settlement correction initiated by Settling Members and TPA Members).

[4] NSCC will issue an "Important Notice" at least 30 days prior to implementing changes in the time frames required for rejections of extended corrections. Telephone conversation with Richard J. Paley, Associate Counsel, NSCC (October 16, 2000).

[5] Pursuant to Section 21 of Rule 52A, a Fund Member or Mutual Fund Processor ("Receiving Fund Member") may initiate a request for the transfer of a customer's mutual fund shares, investment fund, or UIT units from another Fund Member or Mutual Fund Processor ("Delivering Fund Member"). The Delivering Fund Member must acknowledge or reject the transfer request within two business days. Once the transfer is acknowledged, the Delivering Fund Member must also confirm the value of the shares to be transferred within the time frame specified under Section 21. Under the proposed rule change, a Delivering Fund Member must submit the confirmation no earlier than one business day and no later than ten business days after acknowledging the transfer.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC 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

The Investment Company Institute's Enhancement Subcommittee of its Broker/Dealer Committee was advised of and concurs in the modifications to NSCC's rules. No written comments relating to the proposed rule change have been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

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.

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 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 NSCC. All submissions should refer to File No. SR–NSCC–00–12 and should be submitted by November 14, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27237 Filed 10–23–00; 8:45 am]

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[6] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Office of the Commissioner

Cost-of-Living Increase and Other Determinations for the Year 2001

AGENCY: Social Security Administration.

ACTION: Notice.

SUMMARY: The Commissioner has determined—

(1) A 3.5 percent cost-of-living increase in Social Security benefits under title II of the Social Security Act (the Act), effective for December 2000;

(2) An increase in the Federal Supplemental Security Income (SSI) monthly benefit amounts under title XVI of the Act for 2001 to $530 for an eligible individual, $796 for an eligible individual with an eligible spouse, and $266 for an essential person;

(3) The national average wage index for 1999 to be $30,469.84;

(4) The Old-Age, Survivors, and Disability Insurance (OASDI) contribution and benefit base to be $80,400 for remuneration paid in 2001 and self-employment income earned in taxable years beginning in 2001;

(5) For beneficiaries under age 65, the monthly exempt amount under the Social Security retirement earnings test for taxable years ending in calendar year 2001 to be $890;

(6) The dollar amounts ("bend points") used in the benefit formula for workers who become eligible for benefits in 2001 to be $561 and $3,381;

(7) The dollar amounts ("bend points") used in the formula for computing maximum family benefits for workers who become eligible for benefits in 2001 to be $717, $1,034, and $1,349;

(8) The amount of earnings a person must have to be credited with a quarter of coverage in 2001 to be $830;

(9) The "old-law" contribution and benefit base to be $59,700 for 2001;

(10) The monthly amount of substantial gainful activity applicable to statutorily blind individuals in 2001 to be $1,240;

(11) Coverage thresholds for 2001 to be $1,300 for domestic workers and $1,100 for election workers; and

(12) The OASDI fund ratio to be 215.4 percent for 2000.

FOR FURTHER INFORMATION CONTACT: Jefirey L. Kunkel, Office of the Chief Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–3013. For information on eligibility or claiming benefits, call 1–800–772–1213. Information relating to this announcement is available on the Internet at http://www.ssa.gov/OACT/COLA/index.html.

SUPPLEMENTARY INFORMATION: In accordance with the Act, the Commissioner must publish within 45 days after the close of the third calendar quarter of 2000 the benefit increase percentage and the revised table of "special minimum" benefits (section 215(i)(2)(D)). Also, the Commissioner must publish on or before November 1 the national average wage index for 1999 (section 215(a)(1)(D)), the OASDI fund ratio for 2000 (section 215(i)(2)(C)(ii)), the OASDI contribution and benefit base for 2001 (section 230(a)), the amount of earnings required to be credited with a quarter of coverage in 2001 (section 213(d)(2)), the monthly exempt amounts under the Social Security retirement earnings test for 2001 (section 203(f)(8)(A)), the formula for computing a primary insurance amount for workers who first become eligible for benefits or die in 2001 (section 215(a)(1)(D)), and the formula for computing the maximum amount of benefits payable to the family of a worker who first becomes eligible for old-age benefits or dies in 2001 (section 203(a)(2)(C)).

Cost-of-Living Increases

General. The cost-of-living increase is 3.5 percent for benefits under titles II and XVI of the Act. Under title II, OASDI benefits will increase by 3.5 percent beginning with December 2000 benefits, payable in January 2001. This increase is based on the authority contained in section 215(i) of the Act (42 U.S.C. 415(i)).

Under title XVI, Federal SSI payment levels will also increase by 3.5 percent effective for payments made for the month of January 2001 but paid on December 29, 2000. This is based on the authority contained in section 1617 of the Act (42 U.S.C. 1382f).

Automatic Benefit Increase Computation. Under section 215(i) of the Act, the third calendar quarter of 2000 is a cost-of-living computation

quarter for all the purposes of the Act. The Commissioner is, therefore, required to increase benefits, effective with December 2000, for individuals entitled under section 227 or 228 of the Act, to increase primary insurance amounts of all other individuals entitled under title II of the Act, and to increase maximum benefits payable to a family. For December 2000, the benefit increase is the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers from the third quarter of 1999 through the third quarter of 2000.

Section 215(i)(1) of the Act provides that the Consumer Price Index for a cost-of-living computation quarter shall be the arithmetic mean of this index for the 3 months in that quarter. We round the arithmetic mean, if necessary, to the nearest 0.1. The Department of Labor's Consumer Price Index for Urban Wage Earners and Clerical Workers for each month in the quarter ending September 30, 1999, is: for July 1999, 163.3; for August 1999, 163.8; and for September 1999, 164.7. The arithmetic mean for this calendar quarter is 163.9. The corresponding Consumer Price Index for each month in the quarter ending September 30, 2000, is: for July 2000, 169.4; for August 2000, 169.3; and for September 2000, 170.4. The arithmetic mean for this calendar quarter is 169.7. Thus, because the Consumer Price Index for the calendar quarter ending September 30, 2000, exceeds that for the calendar quarter ending September 30, 1999 by 3.5 percent, a cost-of-living benefit increase of 3.5 percent is effective for benefits under title II of the Act beginning December 2000.

Title II Benefit Amounts. In accordance with section 215(i) of the Act, in the case of workers and family members for whom eligibility for benefits (*i.e.*, the worker's attainment of age 62, or disability or death before age 62) occurred before 2001, benefits will increase by 3.5 percent beginning with benefits for December 2000 which are payable in January 2001. In the case of first eligibility after 2000, the 3.5 percent increase will not apply.

For eligibility after 1978, benefits are generally determined by a benefit formula provided by the Social Security Amendments of 1977 (Pub. L. 95–216), as described later in this notice.

For eligibility before 1979, we determine benefits by means of a benefit table. You may obtain a copy of this table by writing to: Social Security Administration, Office of Public Inquiries, 4100 Annex, Baltimore, MD 21235. The table is also available on the Internet at address http://www.ssa.gov/OACT/ProgData/tableForm.html.

Section 215(i)(2)(D) of the Act requires that, when the Commissioner determines an automatic increase in Social Security benefits, the Commissioner shall publish in the **Federal Register** a revision of the range of the primary insurance amounts and corresponding maximum family benefits based on the dollar amount and other provisions described in section 215(a)(1)(C)(i). We refer to these benefits as "special minimum" benefits. These benefits are payable to certain individuals with long periods of relatively low earnings. To qualify for such benefits, an individual must have at least 11 "years of coverage." To earn a year of coverage for purposes of the special minimum, a person must earn at least a certain proportion (25 percent for years before 1991, and 15 percent for years after 1990) of the "old-law" contribution and benefit base. In accordance with section 215(a)(1)(C)(i), the table below shows the revised range of primary insurance amounts and corresponding maximum family benefit amounts after the 3.5 percent benefit increase.

SPECIAL MINIMUM PRIMARY INSURANCE AMOUNTS AND MAXIMUM FAMILY BENEFITS PAYABLE FOR DECEMBER 2000

Number of years of coverage	Primary insurance amount	Maximum family benefit
11	$29.40	$44.70
12	59.40	89.80
13	89.70	134.90
14	119.50	179.80
15	149.50	224.50
16	179.60	270.20
17	209.70	315.40
18	239.90	360.30
19	269.90	405.50
20	299.80	450.50
21	330.20	495.90
22	360.00	540.80
23	390.40	586.60
24	420.50	631.50
25	450.50	676.10
26	480.80	722.10
27	510.70	766.90
28	540.70	811.80
29	570.80	857.10
30	600.90	902.00

Title XVI Benefit Amounts. In accordance with section 1617 of the Act, Federal SSI benefit amounts for the aged, blind, and disabled will increase by 3.5 percent effective January 2001. For 2000, we derived the monthly benefit amounts for an eligible individual, an eligible individual with an eligible spouse, and for an essential person—$512, $769, and $257, respectively—from corresponding yearly unrounded Federal SSI benefit amounts of $6,154.26, $9,230.35, and $3,084.18. For 2001, these yearly unrounded amounts increase by 3.5 percent to $6,369.66, $9,553.41, and $3,192.13, respectively. Each of these resulting amounts must be rounded, when not a multiple of $12, to the next lower multiple of $12. Accordingly, the corresponding annual amounts, effective for 2001, are $6,360, $9,552, and $3,192. Dividing the yearly amounts by 12 gives the corresponding monthly amounts for 2001—$530, $796, and $266, respectively. We reduce the monthly amount by subtracting monthly countable income. In the case of an eligible individual with an eligible spouse, we equally divide the amount payable between the two spouses.

Fee for Services Performed as a Representative Payee. Sections 205(j)(4)(A)(i) and 1631(a)(2)(D)(i) of the Act permit a qualified organization to collect from an individual a monthly fee for expenses incurred in providing services performed as such individual's representative payee. Currently the fee is limited to the lesser of: (1) 10 percent of the monthly benefit involved; or (2) $ 28 per month ($54 per month in any case in which the individual is entitled to disability benefits and the Commissioner has determined that payment to the representative payee would serve the interest of the individual because the individual has an alcoholism or drug addiction condition and is incapable of managing such benefits). The dollar fee limits are subject to increase by the automatic cost-of-living increase, with the resulting amounts rounded to the nearest whole dollar amount. Thus we will increase the current amounts by 3.5 percent to $29 and $56 for 2001.

National Average Wage Index for 1999

General. Under various provisions of the Act several amounts increase automatically with annual increases in the national average wage index. The amounts are: (1) The OASDI contribution and benefit base; (2) the retirement test exempt amounts; (3) the dollar amounts, or "bend points," in the primary insurance amount and maximum family benefit formulas; (4) the amount of earnings required for a worker to be credited with a quarter of coverage; (5) the "old-law" contribution and benefit base (as determined under section 230 of the Act as in effect before the 1977 amendments); (6) the substantial gainful activity amount applicable to statutorily blind individuals; and (7) the coverage

threshold for election officials and election workers. Also, section 3121(x) of the Internal Revenue Code requires that the domestic employee coverage threshold be based on changes in the national average wage index.

Computation. The determination of the national average wage index for calendar year 1999 is based on the 1998 national average wage index of $28,861.44 announced in the **Federal Register** on October 25, 1999 (64 FR 57506), along with the percentage increase in average wages from 1998 to 1999 measured by annual wage data tabulated by the Social Security Administration (SSA). The wage data tabulated by SSA include contributions to deferred compensation plans, as required by section 209(k) of the Act. The average amounts of wages calculated directly from these data were $27,686.75 and $29,229.69 for 1998 and 1999, respectively. To determine the national average wage index for 1999 at a level that is consistent with the national average wage indexing series for 1951 through 1977 (published December 29, 1978, at 43 FR 61016), we multiply the 1998 national average wage index of $28,861.44 by the percentage increase in average wages from 1998 to 1999 (based on SSA-tabulated wage data) as follows (with the result rounded to the nearest cent):

Amount. The national average wage index for 1999 is $28,861.44 times $29,229.69 divided by $27,686.75, which equals $30,469.84. Therefore, the national average wage index for calendar year 1999 is $30,469.84.

OASDI Contribution and Benefit Base

General. The OASDI contribution and benefit base is $80,400 for remuneration paid in 2001 and self-employment income earned in taxable years beginning in 2001.

The OASDI contribution and benefit base serves two purposes:

(a) It is the maximum annual amount of earnings on which OASDI taxes are paid. The OASDI tax rate for remuneration paid in 2001 is 6.2 percent for employees and employers, each. The OASDI tax rate for self-employment income earned in taxable years beginning in 2001 is 12.4 percent. (The Hospital Insurance tax is due on remuneration, without limitation, paid in 2001, at the rate of 1.45 percent for employees and employers, each, and on self-employment income earned in taxable years beginning in 2001, at the rate of 2.9 percent.)

(b) It is the maximum annual amount used in determining a person's OASDI benefits.

Computation. Section 230(b) of the Act provides the formula used to determine the OASDI contribution and benefit base. Under the formula, the base for 2001 shall be the larger of: (1) The 1994 base of $60,600 multiplied by the ratio of the national average wage index for 1999 to that for 1992; or (2) the current base ($76,200). If the resulting amount is not a multiple of $300, it shall be rounded to the nearest multiple of $300.

Amount. The ratio of the national average wage index for 1999, $30,469.84 as determined above, compared to that for 1992, $22,935.42, is 1.3285059. Multiplying the 1994 OASDI contribution and benefit base amount of $60,600 by the ratio of 1.3285059 produces the amount of $80,507.46 which rounds to $80,400. Because $80,400 exceeds the current base amount of $76,200, the OASDI contribution and benefit base is $80,400 for 2001.

Retirement Earnings Test Exempt Amounts

General. We withhold Social Security benefits when a beneficiary under the normal retirement age (NRA) has earnings in excess of the applicable retirement earnings test exempt amount. (NRA is the age at which the benefit, before rounding, is equal to the worker's primary insurance amount. The NRA is age 65 for those born before 1938, and it will gradually increase to age 67.) For 2001, NRA is age 65. From 1978 through 1999, when the retirement earnings test applied to individuals beyond the NRA, higher exempt amounts applied to beneficiaries aged 65 to 69 compared to those under age 65. Under Pub. L. 106–182, the "Senior Citizens" Freedom to Work Act of 2000," which ended the retirement earnings test for beneficiaries who have attained NRA, these higher exempt amounts still apply in the year in which a person attains his/her NRA, but only for months prior to such attainment. Section 203(f)(8)(B) of the Act, as amended by section 102 of Pub. L. 104–121, provides formulas for determining the monthly exempt amounts. The amendment set the higher annual exempt amount to $25,000 for 2001 and $30,000 for 2002. After 2002, the higher exempt amount will increase under the applicable formula. The corresponding monthly exempt amounts are exactly one-twelfth of the annual amounts.

For beneficiaries attaining NRA in the year, we withhold $1 in benefits for every $3 of earnings in excess of the annual exempt amount for months prior to such attainment. For all other beneficiaries under NRA, we withhold $1 in benefits for every $2 of earnings in excess of the annual exempt amount.

Computation. Under the formula applicable to beneficiaries under the NRA, the monthly exempt amount for 2001 shall be the larger of: (1) The 1994 monthly exempt amount multiplied by the ratio of the national average wage index for 1999 to that for 1992; or (2) the 2000 monthly exempt amount ($840). If the resulting amount is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

Exempt Amount for Beneficiaries Under NRA. The ratio of the national average wage index for 1999, $30,469.84, compared to that for 1992, $22,935.42, is 1.3285059. Multiplying the 1994 retirement earnings test monthly exempt amount of $670 by the ratio 1.3285059 produces the amount of $890.10. We round this to $890. Because $890 is larger than the corresponding current exempt amount of $840, the retirement earnings test monthly exempt amount for beneficiaries under NRA is $890 for 2001. The corresponding retirement earnings test annual exempt amount for these beneficiaries is $10,680.

Computing Benefits After 1978

General. The Social Security Amendments of 1977 provided a method for computing benefits which generally applies when a worker first becomes eligible for benefits after 1978. This method uses the worker's "average indexed monthly earnings" to compute the primary insurance amount. We adjust the computation formula each year to reflect changes in general wage levels, as measured by the national average wage index.

We also adjust, or "index," a worker's earnings to reflect the change in general wage levels that occurred during the worker's years of employment. Such indexation ensures that a worker's future benefits reflect the general rise in the standard of living that occurs during his or her working lifetime. To compute the average indexed monthly earnings, we first determine the needed number of years of earnings. Then we select that number of years with the highest indexed earnings, add the indexed earnings, and divide the total amount by the total number of months in those years. We then round the resulting average amount down to the next lower dollar amount. The result is the average indexed monthly earnings.

For example, to compute the average indexed monthly earnings for a worker attaining age 62, becoming disabled before age 62, or dying before attaining age 62, in 2001, we divide the national average wage index for 1999,

$30,469.84, by the national average wage index for each year prior to 1999 in which the worker had earnings. Then we multiply the actual wages and self-employment income, as defined in section 211(b) of the Act and credited for each year, by the corresponding ratio to obtain the worker's indexed earnings for each year before 1999. We consider any earnings in 1999 or later at face value, without indexing. We then compute the average indexed monthly earnings for determining the worker's primary insurance amount for 2001.

Computing the Primary Insurance Amount. The primary insurance amount is the sum of three separate percentages of portions of the average indexed monthly earnings. In 1979 (the first year the formula was in effect), these portions were the first $180, the amount between $180 and $1,085, and the amount over $1,085. We call the dollar amounts in the formula governing the portions of the average indexed monthly earnings the "bend points" of the formula. Thus, the bend points for 1979 were $180 and $1,085.

To obtain the bend points for 2001, we multiply the corresponding 1979 bend-point amounts by the ratio between the national average wage index for 1999, $30,469.84, and for 1977, $9,779.44. We then round these results to the nearest dollar. For 2001, the ratio is 3.1157040. Multiplying the 1979 amounts of $180 and $1,085 by 3.1157040 produces the amounts of $560.83 and $3,380.54. We round these to $561 and $3,381. Accordingly, the portions of the average indexed monthly earnings to be used in 2001 are the first $561, the amount between $561 and $3,381, and the amount over $3,381.

Consequently, for individuals who first become eligible for old-age insurance benefits or disability insurance benefits in 2001, or who die in 2001 before becoming eligible for benefits, their primary insurance amount will be the sum of:

(a) 90 percent of the first $561 of their average indexed monthly earnings, plus

(b) 32 percent of their average indexed monthly earnings over $561 and through $3,381, plus

(c) 15 percent of their average indexed monthly earnings over $3,381.

We round this amount to the next lower multiple of $.10 if it is not already a multiple of $.10. This formula and the rounding adjustment described above are contained in section 215(a) of the Act (42 U.S.C. 415(a)).

Maximum Benefits Payable to a Family

General. The 1977 amendments continued the long established policy of limiting the total monthly benefits that a worker's family may receive based on his or her primary insurance amount. Those amendments also continued the then existing relationship between maximum family benefits and primary insurance amounts but did change the method of computing the maximum amount of benefits that may be paid to a worker's family. The Social Security Disability Amendments of 1980 (Pub. L. 96–265) established a formula for computing the maximum benefits payable to the family of a disabled worker. This formula applies to the family benefits of workers who first become entitled to disability insurance benefits after June 30, 1980, and who first become eligible for these benefits after 1978. For disabled workers initially entitled to disability benefits before July 1980, or whose disability began before 1979, we compute the family maximum payable the same as the old-age and survivor family maximum.

Computing the Old-Age and Survivor Family Maximum. The formula used to compute the family maximum is similar to that used to compute the primary insurance amount. It involves computing the sum of four separate percentages of portions of the worker's primary insurance amount. In 1979, these portions were the first $230, the amount between $230 and $332, the amount between $332 and $433, and the amount over $433. We refer to such dollar amounts in the formula as the "bend points" of the family-maximum formula.

To obtain the bend points for 2001, we multiply the corresponding 1979 bend-point amounts by the ratio between the national average wage index for 1999, $30,469.84, and the average for 1977, $9,779.44. Then we round this amount to the nearest dollar. For 2001, the ratio is 3.1157040. Multiplying the amounts of $230, $332, and $433 by 3.1157040 produces the amounts of $716.61, $1,034.41, and $1,349.10. We round these amounts to $717, $1,034, and $1,349. Accordingly, the portions of the primary insurance amounts to be used in 2001 are the first $717, the amount between $717 and $1,034, the amount between $1,034 and $1,349, and the amount over $1,349.

Consequently, for the family of a worker who becomes age 62 or dies in 2001 before age 62, we will compute the total amount of benefits payable to them so that it does not exceed:

(a) 150 percent of the first $717 of the worker's primary insurance amount, plus

(b) 272 percent of the worker's primary insurance amount over $717 through $ 1,034, plus

(c) 134 percent of the worker's primary insurance amount over $1,034 through $ 1,349, plus

(d) 175 percent of the worker's primary insurance amount over $1,349.

We then round this amount to the next lower multiple of $.10 if it is not already a multiple of $.10. This formula and the rounding adjustment described above are contained in section 203(a) of the Act (42 U.S.C. 403(a)).

Quarter of Coverage Amount

General. The amount of earnings required for a quarter of coverage in 2001 is $830. A quarter of coverage is the basic unit for determining whether a worker is insured under the Social Security program. For years before 1978, we generally credited an individual with a quarter of coverage for each quarter in which wages of $50 or more were paid, or with 4 quarters of coverage for every taxable year in which $400 or more of self-employment income was earned. Beginning in 1978, employers generally report wages on an annual basis instead of a quarterly basis. With the change to annual reporting, section 352(b) of the Social Security Amendments of 1977 amended section 213(d) of the Act to provide that a quarter of coverage would be credited for each $250 of an individual's total wages and self-employment income for calendar year 1978, up to a maximum of 4 quarters of coverage for the year.

Computation. Under the prescribed formula, the quarter of coverage amount for 2001 shall be the larger of: (1) The 1978 amount of $250 multiplied by the ratio of the national average wage index for 1999 to that for 1976; or (2) the current amount of $780. Section 213(d) further provides that if the resulting amount is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

Quarter of Coverage Amount. The ratio of the national average wage index for 1999, $ 30,469.84, compared to that for 1976, $9,226.48, is 3.3024339. Multiplying the 1978 quarter of coverage amount of $250 by the ratio of 3.3024339 produces the amount of $825.61, which must then be rounded to $830. Because $830 exceeds the current amount of $780, the quarter of coverage amount is $830 for 2001.

"Old-Law" Contribution and Benefit Base

General. The "old-law" contribution and benefit base for 2001 is $59,700. This is the base that would have been effective under the Act without the enactment of the 1977 amendments. We compute the base under section 230(b)

of the Act as it read prior to the 1977 amendments.

The "old-law" contribution and benefit base is used by:

(a) the Railroad Retirement program to determine certain tax liabilities and tier II benefits payable under that program to supplement the tier I payments which correspond to basic Social Security benefits,

(b) the Pension Benefit Guaranty Corporation to determine the maximum amount of pension guaranteed under the Employee Retirement Income Security Act (as stated in section 230(d) of the Social Security Act),

(c) Social Security to determine a year of coverage in computing the special minimum benefit, as described earlier, and

(d) Social Security to determine a year of coverage (acquired whenever earnings equal or exceed 25 percent of the "old-law" base for this purpose only) in computing benefits for persons who are also eligible to receive pensions based on employment not covered under section 210 of the Act.

Computation. The "old-law" contribution and benefit base shall be the larger of: (1) The 1994 "old-law" base ($45,000) multiplied by the ratio of the national average wage index for 1999 to that for 1992; or (2) the current "old-law" base ($56,700). If the resulting amount is not a multiple of $300, it shall be rounded to the nearest multiple of $300.

Amount. The ratio of the national average wage index for 1999, $30,469.84, compared to that for 1992, $22,935.42, is 1.3285059. Multiplying the 1994 "old-law" contribution and benefit base amount of $45,000 by the ratio of 1.3285059 produces the amount of $59,782.76. We round this amount to $59,700. Because $59,700 exceeds the current amount of $56,700, the "old-law" contribution and benefit base is $59,700 for 2001.

Substantial Gainful Activity Amounts

General. A finding of disability under titles II and XVI of the Act requires that a person be unable to engage in substantial gainful activity (SGA). A person who is earning more than a certain monthly amount (net of impairment-related work expenses) is ordinarily considered to be engaging in SGA. The amount of monthly earnings considered as SGA depends on the nature of a person's disability. Section 223(d)(4)(A) of the Act specifies a higher SGA amount for statutorily blind individuals while Federal regulations specify a lower SGA amount (currently $700 per month) for non-blind individuals. At this time, only the SGA amount for statutorily blind individuals increases in accordance with increases in the national average wage index. Later this year, however, we will issue a Final Rule in the **Federal Register** announcing a wage-indexed SGA amount applicable to non-blind disabled beneficiaries for 2001.

Computation. The monthly SGA amount for statutorily blind individuals for 2001 shall be the larger of: (1) Such amount for 1994 multiplied by the ratio of the national average wage index for 1999 to that for 1992; or (2) such amount for 2000. If the resulting amount is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

SGA Amount for Statutorily Blind Individuals. The ratio of the national average wage index for 1999, $30,469.84, compared to that for 1992, $22,935.42, is 1.3285059. Multiplying the 1994 monthly SGA amount for statutorily blind individuals of $930 by the ratio of 1.3285059 produces the amount of $1,235.51. We then round this amount to $1,240. Because $ 1,240 is larger than the current amount of $1,170, the monthly SGA amount for statutorily blind individuals is $1,240 for 2001.

Domestic Employee Coverage Threshold

General. Section 2 of the "Social Security Domestic Employment Reform Act of 1994" (Pub. L. 103–387) increased the threshold for coverage of a domestic employee's wages paid per employer from $50 per calendar quarter to $1,000 per annum in calendar year 1994. The statute held the coverage threshold at the $1,000 level for 1995 and then increased the threshold in $100 increments for years after 1995. Section 3121(x) of the Internal Revenue Code provides the formula for increasing the threshold.

Computation. Under the formula, the domestic employee coverage threshold amount for 2001 shall be equal to the 1995 amount of $1,000 multiplied by the ratio of the national average wage index for 1999 to that for 1993. If the resulting amount is not a multiple of $100, it shall be rounded to the next lower multiple of $100.

Domestic Employee Coverage Threshold Amount. The ratio of the national average wage index for 1999, $30,469.84, compared to that for 1993, $23,132.67, is 1.3171778. Multiplying the 1995 domestic employee coverage threshold amount of $1,000 by the ratio of 1.3171778 produces the amount of $1,317.18, which must then be rounded to $1,300. Accordingly, the domestic employee coverage threshold amount is $1,300 for 2001.

Election Worker Coverage Threshold

General. Section 303(b) of Pub. L. 103–296, the "Social Security Independence and Program Improvements Act of 1994," increased from $100 a year to $1,000 a year the amount an election official or election worker must be paid for the earnings to be covered under Social Security or Medicare, effective January 1, 1995. Beginning in the year 2000, the coverage threshold increases automatically with increases in the national average wage index.

Computation. Under the formula, the election worker coverage threshold amount for 2001 shall be equal to the 1999 amount of $1,000 multiplied by the ratio of the national average wage index for 1999 to that for 1997. If the amount so determined is not a multiple of $100, it shall be rounded to the nearest multiple of $100.

Election Worker Coverage Threshold Amount. The ratio of the national average wage index for 1999, $30,469.84, compared to that for 1997, $27,426.00, is 1.1109837. Multiplying the 1999 election worker coverage threshold amount of $1,000 by the ratio of 1.1109837 produces the amount of $1,110.98, which we then round to $1,100. Accordingly, the election worker coverage threshold amount is $1,100 for 2001.

OASDI Fund Ratio

General. In addition to providing an annual automatic cost-of-living increase in OASDI benefits, section 215(i) of the Act also includes a "stabilizer" provision that can limit such benefit increase under certain circumstances. If the combined assets of the OASI and DI Trust Funds, as a percentage of annual expenditures, are below a specified threshold, the automatic benefit increase is equal to the lesser of: (1) The increase in the national average wage index; or (2) the increase in prices. The threshold specified for the OASDI fund ratio is 20.0 percent for benefit increases for December of 1989 and later. The law also provides for subsequent "catch-up" benefit increases for beneficiaries whose previous benefit increases were affected by this provision. "Catch-up" benefit increases can occur only when trust fund assets exceed 32.0 percent of annual expenditures.

Computation. Section 215(i) specifies the computation and application of the OASDI fund ratio. The OASDI fund ratio for 2000 is the ratio of the combined assets of the OASI and DI Trust Funds at the beginning of 2000 to the estimated expenditures of the OASI and DI Trust Funds during 2000,

excluding transfer payments between the OASI and DI Trust Funds, and reducing any transfers to the Railroad Retirement Account by any transfers from that account into either trust fund.

Ratio. The combined assets of the OASI and DI Trust Funds at the beginning of 2000 equaled $896,133 million, and we estimate the expenditures in 2000 to be $416,120 million. Thus, the OASDI fund ratio for 2000 is 215.4 percent, which exceeds the applicable threshold of 20.0 percent. Therefore, the stabilizer provision does not affect the benefit increase for December 2000. Although the OASDI fund ratio exceeds the 32.0-percent threshold for potential "catch-up" benefit increases, the stabilizer provision has not reduced any past benefit increase. Thus, no "catch-up" benefit increase is required.

(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 18, 2000.

Kenneth S. Apfel,

Commissioner of Social Security.

[FR Doc. 00–27249 Filed 10–23–00; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 3454]

Bureau of Educational and Cultural Affairs Request for Proposals; Fulbright Student Program

NOTICE: Request for Proposals.

SUMMARY: The Office of Academic Programs of the United States Department of State's Bureau of Educational and Cultural Affairs announces an open competition for one or more assistance award(s). Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to provide administrative and program services for the Fulbright Student Program in Fiscal Year 2002. Pursuant to its grants guidelines established cooperatively with the Congress, "The Bureau seeks to promote competition and balance in its discretionary grant-making and strives to avoid exclusivity." The Bureau is competing the administrative functions that support the Fulbright Student Program for the first time in the fifty-five year history of the Program. Deadline for receipt of proposals is February 1, 2001. The cooperative agreement(s) will begin o/a October 1, 2001, pending appropriation of funds.

Program Information

Overview: The Fulbright Program was created by the U.S. Congress at the end of World War II to exchange U.S. and foreign students, scholars and teachers, providing them with the opportunity to experience firsthand the political, economic and cultural institutions and societies in each other's countries. In the intervening years, the Fulbright Program has evolved into the premier educational exchange program sponsored by the people of the United States through their federal government, and thus an important element in the conduct of U.S. foreign affairs. The Fulbright Program, which now extends to approximately 140 foreign countries and involves 5,000 participants overall every year, has helped to form and inform tens of thousands of the world's leaders in every academic and professional field. The student portion of the Fulbright Program will engage approximately 875 U.S. and 2,700 foreign students in FY 2002.

The hallmark of the Fulbright Program is binationalism. The United States and foreign governments, educational and other public and private institutions are all partners in this exchange. In many countries of the world, financial contributions from governments or public/private sources match or exceed those of the United States. Because of its binational nature, the profile of the Fulbright Program worldwide reflects a range of objectives and interests.

The Fulbright Program's grant-making authority is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The Fulbright Program is funded through annual Congressional appropriations to the Department of State and receives significant financial support from partner governments and private donors worldwide.

Fulbright Student Program

For more than fifty-five years, the Fulbright Student Program has offered grants to college and university graduates as well as to creative artists to study and conduct research abroad and in the United States. In the creative and performing arts, applicants must have completed four years of professional study and/or experience. Tens of thousands of U.S. and foreign students have participated in the program since its inception. In FY 2002, the Fulbright Student Program will send abroad approximately 875 U.S. students and artists to study and conduct research and will bring to this country approximately 1,500 new foreign students for similar activities. Additionally, in FY 2002, the grants to 1,200 foreign students from prior years will be renewed. Applicants for this award(s) should submit program proposals and budget projections for new students only. Prior year grants will be administered by the organizations currently administering the program.

Responsibility for the management of the Fulbright Student Program is currently shared among the Bureau of Educational and Cultural Affairs of the U.S. Department of State in Washington, bilateral Fulbright Commissions in 51 countries and public affairs sections of U.S. embassies overseas, and cooperating private sector agencies in the United States. Overall policy guidelines for all Fulbright programs are determined by the Presidentially-appointed J. William Fulbright Foreign Scholarship Board (FSB).

Because the Fulbright Student Program is both global and binational in nature, its administration is programmatically and administratively complex. It must accommodate a variety of circumstances in every geographic region of the world and be responsive to and supportive of many different constituencies in the United States and abroad, each with its own sets of goals and concerns. The integrity of the Program requires that it maintain the highest and most consistent standards of academic and professional quality in the selection of candidates and implementation of projects. While the Program is active in some 140 countries, it is important that it maintain a single worldwide identity.

Under the FSB's auspices, U.S. citizens are awarded grants each year, through a merit-based, competitive process, to study and undertake research at universities or research institutions abroad. Grant opportunities for U.S. students are determined overseas by binational Fulbright

Commissions and U.S. embassies in coordination with the Bureau of Educational and Cultural Affairs in Washington.

Similarly, foreign students receive grants each year for study and individual research in the U.S. Grantees for this program are nominated through open, merit-based competitions in each participating country, conducted by a binational Fulbright Commission or, in the absence of a Commission, by U.S. embassies.

Eligibility Guidelines

Public and private non-profit organizations with at least four years of experience in conducting international exchange programs and meeting the provisions described in IRS regulation 26 CFR 1.501(c) may apply to provide administrative and program services for the Fulbright Student Program in Fiscal Year 2002.

Options

Organizations or consortia of organizations may compete to administer the entire world-wide Fulbright Student Program, comprising both the U.S. and foreign student components.

Alternatively, single organizations or consortia of organizations may compete to administer the U.S. student program and/or the foreign student program based on the following guidelines:

For the U.S. Student Fulbright Program, the Competition Is Open To

—single organizations or consortia of organizations wishing to administer the program worldwide.

For the Foreign Student Fulbright Program, the Competition Is Open To

—single organizations or consortia of organizations wishing to administer the program worldwide or;
—single organizations wishing to administer the foreign student program for one or more regions of the world. For the purpose of this competition, regions are defined as follows:
—Western Hemisphere [Latin America, the Caribbean and Canada];
—Sub-Saharan Africa;
—Europe, [West, Central and East Europe including Greece, Turkey and Cyprus] ;
—North Africa and the Middle East;
—South Asia;
—Far East and Pacific.

Organizations may submit proposals to administer the worldwide U.S. student program and the foreign student program in one or more regions. The Bureau will not accept proposals to administer the Foreign Student Fulbright Program in a single country or group of countries other than those in the defined regions. A complete list of countries and country programs in each region is provided in the Project Objectives, Goals and Implementation (POGI) package.

At the present time, the Bureau does not administer a Foreign Student Fulbright Program for the Newly Independent States.

Consortia wishing to administer the worldwide Fulbright Student Program (U.S. and foreign), the U.S. student program or the worldwide foreign student program should designate one organization to be the recipient of the cooperative agreement award. Applications proposing administration of the Program by a consortium should provide a detailed description of arrangements for cooperative work among the partners and between the partners and the U.S. and overseas academic communities, bilateral commissions and other entities responsible for the Fulbright Program.

The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and availability of funds. In addition, it reserves the right to accept proposals in whole or in part and make an award or awards in accordance with what serves the best interest of the Fulbright Student Program. Awards made will be subject to periodic reporting and evaluation requirements.

Application Guidelines

The Bureau will work closely with the recipient(s) of the cooperative agreement award(s) and will maintain a regular dialogue on administrative issues and questions as they arise over the duration of the award. Contingent upon satisfactory performance based on annual reviews, the Bureau intends to renew the award(s) each year for a period of not less than four additional years. The Bureau reserves the right to renew the award(s) beyond that period.

Depending on the Bureau's final decision on who will receive the award(s), the recipient(s) of the cooperative agreement award(s) will be singly or jointly responsible, under Bureau supervision, for the following activities beginning October 1, 2001.

For U.S. Students

Program Planning and Management: The award recipient(s) will be responsible for recruitment of U.S. students; tracking and monitoring of grantees; maintenance of a data base on grantees; administration of a central fund used to augment the number of graduating seniors and graduate students taking part in the program; preparation of statistical reports on distribution of grants by region, degree objective and source of funding. Proposals should offer strategies for recruitment of U.S. students and plans to enhance the visibility of the program and may include other innovative activities.

Publicity and Applications: The recipient(s) of the cooperative agreement award will be responsible for preparation and distribution of an "awards booklet" announcing grant opportunities, application packets and general program announcements, an annual directory of student grantees and flyers to publicize the program in the U.S. Proposals should address written and electronic communication, professional networking and other means, which will be used to enhance recruitment efforts. Suggested procedures should take into account the Bureau's plan to implement interactive electronic applications to the fullest possible extent. The award recipient(s) will be responsible for establishing and maintaining a website for the U.S. student program with appropriate links to the Bureau of Educational and Cultural Affairs' website and websites of binational Fulbright commissions overseas. Publicity and outreach efforts should include emphasis on recruitment of those groups currently under represented in the Fulbright Program, including people with disabilities and racial and ethnic minorities.

Screening and Selection Process: The recipient(s) of the cooperative agreement award will provide application forms and accept completed applications, both written and electronic, from U.S. program applicants; provide appropriate notification to applicants of their status on an on-going basis; pre-screen for eligibility all U.S. applicants; convene review committees composed of area and subject experts to screen U.S. applications to determine which among them will be recommended to U.S. embassies and Fulbright Commissions overseas and to the J. William Fulbright Foreign Scholarship Board.

Post-Nomination Services: The award recipient(s) will prepare letters for the J. William Fulbright Foreign Scholarship Board informing successful candidates of their selection; prepare letters for all candidates not selected or in alternate status; prepare grant award packages for candidates going to countries where the program is administered by U.S. embassies and to certain commission countries; respond to queries from grantees; prepare Congressional

notification letters for all U.S. candidates awarded grants; assist with pre-departure orientation for grantees going to China, Africa, the NIS, Southern Europe and the Baltics and other countries as required; maintain data on participants; prepare special reports at the request of the Bureau; review medical forms and identify health problems; electronically enroll some grantees in Bureau-provided health insurance; monitor grantees and provide grantee reports and analysis of these reports to the Bureau; prepare recognition certificates for all grantees; and assist with emergencies.

Fiscal Management: The award recipient(s) will manage payments of grantee stipends; provide quarterly reports on actual and projected expenditures; provide statistical, insurance, and other as hoc periodic reports; and monitor and audit internal functions and systems in accordance with U.S. Government and Bureau guidelines.

For Foreign Students

Program Planning and Management: The award recipient(s) will be responsible for placement of foreign students at U.S. institutions (note that some students are self-placed); development of U.S. university support in the form of tuition waivers or waivers of other academic fees; reviewing and making recommendations on grantee allowances; maintaining data base on grantee information, providing estimated costs for grants including tuition, meals and expenses, testing, pre-academic programs, cultural allowances and return travel; and preparation of special reports on the composition of the foreign student applicant pool. Proposals should offer strategies for placement and plans to enhance the visibility of the foreign student program and may include other innovative activities. Organizations or consortia should describe overseas capacities to assist U.S. embassies and Fulbright Commission with publicity, recruitment and selection of candidates for their foreign student program. These organizations or consortia should also address their regional, exchange or other kinds of expertise which would contribute to administration of the program.

Selection: The award recipient(s) will be responsible for preparation and distribution of application materials and selection guidelines to U.S. embassies and Fulbright commissions; receipt and review of applications; distributing testing materials and arranging special testing as necessary; and preparation of grantee handbook and orientation material.

English Language and Pre-Academic Training: The award recipient(s) will be responsible for designing criteria and projecting costs for programs of English language upgrading and discipline-specific preparation for selected Fulbright students as required for their academic program of study; evaluating credentials, placement and supervision of students in these English language and pre-academic programs; and evaluating and monitoring programs.

Placement: The award recipient(s) will maintain and develop resources to ensure the best placement of students; maintain contact with U.S. universities and knowledge of universities' current capacities; specializations and admission requirements; evaluate applications to determine to which U.S. universities they should be submitted; submit applications to an adequate number of institutions to ensure appropriate placement; secure cost-sharing; receive application admissions and rejections, analyze data and forward recommendations to embassies/commissions; and confirm placement at U.S. institutions for self-placed grantees.

Supervision and Support: The award recipient(s) will be responsible for preparation of grant packages for grantees from non-commission and some commission countries; review of medical forms; electronically enrolling some grantees in Bureau-provided health insurance; monitoring and preparation of grantee reports; verification, monitoring and maintaining students' correct visa status; verifying grantee enrollment in approved academic programs and monitoring performance; reviewing requests for renewal and extension of grants; and assisting with emergency situations.

Enrichment Activities: Each year, a series of enrichment seminars is held for foreign Fulbright students across the U.S. It is the goal of the Bureau of Educational and Cultural Affairs to include all first-year foreign Fulbright students in one of these seminars. The goal of these seminars is to provide participating foreign students with an in-depth understanding of American institutions, society and culture. Organizations bidding to administer the foreign student program in two or more regions should demonstrate the capacity to organize and manage at least six substantive three-day regional seminars annually.

Fiscal Management: The award recipient(s) will manage grantee stipend payments, including tax withholding for foreign grantees from non-commission and certain commission countries; provide quarterly reports on actual and projected expenditures; provide statistical, insurance and other ad hoc periodic reports; and monitor and audit internal functions and systems in accordance with U.S. Government and Bureau guidelines.

Budget Guidelines

A comprehensive line item administrative budget must be submitted with the proposal. It is anticipated that funding for the cooperative agreement award(s) which include program administration for all new Fulbright students will be approximately $7.5 million. In addition, a program budget totaling approximately $40 million for the global Fulbright Student Program will be transferred to the recipient(s) of the award in quarterly installments. Organizations/consortia submitting proposals to administer the worldwide U.S. student program and/or the foreign student program should submit budgets to support new students only. The current cooperative agreement awardees will continue to monitor and provide support for FY 2001 and earlier grantees.

Proposals must project a unit cost per U.S. and foreign student for each world region, provide a budget total by world region and document the percentage of time and cost per position for each staff member working on the Fulbright Student Program. Further budget guidance is contained in the Project Objective, Goals and Implementation (POGI) document.

Organizations competing for all or part of the Fulbright foreign student program should refer to the POGI for projected student caseloads for each geographic area.

Announcement Title and Number

All communications with the Bureau of Educational and Cultural Affairs, U.S. Department of State concerning this RFP should refer to the announcement's title and reference number ECA/A/E–02–01.

FOR FURTHER INFORMATION, CONTACT: Dr. Ellen S. Berelson, Office of Academic Exchange Programs, ECA/A/E/AF, Room 232, Bureau of Educational and Cultural Affairs, United States Department of State, 301 4th Street, SW., SA–44, Washington, DC 20547, phone: (202) 619–5376, fax: (202) 619–6137; E-mail: eberelson@pd.state.gov to request a Solicitation Package, containing more detailed information. The package will include all required application forms, standard guidelines for preparing a proposal, including

specific criteria for preparation of the proposal budget.

All inquiries about the Request for Proposal or any aspect of the Fulbright Student Program should be submitted in writing to Dr. Berelson. Interested applicants should read the complete **Federal Register** announcement before sending inquiries or submitting proposals.

Any questions or requests for information that applicants wish to make to overseas Fulbright Commissions or Public Affairs Sections at U.S. embassies also should be submitted in writing to Dr. Berelson for transmission to those overseas offices.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at http://exchanges.state.gov/education/rfps. Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs, U.S. Department of State by 5 p.m. Washington, D.C. time on February 1, 2001. Faxed document will not be accepted. Documents postmarked with the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and *15* copies of the application should be sent to:

U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Reference: ECA/A/E–01–02, Program Management, ECA/EX/PM, Room 536, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal on a 3.5″ diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau may transmit these files electronically to American embassies for their review, with the goal of reducing the time it takes to receive field comments for the Bureau's grant review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content including recruitment and placement of students and selection of grantees for enrichment activities. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into the total proposal.

Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy, 'the Bureau' shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their proposal contents, to the full extent deemed feasible.

Applicants should provide a diversity plan indicating how their proposal will serve to increase the number of U.S. Fulbright student grantees from under represented communities, as listed above. In addition, the plan should include ways the applicant will build diversity into administrative and programmatic aspects of the program—in the composition of screening/review committee members, in foreign student grantee placement, through orientation, enrichment and enhancement programs for U.S. and foreign Fulbright students, and in developing and implementing website and other online resources. The applicant may wish to designate a "diversity coordinator" among the proposed program staff.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them first for technical eligibility. Proposals must conform to Bureau requirements and guidelines outlined in the Solicitation Package. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the solicitation package. Eligible proposals will undergo further advisory professional review at the Department of State which may include the use of advisory external consultants. Proposals may be reviewed by the Office of the Legal Advisor or by other Department elements. Final funding decisions are at the discretion of the Assistant Secretary of State for Educational and Cultural Affairs. All programs and activities are subject to the availability of funds. Final technical authority for assistance awards resides with the Bureau of Educational and Cultural Affairs grants division.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank-ordered.

1. *Quality:* Proposals should display an understanding of and respect for the goals and distinguished traditions of the Fulbright Program, as reflected in the requirements and priorities of this RFP. Proposals should demonstrate a commitment to excellence and creativity in the implementation and management of the program, including the recruitment of students.

2. *Program Planning:* Proposals should respond to the planning requirements outlined in the RFP. Planning should demonstrate substantive rigor. A detailed agenda and work plan, including a time line, should demonstrate feasibility and the applicant's logistical capacity to implement the Program.

3. *Ability to Achieve Program Objectives:* Proposals should demonstrate clearly how the applicant will fulfill the Program's objectives and implement plans, while demonstrating innovation and a commitment to academic excellence. Proposals should demonstrate a capacity for flexibility in the management of the Program.

4. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve Program goals. Applicants should demonstrate established links to institutions of higher education in the U.S. and knowledge of the overseas educational environment, particularly an awareness of conditions in societies and educational institutions outside the United States as they apply to academic exchange programs. Applicants should demonstrate prior experience or the capacity to negotiate significant cost savings for foreign students from American institutions of higher education. Applicants should also demonstrate their capacity to provide an information management/database system that meets Program requirements, is compatible with the Bureau's systems and will advance the Fulbright Student Program's plan for implementing electronic applications and data storage.

5. *Institutional Performance:* Proposals should demonstrate an institutional record of managing

successful exchange programs including: significant experience in developing and administering international exchange programs, sound fiscal management, and full compliance with all reporting requirements for past Bureau cooperative agreement awards as determined by the Bureau's Grants Division. In its review of proposals, the Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

6. *Cost-effectiveness:* Overhead and administrative components including salaries should be kept as low as possible while adequate and appropriate to provide the required services. Proposals should document plans to realize cost-savings and other efficiencies through use of technology, administrative streamlining and other management techniques.

7. *Cost-sharing:* Proposals should demonstrate maximum cost-sharing. Preference will be given to proposals which demonstrate innovative approaches to leveraging of funds, fund-raising and other sharing of costs.

8. *Support of Diversity:* Proposals should demonstrate the applicant's awareness and understanding of diversity and a commitment to its achievement through individual grant awards and institutional participation and in other ways in both administrative and programmatic aspects of the Fulbright program.

9. *Evaluation:* Proposals should include a plan to evaluate the success of the Program. The Bureau recommends that proposals include a draft survey questionnaire or other techniques plus description of a methodology to use to link outcomes to original project objectives.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to accept proposals in whole or in part and make an award or awards in accordance with what best serves the interests of the global Fulbright Student Program. The Bureau also reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements. Programs must comply with J–1 visa regulations. Please refer to the Solicitation Package for further information.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Department of State procedures.

Dated: October 18, 2000.

William B. Bader,

Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 00–27292 Filed 10–23–00; 8:45 am]

BILLING CODE 4710–05–U

DEPARTMENT OF STATE

[Public Notice No. 3445]

Shipping Coordinating Committee; Notice of Meeting

The Shipping Coordinating Committee (SHC) scheduled to take place on Wednesday, November 8, 2000 at U.S. Coast Guard Headquarters has been cancelled. For further information, please contact Captain Joesph F. Ahern or Lieutenant Daniel J. Goettle, U.S. Coast Guard, Office of Maritime and International Law (G–LMI), 2100 Second Street, S.W., Washington, D.C. 20593–0001; telephone (202) 267–1527; fax (202) 267–4496.

Dated: October 18, 2000.

Stephen M. Miller,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 00–27290 Filed 10–23–00; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Granted Buy America Waiver

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Granted Buy America Waiver.

SUMMARY: This waiver allows ticket vending machine manufacturers to install the Giesecke & Devrient ("G&D") banknote identification modules (BIM) and count it as domestic for purposes of Buy America compliance. It is predicated on the non-availability of the item domestically and granted on July 21, 2000, for the period of two years, or until such time as a domestic source for this BIM becomes available, whichever occurs first. This notice shall insure that the public, particularly potential manufacturers, is aware of this waiver. FTA requests that the public notify it of any relevant changes in the domestic market. FTA also granted an identical waiver to Mars Electronics, a competitor of G&D and manufacturer of a similar device. That waiver is published elsewhere in today's **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Meghan G. Ludtke, FTA Office of Chief Counsel, Room 9316, (202) 366–4011 (telephone) or (202) 366–3809 (fax).

SUPPLEMENTARY INFORMATION: The above-referenced waiver follows:

July 21, 2000.

Mr. Klaus J. Krauth, Vice President, Chief Financial Officer, Giesecke & Devrient America, Inc., 45925 Horseshoe Drive, Dulles, Virginia 20166.

Re: Application for Waiver of Buy America for Automated Fare Collection System Component

Dear Mr. Krauth: This letter responds to your correspondence of June 1, 2000, in which you request a Buy America component waiver based upon nonavailability for certain banknote identification modules (BIM) manufactured for use in ticket vending machines. The BIM at issue here features unique security functions and the ability to be upgraded for currency changes.

Based upon the fact that there were no known domestic sources, the Federal Transit Administration (FTA) has granted Buy America waivers to one of your competitors, Mars Electronics, for its bill handling unit (BHU), an item with similar functionality to the BIM. Upon hearing from both Mars and G&D on the subject of a component waiver, FTA contacted Cubic Transportation Systems, Inc., a manufacturer of ticket vending machines using both BIM's and BHU's and requested that it submit its assessment of the state of this market.

Cubic contended, by letter dated April 19, 2000, that based upon an extensive survey of the market, which is continuously updated by technical staff, there is no known U.S. manufacturer of a BIM/BHU that perform the functions listed herein. To date, Cubic has qualified only two sources for the BIM/BHU used in its ticket vending machines; those sources are G&D and Mars Electronics. This letter incorporates, by reference, the information contained in the above-referenced correspondence.

FTA's requirements concerning domestic preference for federally funded transit projects are set forth in 49 U.S.C. § 5323(j). However, Section 5323(j)(2)(B) states that those requirements shall not apply if the item or items being procured are not produced in the U.S. in sufficient and reasonably available quantities and of a satisfactory quality. The implementing regulation also provides that a waiver may be requested "for a specific item or material that is used in the production of a manufactured product." 49 CFR 661.7(g). The regulations allow a bidder or supplier to request a waiver only if it is being sought under this section. See 49 CFR 661.7(g) and 49 CFR 661.9(d). This waiver would allow G&D to treat the BIM as domestic.

Based on the above-referenced information, I have determined that the grounds for a "nonavailability" waiver exist. Therefore, pursuant to the provisions of 49 U.S.C. § 5323(j)(2)(B), the waiver is hereby granted for manufacture of the BIM model number 2020 for the period of two years, or until such time as a domestic source for this type of component becomes available, whichever occurs first. In order to insure that the public is aware of this waiver, particularly potential manufacturers, it will be published in the **Federal Register.**

If you have any questions, pleased contact Meghan G. Ludtke at (202) 366–4011.

Very truly yours,

Gregory B. McBride,

Deputy Chief Counsel.

Issued on: October 19, 2000.

Nuria I. Fernandez,

Acting Administrator.

[FR Doc. 00–27297 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Granted Buy America Waiver

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Granted Buy America Waiver.

SUMMARY: This waiver allows ticket vending machine manufacturers to install the banknote handling unit (BHU) manufactured by Mars Electronics International and count it as domestic for purposes of Buy America compliance. It is predicated on the non-availability of the item domestically and was granted on July 21, 2000, for the period of two years, or until such time as a domestic source for this BHU becomes available, whichever occurs first. This notice shall insure that the public, particularly potential manufacturers, is aware of this waiver. FTA requests that the public notify it of any relevant changes in the domestic market. FTA also granted an identical waiver to Giesecke & Devrient, a competitor of mars and manufacturer of a similar device. That waiver is published elsewhere in today's **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Meghan G. Ludtke, FTA Office of Chief Counsel, Room 9316, (202) 366–4011 (telephone) or (202) 366–3809 (fax).

SUPPLEMENTARY INFORMATION: The above-referenced waiver follows:

July 21, 2000.

Mr. Cassius L. Jones, Industry Manager, Mars Electronics International, 1301 Wilson Drive, West Chester, Pennsylvania 19380–5953.

Re: Application for Waiver of Buy America for Automated Fare Collection System Component

Dear Mr. Jones: This letter responds to your correspondence of March 16, 2000, in which you request a Buy America component waiver based upon nonavailability for certain bank note handling units (BHU) manufactured for use in ticket vending machines. The unique nature of the BHU's at issue is the ability to return inserted bills when a transaction is not completed.

On May 13, 1992, the Federal Transit Administration (FTA) granted Mars a waiver for the BSN385/39 BHU for the period of two years, this waiver was extended for another two years on January 11, 1994. On February 21, 1996, FTA extended the waiver for the BNA52/54, the successor to the BSN385/39 for two more years. On May 13, 1998, you requested another extension and on August 4, 1998, FTA responded, asking for information supporting your assertion that there was still no equivalent product currently manufactured in the U.S.

On March 26, 2000, you amended your request by adding supporting information and requesting that the waiver be extended to include the improved version of the BHU, the BNA57. In an effort to obtain current market data, you stated that you employed the services of a Mr. Howard Waxman, Project Manager, Strategic Consulting & Research Group of Find/SVP to conduct a search for a U.S. manufacturer of the BHU which features multiple bill escrow functionality. You submit that no U.S. manufacturers were found, and that Ardac Inc., Coinco, Global Payment Technologies, Rowe International, and Singer Data Products, were all contacted. This letter incorporates, by reference, the information contained in the above-referenced correspondence.

Further, at FTA's request, Cubic Transportation Systems, Inc., a manufacturer of ticket vending machines and purchaser of BHU's for use in said machines, submitted information on the state of the market. Cubic contends by letter dated April 19, 2000, that based upon an extensive survey of the market, which is continuously updated by technical staff, there is no known U.S. manufacturer of BHU's that performs the functions listed herein.

FTA's requirements concerning domestic preference for federally funded transit projects are set forth in 49 U.S.C. § 5323(j). However, Section 5323(j)(2)(B) states that those requirements shall not apply if the item or items being procured are not produced in the U.S. in sufficient and reasonably available quantities and of a satisfactory quality. The implementing regulation also provides that a waiver may be requested "for a specific item or material that is used in the production of a manufactured product." 49 CFR § 661.7(g). The regulations allow a bidder or supplier to request a waiver only if it is being sought under this section. See 49 CFR 661.7(g) and 49 CFR 661.9(d). This waiver would allow Mars to treat the BHU as domestic.

Based on the above-referenced information, I have determined that the grounds for a "nonavailability" waiver do exist. Therefore, pursuant to the provisions of 49 U.S.C. § 5323(j)(2)(B), the waiver is hereby granted for manufacture of the BNA57, BNA52/54 and the BSN383/39 BHU's for the period of two years, or until such time as a domestic source for this type of BHU becomes available, whichever occurs first. In order to insure that the public is aware of this waiver, particularly potential manufacturers, this waiver will be published in the **Federal Register.**

If you have any questions, please contact Meghan G. Ludtke at (202) 366–4011.

Very truly yours,

Gregory B. McBride,

Deputy Chief Counsel.

Issued on: October 19, 2000.

Nuria I. Fernandez,

Acting Administrator.

[FR Doc. 00–27298 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement on the South Central Corridor Light Rail Transit Project in Metropolitan Louisville, Kentucky

AGENCY: Federal Transit Administration, USDOT.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Federal Transit Administration (FTA), in cooperation with the Transit Authority of River City (TARC), intends to prepare an Environmental Impact Statement (EIS) for the Louisville South Central Corridor Rapid Transit Project in accordance with the National Environmental Policy Act (NEPA).

The EIS will consider alternatives for improving rapid transit service within an approximately 15-mile-long corridor that begins at the Ohio River in the Louisville Central Business District (CBD) and proceeds through the Medical Center; through Smoketown and Shelby Park; through the University of Louisville campus and the Louisville International Airport and ends on the west side of I–65 near the Gene Snyder Freeway/Interstate 65 interchange.

The EIS will evaluate the following alternatives: a No-Build Alternative, a Transportation Systems Management (TSM) Alternative consisting of low to medium cost improvements to local bus services and facilities, Light Rail Transit (LRT) Alternatives, any additional reasonable alternatives identified during the EIS scoping process. The LRT alternatives will include a supporting bus plan.

The Major Investment Study (MIS) for this project, the Transportation Tomorrow (T2) Major Investment Study, was completed by TARC in November 1998. A corridor refinement study was completed in August 2000. Other previous studies leading to the proposed LRT include: the 1993 TARC *Transitional Study* that recommended two priority corridors, including the South Central Corridor, for detailed consideration of alternative transit improvements; the 1995 KIPDA *Regional Mobility 2010* Transportation Plan; and the Phase 1 systemwide plan re-examination that resulted in the 1997 selection of the South Central Corridor as the priority corridor for the MIS.

Scoping will be accomplished through meetings and correspondence with interested persons and businesses, organizations, the general public, federal and state agencies.

DATES: *Comment Due Date:* Written comments on the range of alternatives and impacts to be considered must be postmarked no later than December 29, 2000 and should be sent to the Transit Authority of River City. See **ADDRESSES** below. *Scoping Meetings:* Two public scoping meetings will be held:

(1) November 29, 2000 from 12:00 noon until 2:00 p.m., at the Jefferson County Court House, Room 402, 527 West Jefferson Street, and

(2) November 29, 2000 from 6:00 p.m. until 8:00 p.m. at Holy Name Church Gymnasium, 2921 South Fourth Street.

A brief presentation of the project purpose and alternatives will be provided at the beginning of each meeting. TARC and consultant staff will be present to take agency and public input regarding the scope of the environmental studies, key issues, and other suggested alternatives. Both locations are accessible to disabled citizens and both meeting will be signed for the hearing impaired.

ADDRESSES: Written comments should be sent to: Bill Sexton, P.E., Project Director, TARC, 1000 West Broadway, Louisville, KY 40203. The addresses for the public scoping meetings are provided above under **DATES.** For additional information about the scoping meetings such as directions to the meeting sites, or to be placed on the project mailing list for future project information, please contact Nina Walfoort, Project Outreach Manager, at 1000 West Broadway, Louisville, Kentucky, by phone at 502–561–5122 or by e-mail at *nwalfoort@ridetarc.org.*

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Dittmeier, Federal Transit Administration, Region IV at (404) 562–3512.

SUPPLEMENTARY INFORMATION:

I. Description of Project Area

The FTA, as joint lead agency with TARC, plans to prepare an EIS on a proposal to improve rapid transit service within an approximately 15-mile-long corridor beginning at the Ohio River in the Louisville Central Business District (CBD) and extending south to just north of the Gene Snyder Freeway. In addition to the CBD, the project would serve the Medical Center, Smoketown, Shelby Park, Old Louisville, the University of Louisville Student Center and Stadium, the Kentucky Fair and Exposition Center, Louisville International Airport, UPS, Ford Motor Company, and park-and-ride lots near the Outer Loop and the Gene Snyder Freeway. The environmental impact analysis will build upon previous evaluations of route and mode alternatives conducted over the past seven years as well as the current work directed to refine the recently completed MIS. The corridor refinement study determined a more specific alignment as well as the locally preferred mode, Light Rail Transit (LRT), for future analyses. TARC will perform alignment refinements; identify transit station and stop locations and design concepts; identify alternative storage yard locations; define right of way requirements and costs; identify the maximum service potential of the LRT alternative in the context of enhanced, integrated feeder and background bus systems; and prepare, with FTA, a Draft EIS.

II. Project Purpose and Need

The primary project purpose is to improve rapid transit service in this rapidly growing corridor by providing increased transit capacity and faster, convenient access between and among the Louisville Central Business District; the Louisville Medical Center; the Smoketown, Shelby Park, and the Old Louisville neighborhoods; the University of Louisville; Louisville International Airport; and the developing areas south of the airport. Associated needs include the following: enhancing regional connectivity by maximizing rail/bus integration; accommodating future travel demand by expanding modal options to provide an alternative to the growing traffic congestion in the I–65 corridor and on major north-south streets; improving regional air quality by reducing auto emissions; improving mobility options to employment, education, medical, and retail centers for corridor residents, in particular low-income, youth, elderly, disabled, and ethnic minority populations; and supporting local community economic development goals through coordinated transit and land use planning.

III. Alternatives

The No-Build Alternative will consist of all presently programmed projects, that is, existing and fiscally committed elements of the Region's Transportation Improvement Plan for this corridor and nearby areas.

The TSM Alternative will include low to medium capital cost bus system enhancements and traffic engineering, signalization, and other modes capital improvements in addition to the programmed projects included in the No-Build Alternative. The bus service enhancements are expected to include new routes, more frequent service on existing routes, new bus shelters, and new buses.

The LRT Alternative would provide light rail rapid transit service in the South Central (Preston Street/I–65) Corridor from the Louisville CBD to a terminus in the vicinity of the I–65/Gene Snyder Freeway interchange. Stations or stops would be provided at key transfer points to connect the line with communities to the east and west. Several of these stations would include park-and-ride facilities. The proposed station locations were determined as a part of the recently completed MIS refinement effort. A vehicle storage facility also would be included. Final locations for the stations/stops and storage facility would be determined as part of the environmental studies based on operational requirements; availability of land and costs; neighborhood and site compatibility and development potential; proximity to major activity centers; and, traffic circulation and access considerations. Additional reasonable alternatives identified during scoping, including alignment alternatives, alternative station locations, and alternative sites for the rail storage and maintenance facility, also will be evaluated.

IV. Probable Effects

Impacts proposed for analysis include changes in the physical environment (natural resources, air quality, noise, water quality, geology, wetlands, visual); changes in the social environment (land use, business and neighborhood disruptions, environmental justice issues); changes in traffic and pedestrian circulation; impacts on parklands and historic sites; changes in transit service and patronage; associated changes in highway congestion; capital, operating, maintenance costs; and financial

implications. Impacts will be identified both for the construction period and for the long-term operation of the alternatives. The primary evaluation of the alternatives will focus on the extent to which an alternative meets or promotes the project purpose and need. In addition, FTA's national evaluation criteria include: transportation; environmental; social, economic, and financial measures as required by current federal (NEPA) and state environmental laws and by Council on Environmental Quality (CEQ) and FTA guidelines.

The TSM and LRT alternatives are expected to increase ridership, and therefore may improve air quality and reduce automobile traffic congestion in the South Central Corridor. Possible adverse effects of these alternatives include localized traffic congestion or delay, property acquisition/displacement, visual, noise/vibration, wetlands, natural resources, hazardous materials, and temporary construction-phase impacts. Mitigating measures will be explored for identified adverse effects.

V. Scoping

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Letters describing the proposed action and soliciting comments were sent to the appropriate federal, state and local agencies, and to private organizations and citizens who have expressed or are known to have interest in this proposal. Copies of the scoping package are available from TARC upon request by calling, emailing, or writing Nina Walfoort as provided above in the **ADDRESSES** section. During scoping, comments should focus on identifying specific social, economic, or environmental impacts to be evaluated, and suggesting alternatives that are less costly or less environmentally damaging that achieve similar transit objectives. Comments should focus on the issues and alternatives for analysis, and not on a preference for a particular alternative. Comments or questions concerning this proposed action and the EIS may be made at the public scoping meeting or in writing directed to TARC at the address provided above. Written comments must be postmarked no later than December 29, 2000.

VI. FTA Procedures

In accordance with Federal transportation planning regulations and environmental procedures (40 CFR Part 1500–1508 and 23 CFR Part 771), the Draft EIS will be prepared and circulated to solicit public and agency comments on the proposed action. Based on the comments received on the Draft EIS, TARC will prepare the Final EIS. Opportunity for public comment will be provided throughout this project development process.

Issued on: October 18, 2000.

Jerry Franklin,

Region IV Administrator.

[FR Doc. 00–27230 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket NHTSA–99–5087]

Safety Performance Standards Program Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of NHTSA Rulemaking Status Meeting.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's vehicle regulatory program.

DATES: The Agency's regular, quarterly public meeting relating to its vehicle regulatory program will be held on Thursday, December 14, 2000, beginning at 9:45 a.m. and ending at approximately 12:00 p.m. at the Best Western Gateway International Hotel in Romulus, Michigan, telephone number 734–728–2800. Questions relating to the vehicle regulatory program must be submitted in writing with a diskette (WordPerfect) by Tuesday, November 14, 2000, to the address shown below or by e-mail. If sufficient time is available, questions received after November 14, may be answered at the meeting. The individual, group or company submitting a questions(s) does not have to be present for the questions(s) to be answered. A consolidated list of the questions submitted by November 14, 2000 and the issues to be discussed, will be posted on NHTSA's web site (www.nhtsa.dot.gov) by Monday, December 11, 2000, and also will be available at the meeting. The agency will hold a second public meeting on December 14, devoted exclusively to a presentation of research and development programs. This meeting will begin at 1:30 p.m. and end at approximately 5:00 p.m. This meeting is described more fully in a separate announcement.

ADDRESSES: Questions for the December 14, NHTSA Rulemaking Status Meeting, relating to the agency's vehicle regulatory program, should be submitted to Delia Lopez, NPS–01, National Highway Traffic Safety Administration, Room 5401, 400 Seventh Street, SW., Washington, DC 20590, Fax Number 202–366–4329, e-mail *dlopez@nhtsa.dot.gov*. The meeting will be held at the Best Western Gateway International Hotel, Romulus, Michigan 48174, telephone number 734–728–2800.

FOR FURTHER INFORMATION CONTACT: Delia Lopez, (202) 366–1810.

SUPPLEMENTARY INFORMATION: NHTSA holds a regular, quarterly meeting to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory program. Questions on aspects of the agency's research and development activities that relate directly to ongoing regulatory actions should be submitted, as in the past, to the agency's Safety Performance Standards Office. The purpose of this meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. Transcripts of these meetings will be available for public inspection in the DOT Docket in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 80 to 150 pages) upon request to DOT Docket, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. The DOT Docket is open to the public from 10:00 a.m. to 5:00 p.m. The transcript may also be accessed electronically at *http://dms.dot.gov*, at docket NHTSA–99–5087. Questions to be answered at the quarterly meeting should be organized by categories to help us process the questions into an agenda form more efficiently. Sample format:

I. Rulemaking

A. Crash avoidance
B. Crashworthiness
C. Other Rulemakings

II. Consumer Information

III. Miscellaneous

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of "auxiliary aids" (*e.g.*, sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials, or large print materials and/or a magnifying device), please contact Delia Lopez on (202) 366–1810, by COB Monday, December 11, 2000.

Review

We are in the process of reviewing NHTSA's quarterly meetings. Please take a moment and fill out the survey posted on NHTSA's web site (www.nhtsa.dot.gov). Our goal is to ensure that these meetings best serve the needs of the interested public. The preliminary results and your suggestions will be discussed at the December 14, 2000 quarterly meeting.

Issued: October 17, 2000.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 00–27300 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–00–7283; Notice No. 00–13]

Safety Advisory: Unauthorized Marking of Compressed Gas Cylinders

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Safety Advisory Notice.

SUMMARY: This is to notify the public that RSPA is investigating the unauthorized marking of high-pressure compressed gas cylinders by Eddma Corporation (EC) d/b/a Fire Services. At the time the cylinders were marked, EC was located at 1565 Diamond Springs Road, Virginia Beach, VA 23455. RSPA has determined that EC has marked an undetermined number of cylinders indicating they had been properly retested in accordance with the Hazardous Materials Regulations (HMR) without hydrostatically retesting the cylinders.

A hydrostatic retest and visual inspection of a cylinder, conducted in accordance with the Hazardous Materials Regulations (HMR), verifies the structural integrity of each cylinder. Failure to perform the hydrostatic retest and visual inspection in accordance with the HMR can result in a cylinder with compromised structural integrity being returned to service instead of condemned. Serious personal injury, death, and property damage could result from rupture of a cylinder. Cylinders that have not been retested in accordance with the HMR may not be charged or filled with a hazardous material (compressed gas).

FOR FURTHER INFORMATION CONTACT: Anthony Lima, Hazardous Materials Enforcement Specialist, Eastern Region, Office of Hazardous Materials Enforcement, Research and Special Programs Administration, US Department of Transportation, 820 Bear Tavern Rd., Suite 306, West Trenton, NJ 08628. Telephone: (609) 989–2256, Fax: (609) 989–2277.

SUPPLEMENTARY INFORMATION: Through the inspection of EC, it was determined that EC had marked an undetermined number of cylinders as having been properly retested in accordance with the HMR without retesting the cylinders as required. Specifically, the inspector determined that EC's retest equipment was obstructed by cylinders, tools, equipment and parts, so that accessibility to the equipment was hampered. In addition, there were other indications that EC had not recently operated its retest equipment. During the inspection, EC was unable to calibrate their test equipment. RSPA has determined that EC was not capable of hydrostatically retesting cylinders between June 1996 and July 1998. RSPA cannot determine the number of cylinders that EC marked without retesting because EC did not keep records.

The cylinders in question were stamped with EC's RIN, "A307". The markings appear in the following pattern:

A 3
M Y
7 0

Where A307 is EC's RIN, M is the month of the retest (e.g., 05) and Y is the year of the retest (e.g., 98). Filled cylinders (if filled with an atmospheric gas) described in this safety advisory should be vented or otherwise properly and safely evacuated and purged, and taken to a DOT-authorized cylinder retest facility for visual reinspection and retest to determine if they qualify for continued use in accordance with the HMR. Anyone who has a cylinder that is marked with RIN A307 and dated between June 1996 and July 1998 should consider the cylinder unsafe and not charge it with a hazardous material (compressed gas) unless first properly retested by a DOT-authorized retest facility. Under no circumstances should a cylinder described in this safety advisory be filled, refilled or used for any purpose other than scrap, until it is reinspected and retested by a DOT-authorized retest facility.

Issued in Washington, D.C. on October 18, 2000.

John J. O'Connell, Jr.,

Acting Deputy Associate Administrator for Hazardous Materials Safety.

[FR Doc. 00–27299 Filed 10–23–00; 8:45 am]

BILLING CODE 4910–60–P

Corrections

Federal Register
Vol. 65, No. 206
Tuesday, October 24, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 431

[Docket No. EE-RM/TP-99-460]

RIN 1904-AA97

Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards for Commercial Air Conditioners and Heat Pumps

Correction

In proposed rule document 00–19723 beginning on page 48828 in the issue of Wednesday, August 9, 2000, make the following correction:

§431.271 [Corrected]

On page 48837 and 48838, in §431.271, Tables 1 and 2 should read as follows:

TABLE 1.—MINIMUM COOLING EFFICIENCY LEVELS

Product	Category	Cooling capacity	Subcategory	Efficiency Level [1]
Small Commercial Packaged Air Conditioning and Heating Equipment.	Air Cooled, 3 Phase ..	<65,000 Btu/h	Split System	SEER = 10.0
			Single Package	SEER = 9.7
	Air Cooled	≥65,000 Btu/h and <135,000 Btu/h.	All	EER = 8.9
	Water Cooled Evaporatively Cooled, and Water-Source.	<65,000 Btu/h	All	EER = 9.3
		≥65,000 Btu/h and <135,000 Btu/h.	All	EER = 10.5
Large Commercial Packaged Air Conditioning and Heating Equipment.	Air Cooled	≥135,000 Btu/h and <240,000 Btu/h.	All	EER = 8.5
	Water-Cooled, and Evaporatively Cooled.	≥135,000 Btu/h and <240,000 Btu/h.	All	EER = 9.6
Packaged Terminal Air Conditioners and Heat Pumps.	All	<7,000 Btu/h	All	EER = 8.88
		≥7,000 Btu/h and ≤15,000 Btu/h.		EER = 10.0 – (0.16 × capacity [in thousands of Btu/h at 95° outdoor dry-bulb temperature])
		>15,000 Btu/h		EER = 7.6

[1] All EER values must be rated at 95°F outdoor dry-bulb temperature for air-cooled products and evaporatively-cooled products and at 85°F entering water temperature for water-source and water-cooled products.

TABLE 2.—MINIMUM HEATING EFFICIENCY LEVELS

Product	Category	Cooling capacity	Subcategory	Efficiency Level [2]
Small Commercial Packaged Air Conditioning and Heating Equipment.	Air Cooled, 3 Phase ..	<65,000 Btu/h	Split System	HSPF = 6.8
			Single Package	HSPF = 6.6
	Water-Source	<135,000 Btu/h	Split System and Single Package.	COP = 3.8
	Air Cooled	≥65,000 Btu/h and <135,000 Btu/h.	All	COP = 3.0
Large Commercial Packaged Air Conditioning and Heating Equipment.	Air Cooled	≥135,000 Btu/h and <240,000 Btu/h.	Split System and Single Package.	COP = 2.9
Packaged Terminal Heat Pumps.	All	All	All	COP = 1.3+(0.16 × the applicable minimum cooling EER prescribed in Table 1—Minimum Cooling Efficiency Levels)

[2] All COP values must be rated at 47°F outdoor dry-bulb temperature for air-cooled products and evaporatively-cooled products and at 70°F entering water temperature for water-source products.

[FR Doc. C0–19723 Filed 10–23–00; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC–087–9939; FRL–6881–1]

Approval and Promulgation of State Plans—North Carolina: Approval of Revisions to the North Carolina State Implementation Plan; Technical Correction

Correction

In rule document 00–25599 beginning on page 60101 in the issue of Tuesday, October 10, 2000, make the following corrections:

§52.1770 [Corrected]

1. On page 60102, in §52.1770 (c), in the table, in the section "Subchapter 2D—Air Pollution Control Requirements", in the first line, the column for "State effective date" should read "1/15/98" and the column for "EPA approval date" should read "11/10/99".

2. On page 60103, in the same section of the table, in the last line, in the column for "State effective date", "Annual Emissions Reporting" should read "1/15/98". The column for "EPA approval date" should read "11/10/99" and the column for "Comments" should read "*".

[FR Doc. C0–25599 Filed 10–23–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–930–1430–ET; NMNM 52408, NMNM 52409, NMNM 52410]

Public Land Order No. 7462; Revocation of Three Secretarial Orders Dated May 1, 1929, April 27, 1939, and May 24, 1939; New Mexico

Correction

In notice document 00–25579 beginning on page 59463, in the issue of Thursday, October 5, 2000, make the following correction:

On page 59463, in the third column, in the seventh line from the bottom, " Sec. 3, SE ¼ NW ½" should read " Sec. 3, SE ¼ NW ¼ ".

[FR Doc. C0–25579 Filed 10–23–00; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
October 24, 2000

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Coastal California Gnatcatcher; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF32

Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Coastal California Gnatcatcher

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), designate critical habitat for the coastal California gnatcatcher pursuant to the Endangered Species Act of 1973, as amended (Act). A total of approximately 207,890 hectares (513,650 acres) in Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, California are designated as critical habitat for the coastal California gnatcatcher.

Critical habitat identifies specific areas that are essential to the conservation of a listed species and, with respect to areas within the geographic range occupied by the species, that may require special management considerations or protection. The primary constituent elements for the coastal California gnatcatcher are those habitat components that are essential for the primary biological needs of foraging, nesting, rearing of young, intra-specific communication, roosting, dispersal, genetic exchange, or sheltering. All areas designated as critical habitat for the coastal California gnatcatcher contain one or more of the primary constituent elements.

We have not designated critical habitat on lands covered by an existing, legally operative, incidental take permit for the coastal California gnatcatcher under section 10(a)(1)(B) of the Act. Subsection 4(b)(2) of the Act allows us to exclude from critical habitat designation areas where the benefits of exclusion outweigh the benefits of designation, provided the exclusion will not result in the extinction of the species. We believe that the benefits of excluding HCPs from the critical habitat designation for the coastal California gnatcatcher will outweigh the benefits of including them.

In areas where HCPs have not yet had permits issued, we have designated critical habitat for lands encompassing essential core populations of coastal California gnatcatchers and linkage areas that may require special management considerations or protections.

Section 7 of the Act prohibits destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. Section 4 of the Act requires us to consider economic and other impacts of specifying any particular area as critical habitat. We solicited data and comments from the public on all aspects of the proposed rule and economic analysis.

EFFECTIVE DATE: November 24, 2000.

FOR FURTHER INFORMATION CONTACT: Ken Berg, Field Supervisor, Carlsbad Fish and Wildlife Office, at the above address (telephone: 760/431–9440; facsimile 760/431–9624).

SUPPLEMENTARY INFORMATION:

Background

The insectivorous (insect-eating) coastal California gnatcatcher (*Polioptila californica californica*) is a small (length 11 centimeters (4.5 inches), weight 6 grams (0.2 ounces)), long-tailed member of the old-world warbler and gnatcatcher family Sylviidae (American Ornithologist Union 1998). The bird's plumage is dark blue-gray above and grayish-white below. The tail is mostly black above and below. The male has a distinctive black cap which is absent during the winter. Both sexes have a distinctive white eye-ring.

We listed the coastal California gnatcatcher as one of three subspecies of the California gnatcatcher (*Polioptila californica*). A recent scientific paper by Robert Zink, George Barrowclough, Jonathan Atwood, and Rachelle Blackwell-Rago presents results of genetic research on the California gnatcatcher and calls into question the status of the coastal California gnatcatcher as a subspecies. The Service considers this a significant paper by noted scientists in the field, and it merits serious consideration. However, under the Endangered Species Act, the Service is required to designate critical habitat, where prudent and determinable, for listed species. Since the coastal California gnatcatcher is listed under the Act, the Service is obliged to designate critical habitat for the entity listed, and the new genetic study does not provide information that would remove that obligation.

This subspecies is restricted to coastal southern California and northwestern Baja California, Mexico, from Ventura and San Bernardino Counties, California, south to approximately El Rosario, Mexico, at about 30° north latitude (American Ornithologists' Union 1957, Atwood 1991, Banks and Gardner 1992, Garrett and Dunn 1981). An evaluation of the historic range of the coastal California gnatcatcher indicates that about 41 percent of its latitudinal distribution is within the United States and 59 percent within Baja California, Mexico (Atwood 1990). A more detailed analysis, based on elevational limits associated with gnatcatcher locality records, reveals that a significant portion (65 to 70 percent) of the coastal California gnatcatcher's historic range may have been located in southern California rather than Baja California (Atwood 1992). The analysis further suggests that the species occurs below about 912 meters (m) (3,000 feet (ft)) in elevation. Of the approximately 8,700 historic or current locations used in the analysis for this rule, more than 99 percent occurred below 770 m (2,500 ft).

The coastal California gnatcatcher (hereafter referred to as the gnatcatcher) was considered locally common in the mid-1940s, although a decline in the extent of its habitat was noted (Grinnell and Miller 1944). By the 1960s, this species had apparently experienced a significant population decline in the United States that has been attributed to widespread destruction of its habitat. Pyle and Small (1961) reported that "the California subspecies is very rare, and lack of recent records of this race compared with older records may indicate a drastic reduction in population." Atwood (1980) estimated that no more than 1,000 to 1,500 pairs remained in the United States. He also noted that remnant portions of its habitat were highly fragmented with nearly all being bordered on at least one side by rapidly expanding urban centers. Subsequent reviews of gnatcatcher status by Garrett and Dunn (1981) and Unitt (1984) paralleled the findings of Atwood (1980). The species was listed as threatened under the Act in March 1993, due to habitat loss and fragmentation resulting from urban and agricultural development, and the synergistic (combined) effects of cowbird parasitism and predation (58 FR 16742).

The gnatcatcher typically occurs in or near sage scrub habitat, which is a broad category of vegetation that includes the following plant communities as classified by Holland (1986): Venturan coastal sage scrub, Diegan coastal sage scrub, maritime succulent scrub, Riversidean sage scrub, Riversidean alluvial fan (areas created when stream sediments are deposited) scrub, southern coastal bluff scrub, and coastal sage-chaparral scrub. Based upon dominant species, these communities have been further divided into series

such as black sage, brittlebush, California buckwheat, California buckwheat-white sage, California encelia, California sagebrush, California sagebrush-black sage, California sagebrush-California buckwheat, coast prickly-pear, mixed sage, purple sage, scalebroom, and white sage (Sawyer and Keeler-Wolf 1995).

The majority of plant species found in sage scrub habitat are low-growing, drought-tolerant shrubs and sub-shrubs. Generally speaking, most types of sage scrub are dominated by one or more of the following: California sagebrush (*Artemisia californica*), buckwheats (*Eriogonum fasciculatum* and *E. cinereum*), encelias (*Encelia californica* and *E. farinosa*), and various sages (commonly *Salvia mellifera, S. apiana,* and *S. leucophylla*). Sage scrub often occurs in a patchy, or mosaic, distribution pattern throughout the range of the gnatcatcher.

Gnatcatchers also use chaparral (shrubby plants adapted to dry summers and moist winters), grassland, and riparian (relating to a natural course of water such as a drainage or river) habitats where they occur in proximity to sage scrub. These non-sage scrub habitats are used for dispersal and foraging (Atwood *et. al.* 1998; Campbell *et al.* 1998). Availability of these non-sage scrub areas may be essential during certain times of the year for dispersal, foraging, or nesting, particularly during drought conditions and following disturbance of habitat from fire.

A comprehensive overview of the life history and ecology of the gnatcatcher is provided by Atwood (1990) and is the basis for much of the discussion presented below. The gnatcatcher is non-migratory and defends breeding territories ranging in size from 1 to 6 hectares (ha) (2 to 14 acres (ac)). Reported home ranges vary in size from 5 to 15 ha (13 to 39 ac) for this species (Mock and Jones 1990). The breeding season of the gnatcatcher extends from late February through July with the peak of nest initiations (startups) occurring from mid-March through mid-May. Nests are composed of grasses, bark strips, small leaves, spider webs, down, and other materials and are often located in California sagebrush about 1 m (3 ft) above the ground. Nests are constructed over a 4- to 10-day period. Clutch size averages four eggs. The incubation and nestling periods encompass about 14 and 16 days, respectively. Both sexes participate in all phases of the nesting cycle. Although the gnatcatcher may occasionally produce two broods in one nesting season, the frequency of this behavior is not known. Juveniles are dependent upon, or remain closely associated with, their parents for up to several months following departure from the nest and dispersal from their natal (place of birth) territory.

Dispersal of juveniles generally requires a corridor of native vegetation providing certain foraging and shelter requisites to link larger patches of appropriate sage scrub vegetation (Soulé 1991). These dispersal corridors facilitate the exchange of genetic material and provide a path for recolonization of areas from which the species has been extirpated (Soulé 1991 and Galvin 1998). It has been suggested that "natal dispersal [through corridors] is therefore an important aspect of the biology of [a] * * * nonmigratory, territorial bird . . . [such as] the California gnatcatcher * * *" Galvin (1998). Although it has also been suggested that juvenile gnatcatchers are capable of dispersing long distances (up to 22 kilometers (14 miles)) across fragmented and highly disturbed sage scrub habitat, such as found along highway and utility corridors or remnant mosaics of habitat adjacent to developed lands, generally the species disperses short distances through contiguous, undisturbed habitat (Bailey and Mock 1998, Famolaro and Newman 1998, and Galvin 1998). Moreover, it is likely that populations will experience increased juvenile mortality in fragmented habitats where dispersal distances are greater than average (Atwood *et al.* 1998). This would be particularly true if dispersal was across non- or sub-optimal habitats that function as population sinks (areas where mortality is greater than reproduction rates) (Soulé 1991).

Previous Federal Action

On March 30, 1993, we published a final rule determining the gnatcatcher to be a threatened species (58 FR 16742). In making this determination, we relied, in part, on taxonomic studies conducted by Dr. Jonathan Atwood of the Manomet Bird Observatory. As is standard practice in the scientific community, we cited the conclusions by Dr. Atwood in a peer reviewed, published scientific article pertaining to the subspecific taxonomy of the gnatcatcher (Atwood 1991).

On December 10, 1993, we published a final special rule concerning the take of the gnatcatcher pursuant to section 4(d) of the Act (58 FR 63088). This rule defines the conditions for which incidental take of the gnatcatcher resulting from certain land-use practices regulated by State and local governments through the Natural Community Conservation Planning Act of 1991 (NCCP) would not be a violation of section 9 of the Act. We found that implementation of the 4(d) special rule and the NCCP program provides for conservation and management of the gnatcatcher and its habitat in a manner consistent with the purposes of the Act.

The Endangered Species Committee of the Building Industry Association of Southern California and other plaintiffs filed a suit challenging the listing on several grounds, but primarily based on our conclusions regarding gnatcatcher taxonomy. In a Memorandum Opinion and Order filed in the U. S. District Court for the District of Columbia (District Court) on May 2, 1994, the District Court vacated the listing determination, holding that the Secretary of the Interior (Secretary) should have made available the underlying data that formed the basis of Dr. Atwood's conclusions on the taxonomy of the gnatcatcher.

Following the District Court's decision, Dr. Atwood released his data to us. We made these data available to the public for review and comment on June 2, 1994 (59 FR 28508). By Order dated June 16, 1994, the District Court reinstated the threatened status of the gnatcatcher pending a determination by the Secretary whether the listing should be revised or revoked in light of the public review and comment of Dr. Atwood's data. On March 27, 1995, we published a determination to retain the threatened status for the gnatcatcher (60 FR 15693).

At the time of the listing, we concluded that designation of critical habitat for the gnatcatcher was not prudent because such designation would not benefit the species and would make the species more vulnerable to activities prohibited under section 9 of the Act. We were aware of several instances of apparently intentional habitat destruction that occurred during the listing process. In addition, most land occupied by the gnatcatcher was in private ownership, and we did not believe designation of critical habitat to be of benefit because of a lack of a Federal nexus (critical habitat has regulatory applicability only for activities carried out, funded, or authorized by a Federal agency).

On May 21, 1997, the U. S. Court of Appeals for the Ninth Circuit issued an opinion (*Natural Resources Defense Council* v. *U.S. Department of the Interior,* 113 F. 3d 1121) requiring us to issue a new decision regarding the prudency of determining critical habitat for the gnatcatcher. In this opinion, the Court held that the "increased threat" criterion in the regulations may justify a not prudent finding only when we

have weighed the benefits of designation against the risks of designation. Secondly, with respect to the "not beneficial" criterion explicit in the regulations, the Court ruled that our conclusion that designation of critical habitat was not prudent because it would fail to control the majority of land-use activities within critical habitat was inconsistent with Congressional intent that the not prudent exception to designation should apply "only in rare circumstances." The Court noted that a substantial portion of gnatcatcher habitat would be subject to a future Federal nexus sufficient to trigger section 7 consultation requirements regarding critical habitat. Finally, the Circuit Court determined that our conclusion that designation of critical habitat would be less beneficial to the species than another type of protection (*e.g.,* State of California Natural Community Conservation Planning (NCCP) efforts) did not absolve us from the requirement to designate critical habitat. The Court also criticized the lack of specificity in our analysis.

On February 8, 1999, we published a notice of determination in the **Federal Register** (64 FR 5957) regarding the prudency of designating critical habitat for the gnatcatcher. We found that the designation of critical habitat was prudent on Federal lands within the range of the gnatcatcher and non-Federal lands where a current or likely future Federal nexus exists. We determined that designating critical habitat on private lands lacking a current or likely future Federal nexus or any lands subject to the provision of an approved HCP under section 10(a)(1)(B) of the Act and/or an approved NCCP under which the gnatcatcher is a covered species would provide no additional benefit to the species. Further, we determined that the threats (*e.g.,* activities prohibited under section 9 of the Act) from designating critical habitat on private lands would outweigh the benefits in certain areas.

On August 4, 1999, in response to a motion filed by the Natural Resources Defense Council, the U.S. District Court for the Central District of California ordered the Service to propose critical habitat by October 4, 1999. In response to this order and in preparation of a proposal using our prudency determination (64 FR 5957), we had difficulty delineating critical habitat because of uncertainty identifying likely future Federal nexuses. Since publication of the determination, we discovered that the Federal nexuses relied on in our prudency determination for several development projects no longer existed. Conversely, other projects were found to have current Federal nexuses, which were lacking when we developed the prudency determination. Given the unpredictability of determining whether a Federal nexus is likely to exist on any given parcel of private land, we have reevaluated our previous conclusion and now conclude that there may be a regulatory benefit from designating critical habitat for the gnatcatcher on private lands now lacking an identifiable Federal nexus because such lands may have a nexus to a Federal agency action in the future.

In our initial prudency determination (64 FR 5957), we described the threat posed by vandalism towards the gnatcatcher and its habitat, largely coastal sage scrub. We cited several cases under investigation by our Law Enforcement Division and various newspaper articles regarding this threat. We determined that the designation of critical habitat would increase the instances of habitat destruction and exacerbate threats to the gnatcatcher. Therefore, we concluded that the threat posed by vandalism that would result from designating private lands lacking a Federal nexus as critical habitat would outweigh the benefit provided by such a designation. We acknowledged that critical habitat may provide some benefit by highlighting areas where the species may occur or areas that are important to recovery. However, we stated that such locational data are well known, and designation of critical habitat on private lands may incite some members of the public and increase incidences of habitat vandalism above current levels.

We have reconsidered our evaluation in the prudency determination of the threats posed by vandalism. We have determined that the threats to the gnatcatcher and its habitat from the specific instances of habitat destruction we identified do not outweigh the broader educational, and any potential regulatory and other possible benefits, that a designation of critical habitat would provide for this species. The instances of likely vandalism, though real, were relatively isolated given the wide-ranging habitat of the gnatcatcher. Additionally, having determined that the existence of current or likely future Federal nexuses is an unreliable basis upon which to include or exclude private lands as critical habitat, we are not compelled to identify specific scattered parcels of private land with presumptive Federal nexuses. Instead, we are able to use a landscape approach in identifying areas for critical habitat designation that does not appear to highlight individual parcels of private land. Consequently, we conclude that designating critical habitat on private lands will not increase incidences of habitat vandalism above current levels for this species. Furthermore, a designation of critical habitat will provide some educational benefit by formally identifying on a range-wide basis those areas essential to the conservation of the species and, thus, the areas likely to be the focus of our recovery efforts for the gnatcatcher. Therefore, we conclude that the benefits of designating critical habitat on non-Federal lands essential for the conservation of the gnatcatcher outweigh the risks of increased vandalism resulting from such designation.

In light of our decision to reconsider the prudency determination, we needed additional time to revise the determination (64 FR 5957) and develop a proposed critical habitat rule based on the revised determination. We, therefore, requested an extension of 120 days in which to reevaluate prudency and propose critical habitat, which the District Court granted. The Court also ordered us to publish a final critical habitat rule by September 30, 2000.

On February 7, 2000, we published a proposed determination for the designation of critical habitat for the gnatcatcher (65 FR 5946). A total of approximately 323,726 hectares (799,916 acres) was proposed as critical habitat for the gnatcatcher in Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, California. The comment period was open until April 8, 2000. During this 60-day comment period we held three public hearings (Anaheim on February 15, San Diego on February 17, and Riverside on February 23, 2000). On June 29, 2000, we published a notice (65 FR 40073) announcing the reopening of the comment period on the proposal to designate critical habitat for the gnatcatcher and a notice of availability of the draft economic analysis on the proposed determination. The comment period was open until July 31, 2000, an additional 30 days. On July 11, 2000, we published a notice (65 FR 42662) correcting the electronic mail address for public comment during this second comment period.

Critical Habitat

Critical habitat is defined in section 3 of the Act as—(i) the specific areas within the geographic area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require

special management considerations or protection; and (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. "Conservation" means the use of all methods and procedures that are necessary to bring an endangered or a threatened species to the point at which listing under the Act is no longer necessary.

Critical habitat receives protection under section 7 of the Act through the prohibition against destruction or adverse modification of critical habitat with regard to actions carried out, funded, or authorized by a Federal agency. Section 7 also requires conferences on Federal actions that are likely to result in the destruction or adverse modification of critical habitat. In our regulations at 50 CFR 402.02, we define destruction or adverse modification as "* * * the direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical." Aside from the added protection that may be provided under section 7, the Act does not provide other forms of protection to lands designated as critical habitat. Because consultation under section 7 of the Act does not apply to activities on private or other non-Federal lands that do not involve a Federal nexus, critical habitat designation would not afford any additional protections under the Act against such activities.

In order to be included in a critical habitat designation, the habitat must first be "essential to the conservation of the species." Critical habitat designations identify, to the extent known using the best scientific and commercial data available, habitat areas that provide essential life cycle needs of the species (*i.e.*, areas on which are found the primary constituent elements, as defined at 50 CFR 424.12(b)).

Section 4 requires that we designate critical habitat at the time of listing and based on what we know at the time of the designation. When we designate critical habitat at the time of listing or under short court-ordered deadlines, we will often not have sufficient information to identify all areas of critical habitat. We are required, nevertheless, to make a decision and thus must base our designations on what, at the time of designation, we know to be critical habitat.

Within the geographic area occupied by the species, we will designate only areas currently known to be essential. Essential areas should already have the features and habitat characteristics that are necessary to sustain the species. We will not speculate about what areas might be found to be essential if better information became available, or what areas may become essential over time. If the information available at the time of designation does not show that an area provides essential life cycle needs of the species, then the area should not be included in the critical habitat designation. Within the geographic area occupied by the species, we will not designate areas that do not now have the primary constituent elements, as defined at 50 CFR 424.12(b), that provide essential life cycle needs of the species.

Our regulations state that, "The Secretary shall designate as critical habitat areas outside the geographic area presently occupied by the species only when a designation limited to its present range would be inadequate to ensure the conservation of the species." (50 CFR 424.12(e)). Accordingly, when the best available scientific and commercial data do not demonstrate that the conservation needs of the species require designation of critical habitat outside of occupied areas, we will not designate critical habitat in areas outside the geographic area occupied by the species.

The Service's Policy on Information Standards Under the Endangered Species Act, published in the **Federal Register** on July 1, 1994 (Vol.59, p. 34271), provides criteria, establishes procedures, and provides guidance to ensure that decisions made by the Service represent the best scientific and commercial data available. It requires Service biologists, to the extent consistent with the Act and with the use of the best scientific and commercial data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat. When determining which areas are critical habitat, a primary source of information should be the listing package for the species. Additional information may be obtained from a recovery plan, articles in peer-reviewed journals, conservation plans developed by states and counties, scientific status surveys and studies, and biological assessments or other unpublished materials (*i.e.* gray literature).

Habitat is often dynamic, and species may move from one area to another over time. Furthermore, we recognize that designation of critical habitat may not include all of the habitat areas that may eventually be determined to be necessary for the recovery of the species. For these reasons, all should understand that critical habitat designations do *not* signal that habitat outside the designation is unimportant or may not be required for recovery. Areas outside the critical habitat designation will continue to be subject to conservation actions that may be implemented under Section 7(a)(1) and to the regulatory protections afforded by the section 7(a)(2) jeopardy standard and the Section 9 take prohibition, as determined on the basis of the best available information at the time of the action. We specifically anticipate that federally funded or assisted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans, or other species conservation planning efforts if new information available to these planning efforts calls for a different outcome.

Methods

In determining areas that are essential to conserve the gnatcatcher, we used the best scientific and commercial data available. This included data from research and survey observations published in peer reviewed articles; regional Geographic Information System (GIS) coverages; habitat evaluation models for the San Diego County Multiple Species Conservation Program (MSCP), the North San Diego County Multiple Habitat Conservation Program (MHCP), and the North County Subarea of the MSCP for Unincorporated San Diego County; approved HCPs; and data collected from reports submitted by biologists holding section 10(a)(1)(A) recovery permits. Following the listing of the species, concerted efforts were undertaken to survey significant portions of the species' range in San Diego and Orange Counties for the purpose of developing and implementing HCPs, and more recently, surveys of varying intensity have been conducted in Los Angeles, Riverside, San Bernardino, and Ventura Counties. Further, information provided in comments on the proposed designation and draft economic analysis were evaluated and taken into consideration in the development of this final designation.

Primary Constituent Elements

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12 in determining which areas to propose as critical habitat, we are required to base critical habitat determinations on the best scientific and commercial data available and to consider those physical and biological features that are essential to the conservation of the species and that may require special management considerations and protection. Such requirements include but are not limited to: space for individual and population growth, and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, rearing of offspring; and habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

All areas designated as critical habitat for the gnatcatcher contain one or more of these physical or biological features, also called primary constituent elements.

The primary constituent elements for the gnatcatcher are those habitat components that are essential for the primary biological needs of foraging, nesting, rearing of young, intra-specific communication, roosting, dispersal, genetic exchange, or sheltering (Atwood 1990). Primary constituent elements can be provided in undeveloped areas that support various types of sage scrub or. chaparral, grassland, and riparian habitats where they occur in an essential core population or linkage area proximal to sage scrub and where they may be utilized for biological needs such as breeding and foraging (Atwood *et al.* 1998, Campbell *et al.* 1998). Primary constituent elements associated with the biological needs of dispersal are also found in undeveloped areas that provide connectivity or linkage between or within larger core areas, including open space and disturbed areas containing introduced plant species that may receive only periodic use.

Primary constituent elements include, but are not limited to, the following plant communities in their natural state or those that have been recently disturbed (*e.g.*, by fire or grubbing): Venturan coastal sage scrub, Diegan coastal sage scrub, maritime succulent scrub, Riversidean sage scrub, Riversidean alluvial fan scrub, southern coastal bluff scrub, and coastal sage-chaparral scrub (Holland 1986). Based upon dominant species, these communities have been further divided into series such as black sage, brittlebush, California buckwheat, California buckwheat-white sage, California encelia, California sagebrush, California sagebrush-black sage, California sagebrush-California buckwheat, coast prickly-pear, mixed sage, purple sage, scalebroom, and white sage (Sawyer and Keeler-Wolf 1995). Dominant plants within these communities include California sagebrush, buckwheats, encelias, and various sages (commonly *Salvia mellifera*, *S. apiana*, and *S. leucophylla*). Other commonly occurring plants include coast goldenbush (*Isocoma menziesii*), bush monkeyflower (*Mimulus aurantiacus*), Mexican elderberry (*Sambucus mexicana*), bladderpod (*Isomeris arborea*), deerweed (*Lotus scoparius*), chaparral mallow (*Malacothamnus fasciculatum*), laurel sumac (*Malosma laurina*), and several species of Rhus (*R. integrifolia, R. ovata,* and *R. trilobata*). Succulent species, such as boxthorn (*Lycium* spp.), cliff spurge (*Euphorbia misera*), jojoba (*Simmondsia chinensis*), and various species of cacti (*Opuntia littoralis, O. prolifera,* and *Ferocactus viridescens*), and live-forever (*Dudleya* spp.) are represented in maritime succulent scrub, coast prickly-pear scrub, and southern coastal bluff scrubs.

Criteria Used To Identify Critical Habitat

We considered several qualitative criteria in the selection and proposal of specific areas or units for gnatcatcher critical habitat. Such criteria focused on designating units: (1) throughout the geographical and elevational range of the species; (2) within various occupied plant communities, such as Venturan coastal sage scrub, Diegan coastal sage scrub, maritime succulent scrub, Riversidean sage scrub, Riversidean alluvial fan scrub, southern coastal bluff scrub, and coastal sage-chaparral scrub; (3) in documented areas of large, contiguous blocks of occupied habitat (*i.e.*, core population areas); and (4) in areas that link core populations areas (*i.e.*, linkage areas). These criteria are similar to criteria used to identify reserve/preserve lands in approved HCPs covering the gnatcatcher.

To identify critical habitat units, we first examined those lands identified for conservation under approved HCPs covering the gnatcatcher. These planning efforts utilized site specific surveys, habitat evaluation models, gnatcatcher occurrence data, and/or reserve design criteria to identify reserve systems of core gnatcatcher populations and linkage areas that are essential for the conservation of the species. These included MSCP, San Diego City and County Subarea Plans, and Central/Coastal NCCP Subregions of Orange County.

We then evaluated those areas where on-going habitat conservation planning efforts have resulted in the preparation of biological analyses that identify habitat important for the conservation of the gnatcatcher. These include: the Western Riverside County Multiple Species Habitat Conservation Program (MSHCP), the Rancho Palos Verdes MSHCP, the North San Diego County MHCP, the North County Subarea of the MSCP for Unincorporated San Diego County, and the Southern Subregion of Orange County's NCCP. We used those biological analyses in concert with data regarding (1) current gnatcatcher occurrences, (2) sage scrub vegetation, (3) elevation, and (4) connectivity between core gnatcatcher populations to identify those lands that are essential for the conservation of the gnatcatcher within the respective planning area boundaries.

Finally, we evaluated other lands for their conservation value for the gnatcatcher. We delimited a study area by selecting geographic boundaries based on the following: (1) gnatcatcher occurrences, (2) sage scrub vegetation, (3) elevation, and (4) connectivity to other core gnatcatcher populations. We determined conservation value based on the presence of, or proximity to, significant gnatcatcher core populations and/or sage scrub, sage scrub habitat quality, parcel or habitat patch size, surrounding land-uses, and potential to support resident gnatcatchers and/or facilitate movement of birds between known habitat areas.

Critical habitat for the gnatcatcher was delineated based on interpretation of the multiple sources available during the preparation of this final rule, including aerial photography at a scale of 1:24,000 (comparable to the scale of a 7.5 minute U.S. Geological Survey Quadrangle topographic map), current aerial photography prints, boundaries of approved HCPs, and projects authorized for take through section 7 consultations. These lands define specific map units, i.e., Critical Habitat Units. For the purpose of this final determination these Critical Habitat Units have been described using primarily Universal Transverse Mercator (UTM) North American Datum of 1927 (NAD 27) derived from a 100-m grid that approximated the boundaries delineated from the digital aerial photography. Further, within Fallbrook Naval Weapons Station and along the boundaries of several major amendment areas for the San Diego County MSCP, public land survey (PLS) sections were

used to facilitate the delineation of essential lands. However, there were some exceptions to this mapping convention. Within the Orange County NCCP Central/Coastal Subregions we used boundaries of select Existing Land Use and North Ranch Policy Plan areas, and the designated reserve within Marine Corps Air Station El Toro. In San Diego County, we used the boundaries of the major amendment areas within the San Diego County MSCP (excepting those areas defined using PLS or UTM coordinates), San Diego National Wildlife Refuge Complex, Fallbrook Naval Weapons Station (excepting those areas defined using PLS or UTM coordinates), and San Onofre State Park, in addition to UTM coordinates derived from the 100-m grid.

In defining critical habitat boundaries, we made an effort to avoid developed areas, such as towns and other similar lands, that are not critical habitat. However, the minimum mapping unit that we used to approximate our delineation of critical habitat for the gnatcatcher did not allow us to exclude all developed areas, such as towns, or housing developments, or other lands unlikely to contain the primary constituent elements essential for conservation of the gnatcatcher. Existing features and structures within the boundaries of the mapped units, such as buildings, roads, aqueducts, railroads, airports, other paved areas, lawns, and other urban landscaped areas will not contain one or more of the primary constituent elements and are therefore not critical habitat. Federal actions limited to those areas, therefore, would not trigger a section 7 consultation, unless they affect the species and/or primary constituent elements in adjacent critical habitat.

In summary, the critical habitat areas described below constitute our best assessment of areas needed for the species' conservation and recovery.

Critical Habitat Designation

The approximate area of critical habitat by county and land ownership is shown in Table 1. Critical habitat includes gnatcatcher habitat throughout the species' range in the United States (i.e., Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, California). Lands designated are under private, State, and Federal ownership, with Federal lands including lands managed by us, the Bureau of Land Management (BLM), Department of Defense (DOD), and Forest Service. Lands designated as critical habitat have been divided into 13 Critical Habitat Units. A brief description of each unit and reasons for designating it as critical habitat are presented below.

Table 1. Approximate proposed critical habitat area (hectares (acres)) by county and land ownership.[1]

County	Federal[2]	Local/State	Private	Total
Los Angeles	4,275 ha (10,560 ac)	925 ha (2,280 ac)	18,180 ha (44,920 ac)	23,380 ha (57,760 ac)
Orange	845 ha (2,090 ac)	3,660 ha (9,050 ac)	25,250 (62,390 ac)	29,755 ha 73,530 ac)
Riverside	7,110 ha (17,560 ac)	3,995 ha (9,870 ac)	69,005 ha (170,510 ac)	80,110 ha (197,940 ac)
San Bernardino	2,685 ha (6,630 ac)	345 ha (850 ac)	23,030 (56,900 ac)	26,060 ha (64,380 ac)
San Diego	10,915 ha (26,970 ac)	1,390 ha (3,430 ac)	36,280 ha 89,640 ac)	48,585 ha (120,040 ac)
Total	25,830 ha (63,810 ac)	10,315 ha 25,480 ac)	171,745 ha (424,360 ac)	207,890 ha (513,650 ac)

Unit 1: San Diego Multiple Species Conservation Program (MSCP)

Unit 1 encompasses approximately 10,120 ha (25,000 ac) within the MSCP planning area. Lands designated contain core gnatcatcher populations, sage scrub, and areas providing connectivity between core populations and sage scrub. Critical habitat includes lands within the MSCP planning areas that have not received incidental take permits for the gnatcatcher under section 10(a)(1)(B) of the Act. This includes lands essential to the conservation of the gnatcatcher within the cities of Chula Vista, El Cajon, and Santee; major amendment areas within the San Diego County Subarea Plan; the Otay-Sweetwater Unit of the San Diego National Wildlife Refuge Complex; and water district lands owned by Sweetwater Authority, Helix Water District and Otay Water District.[2]

Unit 2: Multiple Habitat Conservation Open Space Program (MHCOSP) for San Diego County

Unit 2 encompasses approximately 5,170 ha (12,780 ac) within the MHCOSP. Lands designated include a core population of gnatcatchers on the Cleveland National Forest south of State Route 78 near the upper reaches of the San Diego River. It also includes important corridors of sage scrub for connectivity.

Unit 3: North San Diego County Multiple Habitat Conservation Program (MHCP)

Unit 3 encompasses approximately 11,865 ha (29,320 ac) within the MHCP planning area in northwestern San Diego County. Lands designated contain core gnatcatcher populations and sage scrub identified by the San Diego Association of Governments' (SANDAG) "Gnatcatcher Habitat Evaluation Model," dated March 24, 1999, as high or moderate value. In addition, areas designated provide connectivity between habitat valued as high or moderate. This unit also provides connectivity between core gnatcatcher populations within adjacent units.

Unit 4: Fallbrook Naval Weapons Station

Unit 4 encompasses approximately 3,515 ha (8,690 ac) on Fallbrook Naval Weapons Station in northern San Diego County. The unit provides a significant segment of a corridor of sage scrub between core gnatcatcher populations

[1] Approximate hectares have been converted to acres (1 ha = 2.47 ac). Based on the level of imprecision of mapping at this scalee, approximate hectares have been rounded to the nearest 5, and acres to the nearest 10, if greater than or equal to 100 (≥ 100); both hectares and acres are rounded to the nearest 5 if less than 100 (< 100).

[2] Federal lands include Bureau of Land Management, Department of Defense, National Forest, and Fish and Wildlife Service lands.

on Marine Corps Base Camp Pendleton (Camp Pendleton) and populations in southwestern Riverside County (Unit 10).

Unit 5: North County Subarea of the MSCP for Unincorporated San Diego County

Unit 5 encompasses approximately 16,450 ha (40,640 ac) within the planning area for the North County Subarea of the MSCP for San Diego County. Lands designated contain several core gnatcatcher populations and sage scrub identified as high or moderate value. In addition, designated areas provide connectivity between habitat valued as high or moderate. This unit constitutes the primary inland linkage between San Diego populations and those in southwestern Riverside County (Unit 10).

Unit 6: Southern Orange County/ Northwestern San Diego County

Unit 6 encompasses approximately 22,615 ha (55,880 ac) within the planning area for the Southern NCCP Subregion of Orange County and the San Onofre State Park in northwestern San Diego County. This unit contains significant core populations and provides the primary linkage for core populations on Camp Pendleton to those further north in Orange County (Unit 7).

Unit 7: Central/Coastal NCCP Subregions of Orange County (Central/ Coastal NCCP)

Unit 7 encompasses approximately 2,340 ha (5,780 ac) within the Orange County Central/Coastal NCCP planning area. It includes lands containing core gnatcatcher populations and sage scrub habitat determined to be essential for the conservation of the gnatcatcher within select Existing Use Areas, the western portion of the North Ranch Policy Plan Area (*i.e.*, west of State Route 241), and the designated reserve (panhandle portion) of Marine Corps Air Station El Toro.

Unit 8: Palos Verdes Peninsula Subregion, Los Angeles County

Unit 8 encompasses approximately 3,225 ha (8,220 ac) within the subregional planning area for the Palos Verdes Peninsula in Los Angeles County, including the City of Rancho Palos Verdes MSHCP area. This unit includes a core gnatcatcher population and sage scrub habitat.

Unit 9: East Los Angeles County-Matrix NCCP Subregion of Orange County

Unit 9 encompasses approximately 13,575 ha (33,540 ac) within the Montebello, Chino-Puente Hills, East Coyote Hills, and West Coyote Hills area. The unit provides the primary connectivity between core gnatcatcher populations and sage scrub habitat within the Central/Coastal Subregions of the Orange County NCCP (Unit 7) and the Western Riverside County MSHCP (Unit 10).

Unit 10: Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

Unit 10 encompasses approximately 80,915 ha (199,940 ac) within the proposed planning area for the Western Riverside County MSHCP. Lands designated include core populations within the Temecula/Murietta/Lake Skinner region and the Lake Elsinore/ Lake Mathews region. Areas providing essential linkages between core gnatcatcher populations and additional core populations that occur along the I–15 corridor, the Lake Perris area, the Alessandro Heights area, the Box Spring Mountains/The Badlands, and along the foothills of the Santa Ana Mountains into the Chino-Puente Hills have also been designated. These areas provide connectivity between core populations within Riverside County and to populations in San Diego, San Bernardino, Orange, and Los Angeles Counties. Unit 10 encompasses some of the Core Reserves established under the Stephens' Kangaroo Rat HCP. The Estelle Mountain portion of the Lake Mathews/Estelle Mountain Reserve, Steele Peak Reserve, a portion of the Lake Perris/San Jacinto Core Reserve, the Potrero Area of Critical Environmental Concern, and the Southwestern Riverside County Multi-Species Reserve provide essential habitat for the gnatcatcher and, therefore, have been designated as critical habitat.

Unit 11: San Bernardino Valley MSHCP, San Bernardino County

Unit 11 encompasses approximately 23,795 ha (58,800 ac) along the foothills of the San Gabriel Mountains and within the Jurupa Hills on the border of San Bernardino and Riverside Counties. The unit includes lands within the San Bernardino National Forest and on Norton Air Force Base. This unit contains breeding gnatcatcher populations and constitutes a primary linkage between western Riverside County (Unit 10) and eastern Los Angeles County (Unit 9).

Unit 12: East Los Angeles County Linkage

Unit 12 encompasses approximately 4,080 ha (10,080 ac) in eastern Los Angeles County along the foothills of the San Gabriel Mountains, including a core population of gnatcatchers in Bonelli Regional Park. Its primary function is being a regional source population for gnatcatchers (Bonelli Park) and in establishing the primary east-west connectivity of sage scrub habitat between core gnatcatcher populations in San Bernardino County (Unit 13) to those in southeastern Los Angeles County (Unit 9).

Unit 13: Western Los Angeles County

Unit 13 encompasses approximately 10,110 ha (24,980 ac) in western Los Angeles County along the foothills of the San Gabriel Mountains. It includes breeding gnatcatcher populations and sage scrub habitat in the Placerita, Box Springs Canyon, and Plum Canyon areas. This unit encompasses the northern distributional extreme of the gnatcatcher's current range.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a) of the Act requires Federal agencies, including the Service, to ensure that actions they fund, authorize, or carry out do not destroy or adversely modify critical habitat to the extent that the action appreciably diminishes the value of the critical habitat for the survival and recovery of the species. Individuals, organizations, states, local governments, and other non-Federal entities are affected by the designation of critical habitat only if their actions occur on Federal lands, require a Federal permit, license, or other authorization, or involve Federal funding.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is designated or proposed. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer with us on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. Conference reports provide conservation recommendations to assist the agency in eliminating conflicts that may be caused by the proposed action. The conservation recommendations in a conference report are advisory. If a species is listed or critical habitat is designated, section 7(a)(2) requires Federal agencies to ensure that actions they authorize, fund, or carry out are not

likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Through this consultation we would ensure that the permitted actions do not destroy or adversely modify critical habitat.

When we issue a biological opinion concluding that a project is likely to result in the destruction or adverse modification of critical habitat, we also provide reasonable and prudent alternatives to the project, if any are identifiable. Reasonable and prudent alternatives are defined at 50 CFR 402.02 as alternative actions identified during consultation that can be implemented in a manner consistent with the intended purpose of the action, that are consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that the Director believes would avoid destruction or adverse modification of critical habitat. Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where critical habitat is subsequently designated and the Federal agency has retained discretionary involvement or control over the action or such discretionary involvement or control is authorized by law. Consequently, some Federal agencies may request reinitiation of consultation with us on actions for which formal consultation has been completed if those actions may affect designated critical habitat. Further, some Federal agencies may have conferenced with us on proposed critical habitat. We may adopt the formal conference report as the biological opinion when critical habitat is designated, if no significant new information or changes in the action alter the content of the opinion (see 50 CFR 402.10(d)).

Activities on Federal lands that may affect the gnatcatcher or its critical habitat will require section 7 consultation. Activities on private or state lands requiring a permit from a Federal agency, such as a permit from the U. S. Army Corps of Engineers (Army Corps) under section 404 of the Clean Water Act, or some other Federal action, including funding (*e.g.*, from the Federal Highway Administration, Federal Aviation Administration, or Federal Emergency Management Agency) will also continue to be subject to the section 7 consultation process. Federal actions not affecting listed species or critical habitat and actions on non-Federal lands that are not federally funded or permitted do not require section 7 consultation.

Section 4(b)(8) of the Act requires us to evaluate briefly in any proposed or final regulation that designates critical habitat those activities involving a Federal action that may adversely modify such habitat or that may be affected by such designation. Activities that may result in the destruction or adverse modification of critical habitat include those that alter the primary constituent elements to an extent that the value of critical habitat for both the survival and recovery of the gnatcatcher is appreciably reduced. We note that such activities may also jeopardize the continued existence of the species. Activities that, when carried out, funded, or authorized by a Federal agency, may directly or indirectly adversely affect critical habitat include, but are not limited to:

(1) Removing, thinning, or destroying gnatcatcher habitat (as defined in the primary constituent elements discussion), whether by burning or mechanical, chemical, or other means (*e.g.*, woodcutting, grubbing, grading, overgrazing, construction, road building, mining, herbicide application, etc.); and

(2) Appreciably decreasing habitat value or quality through indirect effects (*e.g.*, noise, edge effects, invasion of exotic plants or animals, or fragmentation).

To properly portray the effects of critical habitat designation, we must first compare the section 7 requirements for actions that may affect critical habitat with the requirements for actions that may affect a listed species. Section 7 prohibits actions funded, authorized, or carried out by Federal agencies from jeopardizing the continued existence of a listed species or destroying or adversely modifying the listed species' critical habitat. Actions likely to "jeopardize the continued existence" of a species are those that would appreciably reduce the likelihood of both the survival and recovery of a listed species. Actions likely to result in the destruction or adverse modification of critical habitat are those that would appreciably reduce the value of critical habitat for both the survival and recovery of the listed species.

Common to both definitions is an appreciable detrimental effect on both survival and recovery of a listed species. Given the similarity of these definitions, actions likely to result in the destruction or adverse modification of critical habitat would almost always result in jeopardy to the species concerned, particularly when the area of the proposed action is occupied by the species concerned. In those cases, critical habitat provides little additional protection to a species, and the ramifications of its designation are few or none. However, if occupied habitat becomes unoccupied in the future, there is a potential benefit from critical habitat in such areas.

Federal agencies already consult with us on activities in areas currently occupied by the species to ensure that their actions do not jeopardize the continued existence of the species. These actions include, but are not limited to:

(1) Regulation of activities affecting waters of the United States by the Army Corps under section 404 of the Clean Water Act;

(2) Regulation of water flows, damming, diversion, and channelization by Federal agencies;

(3) Regulation of grazing, mining, and recreation by the BLM or Forest Service;

(4) Road construction and maintenance, right-of-way designation, and regulation of agricultural activities;

(5) Regulation of airport improvement activities by the Federal Aviation Administration jurisdiction;

(6) Military training and maneuvers on applicable DOD lands;

(7) Construction of roads and fences along the International Border with Mexico, and associated immigration enforcement activities by the Immigration and Naturalization Service;

(8) Hazard mitigation and post-disaster repairs funded by the Federal Emergency Management Agency;

(9) Construction of communication sites licensed by the Federal Communications Commission; and

(10) Activities funded by the U. S. Environmental Protection Agency, Department of Energy, or any other Federal agency.

All lands designated as critical habitat are within the geographical area occupied by the species and are likely to be used by gnatcatchers, whether by reproductive, territorial birds, or by birds merely moving through an area. Thus, we consider all critical habitat to be occupied by the species. Federal agencies already consult with us on activities in areas currently occupied by the species or if the species may be affected by the action to ensure that

their actions do not jeopardize the continued existence of the species. Thus, we do not anticipate additional regulatory protection will result from critical habitat designation.

Exclusions Under Section 3(5)(A) Definition

The Sikes Act Improvements Act of 1997 (Sikes Act) requires each military installation that includes land and water suitable for the conservation and management of natural resources to complete, by November 17, 2001, an Integrated Natural Resources Management Plan (INRMP). An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found there. Each INRMP includes an assessment of the ecological needs on the installation, including needs to provide for the conservation of listed species; a statement of goals and priorities; a detailed description of management actions to be implemented to provide for these ecological needs; and a monitoring and adaptive management plan. We consult with the military on the development and implementation of INRMPs for installations with listed species. We believe that bases that have completed and approved INRMPs that address the needs of the species generally do not meet the definition of critical habitat discussed above, as they require no additional special management or protection. Therefore, we do not include these areas in critical habitat designations if they meet the following three criteria: (1) A current INRMP must be complete and provide a conservation benefit to the species; (2) the plan must provide assurances that the conservation management strategies will be implemented; and (3) the plan must provide assurances that the conservation management strategies will be effective, by providing for periodic monitoring and revisions as necessary. If all of these criteria are met, then the lands covered under the plan would not meet the definition of critical habitat.

To date, Marine Corps Air Base Miramar is the only DOD installation that has completed a final INRMP that provides for sufficient conservation management and protection for the gnatcatcher. We have reviewed this plan and have determined that it addresses and meets the three criteria. Therefore, lands on Marine Corps Air Base Miramar do not meet the definition of critical habitat and have been excluded from the final designation of critical habitat for the gnatcatcher.

Exclusions Under Section 4(b)(2)

Subsection 4(b)(2) of the Act allows us to exclude areas from critical habitat designation where the benefits of exclusion outweigh the benefits of designation, provided the exclusion will not result in the extinction of the species. For the following reasons, we believe that in most instances the benefits of excluding HCPs from critical habitat designations will outweigh the benefits of including them.

(1) Benefits of Inclusion

The benefits of including HCP lands in critical habitat are normally small. The principal benefit of any designated critical habitat is that activities in such habitat that may affect it require consultation under section 7 of the Act. Such consultation would ensure that adequate protection is provided to avoid adverse modification of critical habitat. Where HCPs are in place, our experience indicates that this benefit is small or non-existent. Currently approved and permitted HCPs are already designed to ensure the long-term survival of covered species within the plan area. Where we have an approved HCP, lands that we ordinarily would define as critical habitat for the covered species will normally be protected in reserves and other conservation lands by the terms of the HCPs and their implementation agreements. These HCPs and implementation agreements include management measures and protections for conservation lands that are crafted to protect, restore, and enhance their value as habitat for covered species.

In addition, an HCP application must itself be consulted upon. While this consultation will not look specifically at the issue of adverse modification of critical habitat, it will look at the very similar concept of jeopardy to the listed species in the plan area. Since HCPs, particularly large regional HCPs, address land use within the plan boundaries, habitat issues within the plan boundaries will have been thoroughly addressed in the HCP and the consultation on the HCP. Our experience is also that, under most circumstances, consultations under the jeopardy standard will reach the same result as consultations under the adverse modification standard. Implementing regulations (50 CFR Part 402) define "jeopardize the continued existence of" and "destruction or adverse modification of" in virtually identical terms. Jeopardize the continued existence of means to engage in an action "that reasonably would be expected * * * to reduce appreciably the likelihood of both the survival and recovery of a listed species." Destruction or adverse modification means an "alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species." Common to both definitions is an appreciable detrimental effect on both survival and recovery of a listed species, in the case of critical habitat by reducing the value of the habitat so designated. Thus, actions satisfying the standard for adverse modification are nearly always found to also jeopardize the species concerned, and the existence of a critical habitat designation does not materially affect the outcome of consultation. Additional measures to protect the habitat from adverse modification are not likely to be required.

Further, HCPs typically provide for greater conservation benefits to a covered species than section 7 consultations because HCPs assure the long term protection and management of a covered species and its habitat, and funding for such management through the standards found in the 5-Point Policy for HCPs (64 FR 35242) and the HCP No Surprises regulation (63 FR 8859). Such assurances are typically not provided by section 7 consultations which, in contrast to HCPs, often do not commit the project proponent to long term special management or protections. Thus, a consultation typically does not accord the lands it covers the extensive benefits an HCP provides.

The development and implementation of HCPs provide other important conservation benefits, including the development of biological information to guide conservation efforts and assist in species recovery and the creation of innovative solutions to conserve species while allowing for development. The educational benefits of critical habitat, including informing the public of areas that are important for the long-term survival and conservation of the species, are essentially the same as those that would occur from the public notice and comment procedures required to establish an HCP, as well as the public participation that occurs in the development of many regional HCPs. For these reasons, then, we believe that designation of critical habitat has little benefit in areas covered by HCPs.

(2) Benefits of Exclusion

The benefits of excluding HCPs from being designated as critical habitat may be more significant. During two public comment periods on our critical habitat policy, we received several comments about the additional regulatory and economic burden of designating critical

habitat. These include the need for additional consultation with the Service and the need for additional surveys and information gathering to complete these consultations. HCP applicants have also stated that they are concerned that third parties may challenge HCPs on the basis that they result in adverse modification or destruction of critical habitat, should critical habitat be designated within the HCP boundaries.

The benefits of excluding HCPs include relieving landowners, communities and counties of any additional minor regulatory review that might be imposed by critical habitat. Many HCPs, particularly large regional HCPs, take many years to develop and, upon completion, become regional conservation plans that are consistent with the recovery of covered species. Many of these regional plans benefit many species, both listed and unlisted. Imposing an additional regulatory review after HCP completion may jeopardize conservation efforts and partnerships in many areas and could be viewed as a disincentive to those developing HCPs. Excluding HCPs provides us with an opportunity to streamline regulatory compliance and confirms regulatory assurances for HCP participants.

A related benefit of excluding HCPs is that it would encourage the continued development of partnerships with HCP participants, including states, local governments, conservation organizations, and private landowners, that together can implement conservation actions we would be unable to accomplish alone. By excluding areas covered by HCPs from critical habitat designation, we preserve these partnerships, and, we believe, set the stage for more effective conservation actions in the future.

In general, then, we believe the benefits of critical habitat designation to be small in areas covered by approved HCPs. We also believe that the benefits of excluding HCPs from designation are significant. Weighing the small benefits of inclusion against the benefits of exclusion, including the benefits of relieving property owners of an additional layer of approvals and regulation, together with the encouragement of conservation partnerships, would generally result in HCPs being excluded from critical habitat designation under Section 4(b)(2) of the Act.

Not all HCPs are alike with regard to species coverage and design. Within this general analytical framework, we need to evaluate completed and legally operative HCPs in the range of the California gnatcatcher to determine whether the benefits of excluding these particular areas outweigh the benefits of including them.

Several habitat conservation planning efforts have been completed within the range of the gnatcatcher. Principal among these are NCCP efforts in Orange and San Diego Counties. NCCP plans completed and permitted to date have resulted in the conservation of 40,208 ha (99,310 ac) of gnatcatcher habitat.

In southwestern San Diego County, the development of the MSCP has resulted in our approval of three subarea plans under section 10(a)(1)(B) of the Act. These three southern subarea plans account for approximately 95 percent of the gnatcatcher habitat in southern San Diego County. When fully implemented, the MSCP will result in the establishment of conservation areas that collectively contain 28,844 ha (71,274 ac) of coastal sage scrub vegetation within a 69,573 ha (171,917 ac) preserve area.

Additionally, we have approved the Orange County Central-Coastal NCCP/HCP and issued an incidental take permit under section 10(a)(1)(B) of the Act. Implementation of the plan will result in the conservation of 15,677 ha (38,738 ac) of Reserve lands, which contain 7,621 ha (18,831 ac) of coastal sage scrub.

The gnatcatcher habitat in the approved planning areas in San Diego and Orange Counties was selected by the local jurisdictions, with technical assistance from us and the California Department of Fish and Game (CDFG), for permanent preservation and configuration into a biologically viable interlocking system of reserves. The reserve system established within the approved planning areas includes those habitat areas that we consider essential to the long-term survival and recovery of the gnatcatcher. In addition, the plans detail management measures for the reserve lands that protect, restore, and enhance their value as gnatcatcher habitat.

All gnatcatcher habitat that is essential to the conservation of the species and is within the HCP planning areas is permanently protected in the habitat reserves. Habitat that is preserved in the HCP planning areas is already managed for the benefit of the gnatcatcher and other covered species under the terms of the plans and associated section 10(a)(1)(B) permits. The assurances afforded the gnatcatcher through the special management and protections in the implementation agreements of approved HCPs are believed to be sufficient to provide for the conservation of the gnatcatcher. Any additional benefit provided the gnatcatcher by designating these lands as critical habitat would be minimal at best. Therefore, we have determined that no additional private lands within the HCP planning areas warrant designation as critical habitat.

In contrast, the benefits of excluding lands covered by these HCPs would be significant in preserving positive relationships with our conservation partners, lessening potential additional regulatory review and potential economic burdens, reinforcing the regulatory assurances provided for in the implementation agreements for the approved HCPs, and providing for more established and cooperative partnerships for future conservation efforts. Economic analysis completed for the gnatcatcher critical habitat designation concluded that some construction companies may be affected by any modifications to development projects or incremental delays in the implementation of projects due to consultations that occur as a result of critical habitat designation for the gnatcatcher. In addition, the economic analysis concluded that landowners may incur costs to determine whether their land contains the primary constituent elements for the gnatcatcher, and may experience temporary changes in property values as markets respond to the uncertainty associated with critical habitat designation. We believe that because of these impacts the benefits of excluding HCP areas from critical habitat designation outweigh the minor benefits, if any, of including these areas as critical habitat. Consequently, these lands have not been designated as critical habitat for the gnatcatcher.

We also have approved several smaller multiple species HCPs in San Diego, Riverside, Los Angeles, and Orange Counties. Examples include: Bennett Property, Meadowlark Estates, Fieldstone (Villages of La Costa), and Poway Subarea Plan in San Diego County; Coyote Hills East and Shell Oil in Orange County; Ocean Trails in Los Angeles County; and Lake Mathews, North Peak, Railroad Canyon, and Rancho Bella Vista in Riverside County. These efforts have resulted in the protection of 3,935 ha (9,725 ac) of gnatcatcher habitat. We believe that the reasoning for excluding regional HCPs from this designation would apply to these smaller HCPs, and therefore, they have been excluded from the designation as well.

In summary, the benefits of including HCPs in critical habitat for the gnatcatcher include minor, if any, additional protection for the gnatcatcher. The benefits of excluding HCPs from being designated as critical

habitat for the gnatcatcher include the preservation of partnerships that may lead to future conservation, and the avoidance of the minor regulatory and economic burdens associated with the designation of critical habitat. We find that the benefits of excluding these areas from critical habitat designation outweigh the benefits of including these areas. Furthermore, we have determined that these exclusions will not result in the extinction of the species. We have already completed section 7 consultation on the impacts of these HCPs on the species. We have determined that they will not jeopardize the continued existence of the species, which means that they will not appreciably reduce likelihood of the survival and recovery of the species.

In the event that future HCPs covering the gnatcatcher are developed within the boundaries of designated critical habitat, we will work with applicants to ensure that the HCPs provide for protection and management of habitat areas essential for the conservation of the gnatcatcher by either directing development and habitat modification to nonessential areas or appropriately modifying activities within essential habitat areas so that such activities will not adversely modify the primary constituent elements. The HCP development process provides an opportunity for more intensive data collection and analysis regarding the use of particular habitat areas by the gnatcatcher. The process also enables us to conduct detailed evaluations of the importance of such lands to the long term survival of the species in the context of constructing a biologically configured system of interlinked habitat blocks.

We will provide technical assistance and work closely with applicants throughout the development of future HCPs to identify lands essential for the long-term conservation of the gnatcatcher and appropriate management for those lands. The take minimization and mitigation measures provided under these HCPs are expected to protect the essential habitat lands designated as critical habitat in this rule. If, an HCP that addresses the gnatcatcher as a covered species is ultimately approved, the Service will reassess the critical habitat boundaries in light of the HCP. The Service will seek to undertake this review when the HCP is approved, but funding constraints may influence the timing of such a review.

In contrast to Marine Corps Air Base Miramar, other military installations within the area proposed as critical habitat for the gnatcatcher have not yet completed their INRMPs. Most notably, Marine Corps Base Camp Pendleton (Camp Pendleton) represents one of the largest contiguous blocks of coastal sage scrub in southern California. The base provides habitat for numerous core populations of gnatcatchers and essential habitat linkages between core populations in northern San Diego County to those in southern Orange and southwestern Riverside Counties. In light of these factors, we proposed 20,613 ha (50,935 ac) of the approximately 50,000 ha (125,000 acre) base as critical habitat for the gnatcatcher.

During both public comment periods for the proposal, the Marines concluded that the designation, if it were to become final, would cripple their ability to conduct their critical training activities. They asserted that "this overwhelming proposal [if made final] will have a long term, cumulative and detrimental impact on [their] mission."

The proposed critical habitat encompassed more than 40 percent of the Base. Out of the 46 training or joint use areas on Camp Pendleton, the proposal included all of 22 and portions of 9 such areas, which were concentrated on the coastal portion of the Base. In addition, the proposal included three of four principal landing beaches and the key inland training areas adjacent to these beaches where Marines train in amphibious warfare, large and small tactics, and warfighting skills. Camp Pendleton is the Marine Corps' only amphibious training base on the Pacific coast.

The INRMP for Camp Pendleton will be completed by the statutory deadline of November 17, 2001. We will consult with the Marines under section 7 of the Act on the development and implementation of the INRMP. We fully expect that, once the INRMP is completed and approved, areas of the base included in the proposed critical habitat designation will not meet the definition of critical habitat, as they will require no additional special management or protection.

Today, as the INRMP has not yet been completed and approved, these lands on the base meet the definition of critical habitat. Nevertheless, we have determined that it is appropriate to exclude Camp Pendleton from this critical habitat designation under section 4(b)(2). The main benefit of this exclusion is ensuring that the mission-critical military training activities can continue without interruption at Camp Pendleton while the INRMP is being completed. On March 30, 2000, at the request of the Marines, we initiated formal consultation with Camp Pendleton on their uplands activities. These activities include military training, maintenance, fire management, real estate, and recreation programs. Upon completion, this consultation will address the 93 percent of the Base not included in our 1995 opinion concerning the Base's programmatic conservation plan for riparian and estuarine/beach ecosystems (U.S. Fish and Wildlife Service 1995). Because of the immense complexity of dealing with a multitude of hard-to-define upland activities and numerous federally listed plants and animals, we expect completion of the consultation and issuance of our biological opinion to take several months to a year.

The Marines have no alternative site suitable for the kinds of training that occur on the Base. The Marines continue training, even within the areas of coastal sage scrub included in the proposed critical habitat designation, during the consultation period by implementing measures that they believe ensure their training activities are not likely to adversely affect gnatcatchers and other federally listed species found in upland habitats on Camp Pendleton and thereby ensure compliance with section 7(d) of the Act. In particular, the Marines implement a set of "programmatic instructions" that create 500-foot buffers around each 1998 gnatcatcher observation. These avoided areas, after eliminating overlapping buffers and off-Base areas, total about 3,343 ha (8,260 ac), or a little less than 7 percent of the entire area of Camp Pendleton. Although avoiding these areas constrains Marine training activities to some degree, the effectiveness of their overall mission is not compromised.

The proposed critical habitat designation, however, included about 20,613 ha (50,935 ac), or, to reiterate, about 40 percent of the Base. If this area is included in the final designation of critical habitat for the gnatcatcher, the Marines would be compelled by their interpretation of the Endangered Species Act to significantly curtail necessary training within the area designated as critical habitat, to the detriment of mission-critical training capability, until the consultation is concluded, up to a year from now. As a result, this increase in the extent of avoided areas would greatly restrict use of the Base, severely limiting the Base's utility as a Marine training site.

In contrast, the benefits of designating critical habitat on the base now are small. The primary benefit of designation is the prohibition on destruction or adverse modification of critical habitat under section 7 of the

Act. However, we believe that section 7 consultation on any proposed action on the base that would result in an adverse modification conclusion would also result in a jeopardy conclusion, and we are now engaged in formal consultation with the Marines on their activities in upland habitats on the Camp Pendleton. In addition, the Marines have a statutory obligation under the Sikes Act to complete an INRMP for Camp Pendleton about 13 months from now; as noted above, we expect that, when completed and adopted, this INRMP will provide equal or greater protection to gnatcatcher habitat on the base than a critical habitat designation.

We conclude that the benefits of excluding Camp Pendleton exceed the benefits of including the base in the critical habitat designation; further, we have determined that excluding the base will not result in the extinction of the gnatcatcher, as numerous gnatcatcher core areas remain within the final critical habitat designation and sections 7(a)(2) and 9 still apply to the activities affecting gnatcatchers on Camp Pendleton. This exclusion does not include that part of Camp Pendleton leased to the State of California and included within San Onofre State Park (including San Mateo Park). Because these lands are used minimally, if at all, by the Marines for training, the 1,195 ha (2,960 ac) of lands proposed within the state park are retained in the final designation. These lands do not include lands leased for agricultural purposes.

Should additional information become available that changes our analysis of the benefits of excluding any of these (or other) areas compared to the benefits of including them in the critical habitat designation, we may revise this final designation accordingly. Similarly, if new information indicates any of these areas should not be included in the critical habitat designation because they no longer meet the definition of critical habitat, we may revise this final critical habitat designation. If, consistent with available funding and program priorities, we elect to revise this designation, we will do so through a subsequent rulemaking.

Relationship to the 4(d) Special Rule for the Gnatcatcher

On December 10, 1993, a final special rule concerning take of the gnatcatcher was published pursuant to section 4(d) of the Act (58 FR 63088). Under the 4(d) special rule, incidental take of gnatcatchers is not considered to be a violation of section 9 of the Act if: (1) take results from activities conducted pursuant to the requirements of the NCCP and in accordance with an approved NCCP plan for the protection of coastal sage scrub habitat, prepared consistent with the State of California's Conservation and Process Guidelines (Guidelines) dated November 1993; and (2) we issue written concurrence that the plan meets the standards for issuance of an incidental take permit under 50 CFR 17.32(b)(2). Within enrolled subregions actively engaged in the preparation of an NCCP plan, the take of gnatcatchers will not be a violation of section 9 of the Act if such take results from activities conducted in accordance with the Guidelines. The Guidelines limit habitat loss during the interim planning period to no more than 5 percent of coastal sage scrub with lower long-term conservation potential in existence at the time of adoption of the 4(d) special rule.

The Guidelines specify criteria to evaluate the long-term conservation potential of sage scrub that is proposed for loss during the period that NCCP plans are being developed to assist participating jurisdictions in providing interim protection for areas that support habitat that is likely to be important to conservation of the gnatcatcher. Participating jurisdictions within the range of the gnatcatcher in the United States that have not completed NCCP plans include: the Southern and Matrix subregions of Orange County; the cities of Rancho Palos Verdes and San Dimas in Los Angeles County; MSCP subareas in the cities of Santee, El Cajon, and Chula Vista, the MHCP Subregion of northwestern San Diego County; the North County Subarea of San Diego's MSCP; San Diego County's MHCOSP; and six water districts in San Diego County.

We anticipate that participating jurisdictions will be able to continue to apply the 4(d) special rule within designated critical habitat and to issue Habitat Loss Permits, with the joint concurrence of us and the CDFG, provided the jurisdictions are actively working to complete their subarea plans and adhere to the Guidelines. To be consistent with the Guidelines, the jurisdictions must find, and we and CDFG must concur, that:

1. The proposed habitat loss is consistent with the interim loss criteria in the Guidelines and with any subregional process if established by the subregion:

(a) The habitat loss does not cumulatively exceed the 5 percent guideline;

(b) The habitat loss will not preclude connectivity between areas of high habitat values;

(c) The habitat loss will not preclude or prevent the preparation of the subregional NCCP;

(d) The habitat loss has been minimized and mitigated to the maximum extent practicable in accordance with section 4.3 of the Guidelines.

2. The habitat loss will not appreciably reduce the likelihood of the survival and recovery of listed species in the wild, and

3. The habitat loss is incidental to otherwise lawful activities.

Because, in addition to avoiding jeopardy to the gnatcatcher, the Guidelines direct habitat loss to areas with low long-term conservation potential that will not preclude development of adequate NCCP plans and ensure that connectivity between areas of high habitat value will be maintained, we believe that allowing a small percentage of habitat loss within designated critical habitat pursuant to the 4(d) rule is not likely to result in the destruction or adverse modification of critical habitat by appreciably reducing its value for both the survival and recovery of the species. As required under 50 CFR 402.16, we will re-initiate formal consultation on the 4(d) special rule for the gnatcatcher following the publication of this final determination of critical habitat. During this re-initiation, we will re-evaluate the 4(d) special rule for the gnatcatcher to examine the effect of the issuance of Habitat Loss Permits and the effect of the 4(d) on the critical habitat determination.

Requests for copies of the regulations on listed wildlife and inquiries about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Branch of Endangered Species, 911 N.E. 11th Ave., Portland, OR 97232 (telephone 503–231–2063, facsimile 503–231–6143).

Summary of Comments and Recommendations

In the February 7, 2000, proposed rule (65 FR 5946), we requested all interested parties to submit comments on the specifics of the proposal including information, policy, treatment of HCPs, and proposed critical habitat boundaries as provided in the proposed rule. The first comment period closed on April 7, 2000. The comment period was reopened from June 29 to July 31, 2000 (65 FR 5957), to allow for additional comments on the proposed rule and comments on the draft economic analysis of the proposed critical habitat. Due to an error in the electronic mail address used for the submission of public comment that was

identified in the **Federal Register** notice (65 FR 5957), we published a correction on July 11, 2000 (65 FR 42662). We entered comments received from April 8 to June 28, 2000, into the administrative record for the second comment period.

We contacted all appropriate State and Federal agencies, county governments, elected officials, and other interested parties and invited them to comment. In addition, we invited public comment through the publication of notices in the following newspapers in southern California: Los Angeles Times, Orange County Register, The Press Enterprise, North County Times, and the San Diego Union-Tribune. The inclusive dates of these publications were February 7 and 8, 2000, for all papers, except the Los Angeles Times which ran the notice on February 18, 2000. In these notices and the proposed rule, we announced the dates and times of three public hearings that were to be held on the proposed rule. These hearings were in Anaheim (February 15, 2000), San Diego (February 17, 2000) and Riverside (February 23, 2000). Transcripts of these hearings are available for inspection (see **ADDRESSES** section).

We requested four ornithologists and conservation biologists, who have familiarity with the gnatcatcher and reserve design to peer review the proposed critical habitat designation. None of the peer reviewers submitted comments on the proposed critical habitat designation.

We received a total of 29 oral and 121 written comments during the 2 comment periods. Of these comments, 11 of the commenters who submitted oral testimony also submitted duplicative written comments. In total, oral and written comments were received from 2 Federal agencies, 1 State agency, 1 State elected official, 8 local governments, and 107 private organizations or individuals. We reviewed all comments received for substantive issues and new data regarding critical habitat and the gnatcatcher. Comments of a similar nature are grouped into 4 general issues relating specifically to the proposed critical habitat determination and draft economic analysis on the proposed determination. These are addressed in the following summary.

Issue 1: Biological Justification and Methodology

(1) *Comment:* The broad or landscape scale of the proposed critical habitat includes areas that do not contain the primary constituent elements for the gnatcatcher. Indicating that only areas containing the primary constituent elements are being proposed as critical habitat for the gnatcatcher is confusing and does not allow for a discriminate boundary. Several commenters questioned the biological justification for proposing critical habitat for the gnatcatcher using such a landscape scale approach when specific, detailed information is available.

Service Response: We are required to describe critical habitat (50 CFR 424.12(c)) with specific limits using reference points and lines as found on standard topographic maps of the area. Due to the time constraints imposed by the Court, and the absence of detailed GIS coverages during the preparation of the proposed determination, we followed section lines wherever possible to delineate the critical habitat boundaries. Due to the mapping scale, some areas not essential to the conservation of the gnatcatcher were included within the boundaries of proposed critical habitat.

In the preparation of the final determination, we had available for use more detailed GIS coverages that allowed us to reduce our minimum mapping unit from one square mile (one public land survey section or equivalent UTM grid square) to a 100–m UTM grid square. This allowed for the exclusion of many areas that do not contain the primary constituent elements for the gnatcatcher and the drawing of more refined critical habitat boundaries.

(2) *Comment:* Several commenters voiced concern that their property was within proposed critical habitat boundaries, even though it does not contain gnatcatcher habitat.

Service Response: We recognize that not all parcels of land within designated critical habitat will contain the habitat components essential to gnatcatcher conservation. As previously stated in this document, the minimum mapping unit that we used in defining critical habitat boundaries for the gnatcatcher did not allow us to exclude all developed areas such as towns, housing developments, or other developed lands unlikely to provide habitat for the gnatcatcher. However, these areas are within designated critical habitat since they are within the defined boundaries of the designation. Because they do not contain the primary constituent elements for the gnatcatcher, we believe that activities that occur on them will not affect critical habitat and not trigger a section 7 consultation.

(3) *Comment:* The primary constituent elements defined as being essential for the gnatcatcher are not consistent throughout the rule, are not specific, and appear to encompass most natural plant communities in southern California.

Service Response: The description of the primary constituent elements for the gnatcatcher are based on a compilation of data from peer-reviewed published literature, gray literature (non-published or non-peer-reviewed survey or research reports), and biologists knowledgeable about the gnatcatcher and its habitat. The primary constituent elements, as described, represent our best estimate of what plant communities/associations are essential for the conservation of core populations of gnatcatchers and for dispersal and connectivity between core populations. The gnatcatcher, while considered an obligate (requires a specific habitat type to survive) of sage and scrub plant communities, utilizes other plant communities/associations such as chaparral that provide similar structure and function. These additional plant communities/associations have become more important to the conservation of the gnatcatcher with the continued encroachment of urban and agricultural development on scrub plant communities. For this reason, the primary constituent elements are broadly categorized to capture the plant communities/associations and corridors of vegetation that are essential for conservation of core gnatcatcher populations and connectivity between core populations.

We have reviewed the primary constituent elements as described throughout this final determination to verify that they are being discussed in a consistent and clear manner.

(4) *Comment:* The proposed rule states that the areas proposed as critical habitat are occupied by the gnatcatcher. Several commenters stated that no more than 52,500 acres of gnatcatcher occupied habitat exists, and questioned why the proposal indicated all critical habitat is occupied.

Service Response: All critical habitat designated for the gnatcatcher is within the geographical area occupied by the species and is likely used by them, for breeding, feeding, sheltering, or dispersing at some point in time. Thus, in a broad sense, we consider all critical habitat to be occupied by the species. This differs from the common public perception that occupancy means the detectable presence of the gnatcatcher at all times throughout the breeding and non-breeding seasons.

(5) *Comment:* The approximately 799,916 acres that are being proposed as critical habitat for the gnatcatcher is significantly greater than the acreage of coastal sage scrub that was stated in the final listing rule as being available for the gnatcatcher in southern California.

Service Response: In the March 30, 1993, final listing rule for the

gnatcatcher (58 FR 16741), we stated that there were approximately 393,655 acres of coastal sage scrub in southern California available for the species. The proposed determination of critical habitat for the gnatcatcher (65 FR 5946) identified approximately 799,916 acres of land within the critical habitat boundaries. The difference of approximately 400,000 acres resulted from several sources.

Since the listing of this species, increased scientific and commercial studies on the distribution, life history, and ecological needs of the species have been conducted. We now know that the gnatcatcher utilizes a variety of scrub habitats and does not rely solely on coastal sage scrub. These additional scrub communities include Venturan coastal sage scrub, Diegan coastal sage scrub, maritime succulent scrub, Riversidean sage scrub, Riversidean alluvial fan scrub, southern coastal bluff scrub, and coastal sage-chaparral scrub.

More significantly, due to time and resource limitations, we were unable map critical habitat in sufficient detail in the proposed rule to exclude all developed areas such as towns, housing developments, and other lands unlikely to contain gnatcatcher habitat. In the final rule, we have refined the mapping to better delineate those areas essential to the conservation of the species and exclude additional nonessential areas. While it was not possible to exclude all nonessential areas, due to mapping limitations, the refinement of critical habitat boundaries due to the revised mapping resulted in a reduction of approximately 91,559 ha (226,151 ac).

Issue 2: Policy and Regulations

(6) *Comment:* Many commenters were supportive of the policy that lands covered by approved and future HCPs that provide take authorization for the gnatcatcher should be excluded from critical habitat. Several commenters suggested that designated critical habitat be removed concurrently with approval of the HCP because they are concerned that additional consultations would be required as a result of critical habitat.

Service Response: We recognize that critical habitat is only one of many conservation tools for federally listed species. HCPs are one of the most important tools for reconciling land use with the conservation of listed species on non-Federal lands. Section 4(b)(2) of the Act allows us to exclude from critical habitat designation areas where the benefits of exclusion outweigh the benefits of designation, provided the exclusion will not result in the extinction of the species. We believe that in most instances the benefits of excluding HCPs from critical habitat designations will outweigh the benefits of including them. For this designation, we find that the benefits of exclusion outweigh the benefits of designation for all legally operative HCPs issued for the gnatcatcher.

We anticipate that future HCPs in the range of the gnatcatcher will include it as a covered species and provide for its long term conservation. We expect that HCPs undertaken by local jurisdictions (*e.g.*, counties, cities) and other parties will identify, protect, and provide appropriate management for those specific lands within the boundaries of the plans that are essential for the long-term conservation of the species. Section 10(a)(1)(B) of the Act states that HCPs must meet issuance criteria, including minimizing and mitigating any take of the listed species covered by the permit to the maximum extent practicable, and that the taking must not appreciably reduce the likelihood of the survival and recovery of the species in the wild. We fully expect that our future analyses of HCPs and section 10(a)(1)(B) permits under section 7 will show that covered activities carried out in accordance with the provisions of the HCPs and section 10(a)(1)(B) permits will not result in the destruction or adverse modification of critical habitat designated for the gnatcatcher.

In the event that future HCPs covering the gnatcatcher are developed within the boundaries of designated critical habitat, we will work with applicants to ensure that the HCPs provide for protection and management of habitat areas essential for the conservation of the gnatcatcher by either directing development and habitat modification to nonessential areas or appropriately modifying activities within essential habitat areas so that such activities will not adversely modify the primary constituent elements. The HCP development process provides an opportunity for more intensive data collection and analysis regarding the use of particular habitat areas by the gnatcatcher. The process also enables us to conduct detailed evaluations of the importance of such lands to the long term survival of the species in the context of constructing a biologically configured system of interlinked habitat blocks. We will provide technical assistance and work closely with applicants throughout the development of future HCPs to identify lands essential for the long-term conservation of the gnatcatcher and appropriate management for those lands. By definition, if the gnatcatcher is a covered species under future HCPs, the plans should provide for the long-term conservation of the species. The take minimization and mitigation measures provided under these HCPs are expected to adequately protect the essential habitat lands designated as critical habitat in this rule, such that the value of these lands for the survival and recovery of the gnatcatcher is not appreciably diminished through direct or indirect alterations. If an HCP that addresses the gnatcatcher as a covered species is ultimately approved, the Service will reassess the critical habitat boundaries in light of the HCP. The Service will seek to undertake this review when the HCP is approved, but funding constraints may influence the timing of such a review. However, an HCP can proceed without a concurrent amendment to the critical habitat designation should all parties agree.

(7) *Comment:* It is illegal and unscientific to withdraw critical habitat designation from land covered by a currently approved HCP or to withdraw it from future HCPs when they are approved. Critical habitat protects land essential for conservation, which is a higher standard than a HCP permit or section 7 consultation which only assure that jeopardy would not occur.

Service Response: Critical habitat does not provide for a higher standard of conservation and protection than HCPs or section 7 consultations. See our response to Issue 6 for a discussion of conservation measures afforded covered species under HCPs. Further, see our response to Issue 39 for a discussion of the relationship of consultations conducted under section 7 relative to critical habitat.

(8) *Comment:* An Environmental Impact Statement as defined under NEPA should be written to address the potential significant impacts from the proposed designation of gnatcatcher critical habitat.

Service Response: We have determined that an Environmental Assessment and/or an Environmental Impact Statement as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. A notice outlining our reason for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

(9) *Comment:* Tribal lands essential to the conservation of the gnatcatcher should be included in critical habitat. More specifically, Unit 4 should be extended to include portions of Capitan Grande Indian Reservation along the upper San Diego River.

Service Response: We have no information that indicates that Capitan

Grande Indian Reservation contains a core population of gnatcatchers, or provides an essential linkage between core populations. Therefore, we did not consider lands within Capitan Grande Indian Reservation essential to the conservation of the gnatcatcher and did not designate them as critical habitat. The information and data available to us does not indicate that any other tribal lands within the range of the gnatcatcher are essential to the species' conservation.

(10) *Comment:* The broad scale of the proposed critical habitat maps is not specific enough to allow for reasonable public comment therefore violating the Act and 50 CFR 424.12(c).

Service Response: We identified specific areas in the proposed determination that are referenced by public land surveys and UTM coordinates, which are found on standard topographic maps. We also made available a public viewing room where the proposed critical habitat units superimposed on 7.5 minute topographic maps and spot imagery could be inspected. Further, we distributed GIS coverages and maps of the proposed critical habitat to everyone who requested them. We believe the information made available to the public was sufficiently detailed to allow for informed public comment. This final rule contains the legal descriptions of areas designated as critical habitat required under 50 CFR 424.12(c). The accompanying maps are for illustration purposes only. If additional clarification is necessary, contact the Carlsbad Fish and Wildlife Office (see **ADDRESSES** section).

(11) *Comment:* Specific lands should be excluded using the exemption afforded pursuant to 4(b)(2) of the Act. The biological benefits of critical habitat are outweighed by the benefits of exclusion.

Service Response: Section 4(b)(2) of the Act and 50 CFR 424.19 require us to consider the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of exclusion outweigh the benefits of designating the area as critical habitat, unless that exclusion will lead to extinction of the species. As discussed in this final rule, we have determined that no significant adverse economic effects will result from this critical habitat designation. Consequently, none of the proposed lands have been excluded from the designation based on economic impacts. As discussed in Issue 2, we have excluded all legally operative HCPs from the designation pursuant to section 4(b)(2) of the Act based on other relevant impacts.

We have also excluded Camp Pendleton from designated critical habitat for the gnatcatcher because of the significant impact that such a designation would have on critical, ongoing training and related operations on the Base. Refer to the section concerning changes from the proposed determination for a more detailed discussion of this exclusion.

(12) *Comment:* The designation of critical habitat would place an additional burden on landowners above and beyond what the listing of the species would require. The number of section 7 consultations will increase; large areas where no gnatcatchers are known to occur will now be subject to section 7 consultation. Many Federal agencies have been making a "no effect" determination within unoccupied suitable habitat. Now, with critical habitat there will be "may effect" determinations, and section 7 consultation will be required if any of the constituent elements are present.

Service Response: We acknowledge that there may be some additional section 7 consultations due to critical habitat. However, we believe in most cases, the outcome of these consultations will be similar to the outcome of consultations without critical habitat. See our response to Issue 39. Since coastal sage scrub is widely recognized as a sensitive and declining habitat, projects are often required, by jurisdictions other than the Service, to offset impacts to coastal sage scrub regardless of the presence of designated critical habitat. Therefore, we believe that if there is any additional burden due to critical habitat, it will be minimal.

(13) *Comment:* Several commenters requested that once a section 7 consultation is completed addressing the gnatcatcher, that the lands covered by the consultation be excluded from critical habitat, similar to what has been proposed for lands covered by approved HCPs.

Service Response: We disagree that lands covered by a section 7 consultation should be removed from critical habitat. Section 7 of the Act requires that Federal actions not jeopardize the continued existence of a species or result in the destruction or adverse modification of critical habitat. In contrast, HCPs typically provide for greater conservation benefits to a covered species by assuring the long term protection and management of a covered species and its habitat, and funding for such management through the standards found in the 5-Point Policy for HCPs (64 FR 35242), the HCP No Surprises regulation (63 FR 8859), and relevant regulations governing the issuance and implementation of HCPs. However, such assurances are typically not provided in connection with Federal projects subject to section 7 consultations which, in contrast to activities on non Federal lands covered by HCPs, often do not commit to long term special management or protections. Thus, a consultation typically does not accord the lands it covers the extensive benefits an HCP provides.

(14) *Comment:* Comments received from the Department of Defense (DOD) requested that their lands be excluded from the critical habitat designation because protections and management afforded the gnatcatcher under their Integrated Natural Resource Management Plans (INRMPs) pursuant to the Sike's Act were sufficient, thereby resulting in their lands not requiring special management or protection and not meeting the definition of critical habitat.

Service Response: We agree that INRMPs can provide special management for lands such that they no longer meet the definition of critical habitat when the plans meet the following criteria: (1) A current INRMP must be complete and provide a conservation benefit to the gnatcatcher, (2) the plan must provide assurances that the conservation management strategies will be implemented, and (3) the plan must provide assurances that the conservation management strategies will be effective, *i.e.*, provide for periodic monitoring and revisions as necessary. If all of these criteria are met, then the lands covered under the plan would no longer meet the definition of critical habitat.

To date, Marine Corps Air Base Miramar is the only DOD installation that has completed a final INRMP that provides for sufficient conservation management and protection for the gnatcatcher. We have reviewed this plan and have determined that it addresses and meets the three criteria. Therefore, lands on Marine Corps Air Base Miramar no longer meet the definition of critical habitat, and they have been excluded from the final designation of critical habitat for the gnatcatcher.

(15) *Comment:* One commenter believed that the protections provided to the gnatcatcher by the 4(d) rule are higher than those provided by critical habitat, therefore lands within jurisdictions enrolled in the NCCP process and that are subject to a gnatcatcher habitat loss permit under the 4(d) special rule should be excluded from the critical habitat designation.

Service Response: The 4(d) rule provides for a limited amount of incidental take (associated with up to 5 percent of sage scrub) for an interim period of time while subregions are actively engaged in preparing an NCCP plan, provided the activities resulting in such take are conducted in accordance with the NCCP Conservation and Process Guidelines finalized by the California Department of Fish and Game in November 1993. These guidelines rely on the voluntary commitment of jurisdictions to engage in the subregional conservation planning process. While we trust that jurisdictions will fulfill their commitment to complete conservation plans, this voluntary enrollment does not assure that such plans will be completed. As such, the 4(d) rule protections for gnatcatcher habitat provided through participating jurisdiction's enrollment in the NCCP process are temporary and are not assured; such protections may be lost if the jurisdiction elects to withdrawn from the NCCP program. In addition, the 5 percent allowable loss of sage scrub is not an absolute cap because the 4(d) special rule does not preclude the use of sections 7 and 10 of the Act to authorize incidental take. Sections 7 and 10 of the Act are not limited to the 5 percent allowable sage scrub loss.

(16) *Comment:* Are emergency maintenance activities within designated critical habitat exempt for consultation under section 7 of the Act?

Service Response: Emergency maintenance activities are not exempt from consultation under section 7 of the Act. The regulations at 50 CFR 402.05 allow for informal consultation where emergency circumstances mandate the need to consult in an expedited manner. Formal consultation must be initiated as soon as possible after the emergency is under control. In addition, we have conducted programmatic consultations with FEMA and other Federal agencies for future anticipated emergency actions. These consultations can be conducted prior to the emergency and address anticipated response activities.

(17) *Comment:* Designation of critical habitat areas within existing pipelines and aqueducts would negatively affect these facilities and should be excluded from critical habitat.

Service Response: Existing pipelines and aqueducts generally lack the primary constituent elements for the gnatcatcher. It was our intention to exclude such areas through the map revisions. Facilities that remain within the boundaries of this final determination are considered to be critical habitat. Periodic maintenance of existing pipelines, roads, or aqueducts would not constitute an adverse effect to critical habitat when no primary constituent elements are affected. If maintenance activities would adversely affect constituent elements and there is a Federal nexus, then section 7 consultation may be necessary.

(18) *Comment:* Several commenters requested that we extend the comment period on the proposed determination and economic analysis to allow for additional outreach to affected property owners and to obtain their comments.

Service Response: Following the publication of the proposed critical habitat determination on February 7, 2000, we opened a 60-day public comment period which closed on April 7, 2000, held three public hearings during February, and conducted outreach notifying affected elected officials, local jurisdictions, interest groups and property owners. We conducted much of this outreach through legal notices in five regional newspapers, telephone calls, letters and news releases faxed and/or mailed to affected elected officials, local jurisdictions, and interest groups, and publication of the proposed determination and associated material on our Regional world wide web page. We published a notice in the **Federal Register** on June 29, 2000, announcing the availability of the draft economic analysis and opening a public comment period from June 29, 2000, to July 31, 2000, to allow for comments on the draft economic analysis and additional comments on the proposed determination itself. We provided notification of the draft economic analysis through telephone calls and letters and news releases faxed and/or mailed to affected elected officials, local jurisdictions, and interest groups. We also published the draft economic analysis and associated material on our Regional world wide web page following the draft's release on June 29, 2000. Because of the court-ordered time frame, we were not able to extend or open an additional public comment period.

(19) *Comment:* Critical habitat should not have been proposed before an economic and other impacts analysis was completed, and the opportunity to comment on the economic analysis and the proposed rule was limited.

Service Response: Pursuant to 50 CFR 424.19, we are not required to conduct an economic analysis at the time critical habitat is initially proposed. We published the proposed determination in the **Federal Register** (65 FR 5946), invited public comment, and held three public hearings. We used comments received on the proposed critical habitat to develop the draft economic analysis. We invited public comments for 30 days on the draft economic analysis and additionally on the proposed determination. We were unable to provide a longer comment period given the short time frame ordered by the Court.

(20) *Comment:* Several commenters recommended adding specific lands to critical habitat. These additions involved portions of Calimesa and Live Oak Canyon in Riverside County, lands in Box Canyon in San Diego County, lands between Units 14 and Unit 15 in Los Angeles County, and Barham Ranch in Orange County.

Service Response: We did not include all of the specific lands listed above in the proposal because, at the time of proposal, we concluded that these lands were not essential for the conservation of the gnatcatcher or met the definition of critical habitat. After reassessing the requested additional lands in Calimesa and Live Oak Canyon, which are within the HCP planning area for western Riverside County, we continue to believe that these lands are not essential for the conservation of the gnatcatcher.

Lands in Box Canyon are within the planning area for the approved Fieldstone (Villages of La Costa) HCP, which provides appropriate conservation management and protections for the gnatcatcher and its habitat. Therefore, we have excluded these lands in accordance with section 4(b)(2) of the Act.

We evaluated lands between former Unit 14 (Unit 12—East Los Angeles County Linkage) and former Unit 15 (Unit 13—Western Los Angeles County) during the development of the proposal. Insufficient data are available about the gnatcatcher and its habitat in this corridor to conclude that these lands are essential to the conservation of the species. Despite our solicitation for such data concerning this corridor from the public through discussions at one of the public hearings and in general in the proposal, no substantial information concerning this area was submitted during the comment periods. As a result, we continue to maintain that these lands are not essential for the conservation of the gnatcatcher.

We received several comments to include Barham Ranch in the critical habitat designation. Because Barham Ranch is within the boundaries of the Central/Coastal NCCP Subregions of Orange County, we concluded that this area is part of the reserve system established by the NCCP/HCP for these subregions. Because Barham Ranch was thought to be part of the HCP reserve

system, we did not include this area in the proposed rule. However, we have discovered, through comments and subsequent research, that Barham Ranch is not presently incorporated into the reserve system for the Central/Coastal NCCP. Because we did not propose Barham Ranch as critical habitat and afford members of the public an opportunity to comment on its inclusion, and we are under a Court order to finalize this critical habitat designation by September, 30, 2000, we are not including Barham Ranch in this final designation.

(21) *Comment:* A number of commenters identified specific areas that they thought should not be designated as critical habitat.

Service Response: Where site-specific documentation was submitted to us providing a rationale as to why an area should not be designated critical habitat, we evaluated that information in accordance with the definition of critical habitat pursuant to section 3 of the Act and made a determination as to whether modifications to the proposal were appropriate. We excluded lands from the final designation that we determined to be nonessential to the conservation of the gnatcatcher (*i.e.*, not containing a core population or linkage between core populations) or that were located within an approved HCP for the gnatcatcher. We included lands in the final designation that we still considered essential using the revised mapping scale of 100-m UTM grid and did not have special management sufficient for the conservation of the gnatcatcher.

(22) *Comment:* Many landowners expressed concern about how critical habitat designation may affect their particular properties and what they would and would not be allowed to do in the future because of the designation. Some of these landowners expressed concerns that they would need to seek incidental take authorization from us for every type of action taken on their property.

Service Response: We are sensitive to the concerns of individuals concerning their property rights. The designation of critical habitat for the gnatcatcher does not impose any additional requirements or conditions on property owners beyond those imposed by the listing of the gnatcatcher as a federally threatened species. All landowners, public and private, are responsible for making sure their actions do not result in the unauthorized taking of a listed species, regardless of whether or not the activity occurs within designated critical habitat. Take is defined by regulation to include "significant habitat modification or degradation that actually kills or injures wildlife," which was upheld by the U.S. Supreme Court in *Sweet Home Chapter of Communities for a Great Oregon et al.* v. *Babbitt.*

Furthermore, all Federal agencies are responsible to ensure that the actions they fund, permit, or carry out do not result in jeopardizing the continued existence of a listed species, regardless of critical habitat designation. "Jeopardize the continued existence of" means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 CFR 402.02). Because we designated only areas within the geographic range occupied by the gnatcatcher, any activity that would result in an adverse modification of the gnatcatcher's critical habitat would virtually always also jeopardize the continued existence of the species. Federal agencies must consult pursuant to section 7 of the Act on all activities that will adversely affect the gnatcatcher taking place both within and outside designated critical habitat.

(23) *Comment:* Some landowners expressed concern that because their property was located within critical habitat, they would be subject to additional constraints under the California Environmental Quality Act (CEQA).

Service Response: According to 15065 (California Code of Regulations Title 14, Chapter 3) of CEQA guidelines, environmental impact reports are required by local lead agencies when, among other things, a project has the potential to "reduce the number or restrict the range of an endangered, rare or threatened species." Though federally listed species are presumed to meet the CEQA definition of "endangered, rare or threatened species" under 15380 (California Code of Regulations Title 14, Chapter 3), no additional constraints should result from the designation of critical habitat beyond that now in place for all federally listed species, including the gnatcatcher.

(24) *Comment:* Several commenters recommended that we postpone issuing a final determination until a more specific and defensible critical habitat proposal can be written and an accurate and quantitative economic analysis be conducted.

Service Response: We are required to use the best available information in designating critical habitat. We are under a court order to complete the designation of gnatcatcher critical habitat by September 30, 2000. We did solicit new biological data and public participation during the comment period and public hearings on the proposed rule, and subsequent comment period for the draft economic analysis. These comments have been taken into account in the development of this final determination. Further, we will continue to monitor and collect new information and may revise the critical habitat designation in the future if new information supports a change.

Issue 3: Economic Issues

(25) *Comment:* Some commenters were concerned that, while we discussed impacts that are more appropriately attributable to the listing of the gnatcatcher than to the proposed designation of critical habitat, we did not include in the baseline costs attributable to the listing or provide quantified estimates of the costs associated with the listing.

Service Response: We do not agree that the economic impacts of the listing should be considered in the economic analysis for the designation of critical habitat. The Act is clear that the listing decision be based solely on the best available scientific and commercial data available (section 4(b) of the Act). Congress also made it clear in the Conference Report accompanying the 1982 amendments to the Act that "economic considerations have no relevance to determinations regarding the status of species * * *" If we were to consider the economic impacts of listing in the critical habitat designation analysis it would lead to confusion, because the designation analysis is meant to determine whether areas should be excluded from the designation of critical habitat based solely upon the costs and benefits of the designation, and not upon the costs and benefits of listing a species. Additionally, because the Act specifically precludes us from considering the economic impacts of the listing, it would be improper to consider those impacts in the context of an economic analysis of the critical habitat designation. Our economic analyses address how our actions may affect current or planned activities and practices; they do not address impacts associated with previous Federal actions, which in this case includes the listing of the gnatcatcher as a threatened species.

(26) *Comment:* One commenter stated, "* * * your agency threatens to cost the Chaffey Joint Union High School over $10 million. This estimate is based on * * * mitigation * * * plus the significant cost of delaying a major

school construction project. These costs are directly related to the "critical habitat" finding, and yet your [economic analysis] makes no mention of them."

Service Response: The inclusion of the school site within proposed critical habitat is not relevant to the school district's alleged unauthorized take of the gnatcatcher and any costs or delays related to the construction of the school. Hence, the costs associated with the construction of the school would be attributed to the presence of the gnatcatchers on the site, rather than the inclusion of the site within the proposed critical habitat.

(27) *Comment:* Several commenters were concerned that our economic analysis was incorrect to assume that a Regulatory Flexibility Analysis was not required.

Service Response: The Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act, 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 a significant economic impact on a substantial number of small entities. We are certifying that this rule will in fact not have a significant economic impact on a substantial number of small entities and as a result, we do not need to prepare either an initial or final regulatory flexibility analysis.

We have based our finding on the fact that this rule will not result in any significant additional burden to the regulated community, regardless of the size of the entity. Our economic analysis identified several potential impacts associated with critical habitat designation, including increased consultation costs, project modification costs, and potential temporary decreases in property values. However, because we have only designated property that is within the geographic range occupied by the gnatcatcher, and because the gnatcatcher is already federally listed, other Federal agencies are already required to consult with us on activities that they authorize, fund, permit, or carry out that have the potential to jeopardize the gnatcatcher. Any associated costs related to these consultations, including project modifications, will therefore be attributable to the listing of the species and not to designation of critical habitat. In a few instances, completed (or near-complete) consultations may have to be reinitiated once the critical habitat designation is finalized to ensure Federal agencies' responsibilities under section 7 are met; as a result, the critical habitat designation could result in an economic affect associated with any delays to complete these consultations. Similarly, most decreases in property values, to the extent that they can be attributed to the gnatcatcher and result from actual restrictions in land use, would be a result of its listing and not because of critical habitat designation. We recognize that the market response to a critical habitat designation, due to the perception of an increased regulatory burden, may lower real estate values on lands within the designation; however, we expect this decrease in value to be temporary. Our draft and final economic analysis further discusses how we arrived at our conclusion regarding impacts to small entities.

(28) *Comment:* The draft economic analysis only looked at "current and planned" land uses and ignored the designation's impact on future, not yet planned uses.

Service Response: We attempted to estimate economic impacts that are reasonably certain to result from designation of critical habitat for the gnatcatcher. Consideration of unplanned and unforeseeable future costs and benefits would be purely speculative and would not add anything of appreciable value to the economic analysis.

(29) *Comment:* "The [economic] analysis fails to assess the economic consequences of halting the use of the 4(d) rule interim take provisions and the function of such interim take identified in the [Environmental Assessment] for the 4(d) rule in terms of providing a necessary economic incentive for landowners' participation in the subregional NCCP conservation planning program incorporated into the 4(d) rule.

Service Response: As previously mentioned in this determination, in addition to avoiding jeopardy to the gnatcatcher, the NCCP Guidelines direct habitat loss to areas with low long-term conservation potential that will not preclude development of adequate NCCP plans and ensure that connectivity between areas of high habitat value will be maintained. We believe that allowing a small percentage of habitat loss within designated critical habitat pursuant to the 4(d) special rule for the gnatcatcher is not likely to adversely modify or destroy critical habitat by appreciably reducing its value for both the survival and recovery of the species. As provided for in 50 CFR 402.16, we will re-initiate formal consultation on the 4(d) special rule for the gnatcatcher following the publication of this final determination of critical habitat. During this re-initiated consultation, we will re-evaluate the 4(d) special rule for the gnatcatcher to examine the effects of the 4(d) rule and the issuance of Habitat Loss Permits on critical habitat.

(30) *Comment:* Many commenters expressed concern that the draft economic analysis failed to quantify the effects of proposed critical habitat designation.

Service Response: We were only able to identify the types of impacts likely to occur regarding the proposed critical habitat designation. The impacts we identified that could result from critical habitat designation include new consultations, reinitiation of consultations, and perhaps some prolongment of ongoing consultations to address critical habitat concerns, as required under section 7 of the Act. In some of these cases, it is possible that we might suggest reasonable and prudent alternatives to the proposed activity that triggered the consultation, which would also be an impact. Also associated with consultations is the length of time required to carry out consultations, which may result in opportunity costs associated with project delays.

In the case of proposed critical habitat for the gnatcatcher, however, we have only designated habitat that is within the geographic range occupied by the gnatcatcher. As a result, these impacts are not likely to be significant because Federal agencies are already required to consult with us on activities taking place on these lands that have the potential to adversely affect the gnatcatcher. While the Act requires agencies to consult with us on activities that may adversely affect the gnatcatcher and critical habitat, we do not believe that within proposed critical habitat for the gnatcatcher there are likely to be any actions of concern that adversely modify critical habitat without simultaneously causing concern about the potential for the action to jeopardize the gnatcatcher, which would trigger a consultation regardless of critical habitat designation.

We also recognize that in some instances, the designation of critical habitat could result in a distorted real estate market because participants may incorrectly perceive that land within critical habitat designation is subject to additional constraints. In truth, this is not the case because critical habitat designation for the gnatcatcher is not adding any extra protection, nor impacting landowners beyond that associated with the listing of the species

as threatened under the Act. As a result, we believe that any resulting distortion will be temporary and have a relatively insignificant effect on the real estate market as it should become readily apparent to market participants that critical habitat for the gnatcatcher is not imposing any additional constraints on landowner activities beyond those currently associated with the listing.

(31) *Comment:* Several commenters voiced concern that they were not directly contacted for their opinions on the economic impacts of critical habitat designation or why their specific land parcels were not addressed.

Service Response: We did not feel it was necessary to contact every potential stakeholder in order for us to develop a draft economic analysis. Especially in light of the limited resources and time available to us, we believe that we were adequately able to understand the issues of concern to local communities based on public comments submitted on the proposed rule, on transcripts from public hearings, and from detailed discussions among our staff and with representatives from other Federal, State, and local government agencies, as well as some landowners. When the draft economic analysis was completed, we noticed its availability in the **Federal Register** and local newspapers, and requested public comment. In particular, we requested comments on the adequacy of the economic analysis.

(32) *Comment:* Some commenters felt that the economic analysis is flawed because it is based on the premise that we have proposed designating only occupied habitat as critical habitat.

Service Response: The determination of whether or not proposed critical habitat is within the geographic range occupied by the gnatcatcher is part of the biological decision-making process and lies beyond the scope of an economic analysis. For a discussion of the biological justification of why we believe the area being designated is within the geographical area occupied by the gnatcatcher see our response to Issues 1, 2, and 4.

(33) *Comment:* Critical habitat designation is so broad that some landowners will be forced to survey for gnatcatcher presence under Federal and State environmental laws when undertaking a project, even though some sites within designated critical habitat do not contain gnatcatchers or the primary constituent elements needed by gnatcatchers to occupy an area. In effect these commenters believe that we have shifted the economic burden of determining what lands are occupied by the gnatcatcher within the designated critical habitat boundaries to landowners within these boundaries, irrespective of whether the lands in question have ever been occupied by the gnatcatcher.

Service Response: We do not believe that the designation of critical habitat results in additional survey requirements. Ideally, we would prefer to map critical habitat more precisely, and this final designation is more precisely mapped than the proposal. To the extent of our minimum mapping unit, we excluded lands not essential to the conservation of the gnatcatcher from this critical habitat designation. However, we were not able to exclude all nonessential lands such as roads, buildings, and similar structures unlikely to contain primary constituent elements and contribute to the conservation of the gnatcatcher. Existing features and structures within the boundaries of the mapped units, such as buildings, roads, aqueducts, railroads, airports, other paved areas, lawns, and other urban landscaped areas will not contain one or more of the primary constituent elements and therefore are not critical habitat. Federal actions limited to those areas, therefore, would not trigger a section 7 consultation, unless they affect the species and/or primary constituent elements in adjacent critical habitat.

(34) *Comments:* Some commenters voiced concern that the designation of critical habitat could have a negative effect on their property values.

Service Response: We acknowledged in our economic analysis that the designation of critical habitat could have some effect on property values. Most of this effect, we believe, is short-term and would occur as a result of the market's uncertainty as to what critical habitat designation requires. While our economic analysis recognized this potential effect, we did not find enough credible evidence during the preparation of the draft economic analysis that would have allowed us to develop a defensible estimate.

Critical habitat designation could also affect property values if it results in any additional or more restrictive regulatory requirements. However, because we have designated critical habitat only in within the geographic range occupied by the gnatcatcher, where we would have consulted on proposed actions already because the species was already listed, we believe that any landowner activities that require a consultation and that has resulting impacts that affect property values would have occurred regardless of whether or not we designated critical habitat. This assertion is based on the fact that Federal agencies are required to consult with us pursuant to section 7 of the Act concerning actions they fund, permit, or carry out that may jeopardize the gnatcatcher regardless of whether critical habitat is designated.

(35) *Comment:* The draft economic analysis failed to adequately estimate the potential economic impacts to agricultural lands. In particular, some commenters believed that critical habitat designation would hinder future expansion of the industry.

Service Response: By designating critical habitat for the gnatcatcher we are not precluding any lands from being farmed now or in the future. We do not exert any influence over land-use decisions on private property conducted by non-Federal government entities, unless such action results in a take of a federally listed species or requires a Federal action.

The Act only requires Federal agencies to consult with us on actions that they fund, authorize, or carry out that may jeopardize a listed species or destroy or adversely modify its critical habitat. In the case of the gnatcatcher, we are only designating critical habitat within the geographic area occupied by the species. As a result, we do not believe that there are any land-use actions within critical habitat boundaries that would destroy or adversely modify critical habitat without simultaneously jeopardizing the gnatcatcher.

(36) *Comments:* The draft economic analysis failed to consider the effect critical habitat designation would have on the demand for new housing.

Service Response: We are aware that some of the land that we have proposed as critical habitat for the gnatcatcher faces significant development pressure. Development activities can have a significant effect on the land and the species dependent on the habitat being developed. We also recognize that many large scale development projects are subject to some type of Federal nexus before work actually begins. As a result, we expect that future consultations, in part, will include planned and future real estate development.

However, these resulting consultations, we believe, will not take place solely in regard to critical habitat issues. While it is certainly true that development activities can adversely affect designated critical habitat, we believe that our future consultations regarding new housing development will take place because such actions have the potential to adversely affect a federally listed species. We believe that such planned projects would require a section 7 consultation regardless of the critical habitat designation. Again, as we

have previously mentioned, section 7 of the Act requires Federal agencies to consult with us whenever actions they fund, authorize, or carry out can jeopardize a listed species or adversely modify its critical habitat.

(37) *Comment:* One commenter submitted an economic analysis of critical habitat designation commissioned by the law offices of Nossaman, Guthner, Knox and Elliott, LLP, representing The Transportation Corridor Agencies, Forest Lawn Memorial-Park Association, and other interested parties, that reported the estimated economic impacts attributable to designating critical habitat for the gnatcatcher could result in impacts between $300 million and $5.5 billion. According to the study, critical habitat designation will impact between 1 to 5 percent of future expected growth in the area.

Service Response: We disagree with the author's conclusions. The conclusions apparently are largely based on the outcome of a biological opinion that we issued three years ago on the Tequesquite Landfill Flood Protection Levee project in Riverside County, California (1–6–97–F–38). In this biological opinion, a 3:1 mitigation ratio was required to compensate for permanent impacts to designated critical habitat, 2:1 for temporary impacts to designated critical habitat, and a minimum of 1:1 for project impacts occurring outside of designated critical habitat.

The use of the Tequesquite Landfill Flood Protection Levee project opinion to estimate the impacts of designating critical habitat for the gnatcatcher is inappropriate for two reasons. First, this opinion addressed impacts to the least Bell's vireo (*Vireo bellii pusillus*) and the southwestern willow flycatcher (*Empidonax traillii extimus*), not the gnatcatcher. Second, the ratios used in this opinion are in keeping with those employed for projects affecting wetland/riparian habitats along the Santa Ana River, regardless of occupancy by listed species and/or inclusion within critical habitat. As a result, the unfortunate choice of words in this opinion linking mitigation ratios and critical habitat for two riparian birds should not be used as a predictor of future consultations involving gnatcatcher critical habitat.

There are several examples where we issued draft biological opinions on projects affecting the gnatcatcher before the proposed critical habitat designation was published, and subsequently converted these drafts into final biological and conference opinions following publication of the proposal (*e.g.,* Murrieta SCGA/HighPointe Communities Project, 1–6–99–F–80). In these examples, the proposed conservation measures and the minimization measures in the final biological/conference opinion remained unchanged from the prior draft opinion, even though the final opinion addressed proposed critical habitat while the draft did not. We feel that such examples better characterize the expected regulatory impact of this critical habitat designation than does the Tequesquite Landfill Flood Protection Levee biological opinion.

(38) *Comment:* One commenter was concerned because our economic analysis failed to consider the impact of critical habitat on implementation of the Southern California Association of Governments (SCAG) and the San Diego Association of Governments (SANDAG) regional transportation plans.

Service Response: Because we have determined that the lands designated as critical habitat are within the geographic range occupied by the gnatcatcher, this designation does not present any significant additional regulatory burdens upon Regional transportation projects beyond those attributable to the listing of the gnatcatcher as a federally threatened species. Consequently, we do not believe that the designation of critical habitat for the gnatcatcher adds any significant additional economic burden within critical habitat boundaries. In some cases, where an existing consultation is completed, a conference opinion has not been completed, the project not yet implemented, and the Federal action agency retains discretion (or such discretion is provided by law), agencies may need to reinitiate consultation to address possible impacts to critical habitat.

(39) *Comment:* The assumption applied in the economic analysis that the designation of critical habitat will cause no impacts above and beyond those caused by listing of the species is faulty, legally indefensible, and contrary to the Act. "Adverse modification" and "jeopardy" are different, will result in different impacts, and should be analyzed as such in the economic analysis.

Service Response: We disagree with the commenter's assertion that "jeopardy" and "adverse modification" represent different standards. Section 7 prohibits actions funded, authorized, or carried out by Federal agencies from jeopardizing the continue existence of a listed species or destroying or adversely modifying the listed species' critical habitat. Action likely to "jeopardize the continued existence" of a species are those that would appreciably reduce the likelihood of both the survival and recovery of a listed species. Actions likely to result in the destruction or adverse modification of critical habitat are those that would appreciably reduce the value of critical habitat for both the survival and recovery of the listed species. Common to both definitions is an appreciable detrimental effect on both survival and recovery of a listed species. Given the similarity of these definitions, actions likely to result in the destruction or adverse modification of critical habitat would almost always result in jeopardy to the species concerned, particularly where, as here, only habitat within the geographic range occupied by the gnatcatcher is designated as critical habitat.

(40) *Comment:* The proposed designation of critical habitat will impose economic hardship on private landowners and businesses. There is an expressed concern that the proposed critical habitat designation would have serious financial implications for commercial and residential development businesses. It is suggested that designation would result in reduced property values, lost tax revenues, lost jobs, and foregone economic activity.

Service Response: As stated in the economic analysis, the designation of critical habitat for the gnatcatcher is not adding any new requirements to the current regulatory process. Since the adverse modification standard for critical habitat and the jeopardy standard are almost identical, the listing of the gnatcatcher itself initiated the requirement for consultation. This critical habitat designation adds no additional requirements not already in place due to the species' listing.

(41) *Comment:* A commenter asserted that there would be delays in the acquisition of Federal permits or the inability to acquire permits for further development, as a result of section 7 consultation, which would be an economic hardship for both developers and homeowner associations.

Service Response: Some short delays in the issuance of a section 7 biological opinion may result with respect to projects for which the section 7 consultation was initiated before critical habitat for the gnatcatcher was proposed and the Federal agency chose not to request a conference opinion on the proposed critical habitat. We would not expect similar delays following the publication of this final rule because critical habitat will be taken into consideration during each consultation from the beginning. We do not expect the designation of critical habitat to result in consultation requirements that

did not already exist since the listing of the gnatcatcher.

(42) *Comment:* Some commenters were concerned that the economic analysis did not address previous letters sent to us from various organizations indicating their intent to bring a series of legal challenges to compel us (and others, such as local governments in California) to apply additional land use restrictions, obtain additional monetary extractions, and deny wholesale uses of land where such land has been designated as critical habitat.

Service Response: The concerns expressed by the commenters are regarding letters we received in response to a notice that we published in the **Federal Register** on June 14, 1999 (64 FR 31871), seeking public comment on clarifying the role of critical habitat in endangered species conservation. The commenters feel that we should consider, in our economic analyses, the impact that potential lawsuits may have on our administration of critical habitat. We are taking into consideration the comments we received in response to the June 14, 1999, notice in the development of a national policy on critical habitat and its role in endangered species conservation. Only comments submitted in response to the proposed critical habitat rule for the gnatcatcher are appropriately addressed here.

(43) *Comment:* Some commenters were concerned that we did not consult with enough local land use and economic experts in performing our economic analysis of critical habitat.

Service Response: In performing the critical habitat economic analysis for the gnatcatcher, we consulted with Federal, State, county, and local agency staff involved in the management of land within the proposed critical habitat designation. In some cases, we also consulted with individuals in the private sector. In addition to conducting these interviews, we derived information from public comments submitted in response to the proposed rule, public hearings, and maps. We believe that the information from these sources was sufficient to reasonably determine the effects of designating critical habitat for the gnatcatcher and, given the court-ordered deadline for completing this final rule, believe it represents the best effort we could have successfully accomplished. Absent the Court order, we likely would have consulted with additional land use and economic experts while developing the draft economic analysis. We have recently contracted with a private firm to develop a framework to guide our development of economic analyses in the future.

(44) *Comment:* Some commenters stated that we should have estimated the cumulative economic effect of the critical habitat designation for the gnatcatcher along with the effect of future pending and proposed critical habitat for other species in southern California.

Service Response: We are not required to estimate the cumulative effects of critical habitat designations as part of our rulemaking procedures. We are required to only consider the effect of the proposed government action, which in this case is the designation of critical habitat for the gnatcatcher. Again, the appropriate baseline to use in an analysis of a Federal action, which in this case is the designation of critical habitat for the gnatcatcher, is the way the world would look absent the proposed regulation. Against this baseline, we attempt to identify and measure the *incremental* costs and benefits associated with the government action. Because the gnatcatcher is already a federally protected species, any effects the listing has on the regulated community is considered part of the baseline scenario, which remains unaffected by our critical habitat designation. Future pending and proposed critical habitat designations for other species in southern California will be part of separate rulemakings and consequently, their economic effects will be considered separately.

Issue 4: Other Relevant Issues

(45) *Comment:* We should have a system in place for reporting suspected violators of the Act prior to the designation of critical habitat for the gnatcatcher.

Service Response: The Act and its implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all threatened and endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take (including harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or attempt any such conduct), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Suspected violations of the Act can be reported to any local Fish and Wildlife Office, National Wildlife Refuge Office, or Law Enforcement Office for investigation. Additionally, suspected violations can be reported to local or State law enforcement agencies, California Department of Fish and Game offices or local jurisdictions.

Summary of Changes From the Proposed Rule

Based on a review of public comments received on the proposed determination of critical habitat for the gnatcatcher, we re-evaluated our proposed designation of critical habitat for the gnatcatcher. This resulted in five significant changes that are reflected in this final determination. These are (1) a reduction in the minimum mapping unit for defining critical habitat boundaries, (2) the loss of a primary habitat connection in Riverside County from the designation, (3) the exclusion, under section 4(b)(2), of some lands covered by approved HCPs for the gnatcatcher, (4) the exclusion of Marine Corps Air Station, Miramar from the designation due to an existing, finalized resource management plan, and (5) the exclusion under section 4(b)(2) of Camp Pendleton because the designation would significantly impair critical, ongoing training and related operations. A more detailed discussion of each of these issues follows.

Based on public comment and the availability of more current and precise GIS (spot imagery) data, we refined the minimum mapping unit for the designation from one PLS section (approximately 1 square mile) or UTM equivalent in the Spanish Land Grant areas to a 100-m UTM grid that approximates a boundaries of lands essential to gnatcatcher conservation delineated from digital aerial photography. We then superimposed the proposed critical habitat boundaries on the newer imagery data and removed lands that were not essential to the conservation of the gnatcatcher. This resulted in the removal of significant urban or developed areas including some agricultural lands. The overall refinement of critical habitat boundaries due to the revised mapping scale resulted in a reduction of approximately 91,559 ha (226,151 ac).

During this effort to refine the critical habitat boundaries, we discovered that a significant corridor in southwestern Riverside County that we included in the proposal as being essential for connectivity between core gnatcatcher populations in northern San Diego County and southwestern Riverside County was no longer in existence on the ground. The imagery and supporting data that we used in developing the proposed determination indicated that habitat corridors still existed in these

areas. Due to significant urban and agricultural development in the area and the distribution of known gnatcatcher populations, we believed that this was the sole primary corridor in the area. Upon review of the more current spot imagery and supporting data, we discovered that the lands in this proposed corridor were developed, and we removed the area from this final designation.

In our proposed determination of critical habitat for the gnatcatcher, we asked for public comment on the appropriate relationship between approved HCPs and designated critical habitat. After considering the comments we received, we have chosen to evaluate areas covered by approved HCPs for the gnatcatcher for exclusion under the benefits-balancing test found in section 4(b)(2) of the Act. This section allows us to exclude areas upon determination that the benefits of excluding the area outweigh the benefits of including the area in the critical habitat designation, provided the exclusion would not result in the extinction of the species. Our application of this balancing test to lands covered by HCPs for the gnatcatcher is described in detail in the preamble.

During the comment period for the proposed determination of critical habitat for the gnatcatcher, we received and subsequently evaluated a final Integrated Natural Resource Management Plan for Marine Corps Air Base Miramar. This plan addresses the gnatcatcher as a covered species and provides conservation management and protections for the species. We evaluated this plan and determined that the conservation management measures and protections afforded the gnatcatcher are sufficient to assure its conservation on the Base. Therefore, we have excluded Marine Corps Air Base Miramar from the final determination of critical habitat for the gnatcatcher. A more detailed discussion of the criteria and reasons for this exclusion can be found in the response to Issue 14. The removal of this base from the critical habitat determination resulted in a reduction of approximately 4,859 ha (12,007 ac) from the area proposed as critical habitat.

Marine Corps Base Camp Pendleton is the Marine Corps' only amphibious training base on the west coast. We proposed 20,613 ha (50,935 ac) of the approximately 50,000 ha (125,000 ac) Camp Pendleton, or approximately 40 percent of the Base, as critical habitat for the gnatcatcher. During the public comment periods for the proposal, the Marines informed us that the designation, if made final, would cripple their ability to conduct their critical training activities on Camp Pendleton, which in turn would "have a long term, cumulative and detrimental impact on [their] mission." Because designation would significantly impair critical training, and in light of our ongoing consultation on the Marine Corps' activities in upland habitats on the Base and the Marine Corps' obligation to complete an Integrated Natural Resource Management Plan within the next 13 months, we excluded Camp Pendleton from this final designation. Our rationale for this exclusion is discussed in more detail in the section "Exclusions under section 4(b)(2)", above.

Economic Analysis

Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific and commercial data available and to consider the economic and other relevant impacts of designating a particular area as critical habitat. We may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as critical habitat. We cannot exclude such areas from critical habitat when such exclusion will result in the extinction of the species.

Economic effects caused by listing the gnatcatcher as a threatened species and by other statutes are the baseline against which the effects of critical habitat designation are evaluated. The economic analysis must then examine the incremental economic and conservation effects and benefit of the critical habitat designation. Economic effects are measured as changes in national income, regional jobs, and household income. An analysis of the economic effects of gnatcatcher critical habitat designation was prepared (Industrial Economics, Incorporated, 2000) and made available for public review (June 29-July 31, 2000; 65 FR 40073). The final analysis, which reviewed and incorporated public comments, concluded that no significant economic impacts are expected from critical habitat designation above and beyond that already imposed by listing the gnatcatcher. The most likely economic effects of critical habitat designation are on activities funded, authorized, or carried out by a Federal agency. The analysis examined the effects of the proposed designation on: (1) re-initiation of section 7 consultations, (2) length of time in which section 7 consultations are completed, and (3) new consultations resulting from the determination. Because areas proposed for critical habitat are within the geographic range occupied by the gnatcatcher, activities that may affect critical habitat may also affect the species, and would thus be subject to consultation whether or not critical habitat is designated. We believe that any project that would adversely modify or destroy critical habitat would also jeopardize the continued existence of the species, and that reasonable and prudent alternatives to avoid jeopardizing the species would also avoid adverse modification of critical habitat. Thus, no regulatory burden or associated significant additional costs would accrue because of critical habitat above and beyond that resulting from listing. Our economic analysis does recognize that there may be costs from delays associated with reinitiating completed consultations after the critical habitat designation is made final. There may also be economic effects due to the reaction of the real estate market to critical habitat designation, as real estate values may be lowered due to perceived increase in the regulatory burden. We believe this impact will be short-term, however.

A copy of the final economic analysis and description of the exclusion process with supporting documents are included in our administrative record and may be obtained by contacting our office (see **ADDRESSES** section).

Required Determinations

Regulatory Planning and Review

This document has been reviewed by the Office of Management and Budget (OMB), in accordance with Executive Order 12866. OMB makes the final determination under Executive Order 12866.

(a) This rule will not have an annual economic effect of $100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A cost-benefit and economic analysis is not required. The gnatcatcher was listed as a threatened species in 1993. In fiscal years 1998 through 2000 we have conducted 50 formal section 7 consultations with other Federal agencies to ensure that their actions would not jeopardize the continued existence of the gnatcatcher. We have also issued an estimated 19 section 10(a)(1)(B) incidental take permits for entities that have prepared HCPs for areas where the species occurs.

The areas designated as critical habitat are currently within the geographic range occupied by the gnatcatcher. Under the Act, critical habitat may not be adversely modified

by a Federal agency action; it does not impose any restrictions on non-Federal persons unless they are conducting activities funded or otherwise sponsored or permitted by a Federal agency (see Table 2 below). Section 7 requires Federal agencies to ensure that they do not jeopardize the continued existence of the species. Based upon our experience with the species and its needs, we conclude that any Federal action or authorized action that could potentially cause adverse modification of designated critical habitat would currently be considered as "jeopardy" under the Act. Accordingly, the designation of areas within the geographic range occupied by the gnatcatcher does not have any incremental impacts on what actions may or may not be conducted by Federal agencies or non-Federal persons that receive Federal authorization or funding. Non-Federal persons that do not have a Federal "sponsorship" of their actions are not restricted by the designation of critical habitat although they continue to be bound by the provisions of the Act concerning "take" of the species.

(b) This rule will not create inconsistencies with other agencies' actions. As discussed above, Federal agencies have been required to ensure that their actions do not jeopardize the continued existence of the gnatcatcher since the listing in 1993. The prohibition against adverse modification of critical habitat is not expected to impose any restrictions in addition to those that currently exist because all designated critical habitat is within the geographic range occupied by the gnatcatcher. Because of the potential for impacts on other Federal agency activities, we will continue to review this action for any inconsistencies with other Federal agency actions.

(c) This rule will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. Federal agencies are currently required to ensure that their activities do not jeopardize the continued existence of the species, and as discussed above we do not anticipate that the adverse modification prohibition (resulting from critical habitat designation) will have any significant incremental effects.

(d) This rule will not raise novel legal or policy issues. This final determination follows the requirements for determining critical habitat contained in the Endangered Species Act.

TABLE 2.—IMPACTS OF GNATCATCHER LISTING AND CRITICAL HABITAT DESIGNATION

Categories of activities	Activities potentially affected by species listing only [1]	Additional activites potentially affected by critical habitat designation [2]
Federal Activities Potentially Affected. [3]	Activities the Federal Government carries out such as removing, thinning, or destroying gnatcher habitat (as defined in the primary constituent elements discussion), whether by burning or mechanical, chemical, or other means (*e.g.* woodcutting, grubbing, grading, overgrazing, construction, road building, mining, herbicide application, etc.) and appreciably decreasing habitat value or quality through indirect effects (*e.g.* noise, edge effects, invasion of exotic plants or animals, or fragmentation.	None.
Private Activities Potentially Affected. [4]	Activities such as removing, thinning, or destroying gnatcatcher habitat (as defined in the primary constituent elements discussion), whether by burning or mechanical, chemical, or other means (*e.g.* woodcutting, grubbing, grading, overgrazing, construction, road building, mining, herbicide application, etc.) and appreciably decreasing habitat value or quality through indirect effects (*e.g.* noise, edge effects, invasion of exotic plants or animals, or fragmentation that require a Federal action (permit, authorization, or funding).	None.

[1] This column represents the activities potentially affected by listing the gnatcatcher as a threatened species (March 30, 1993; 58 FR 16741) under the Endangered Species Act.

[2] This column represents the activities potentially affected by the critical habitat designation in addition to those activities potentially affected by listing the species.

[3] Activities initiated by a Federal agency.

[4] Activities initiated by a private entity that may need Federal authorization or funding.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

In the economic analysis, we determined that designation of critical habitat will not have a significant effect on a substantial number of small entities. As discussed under Regulatory Planning and Review above and in this final determination, this designation of critical habitat for the gnatcatcher is not expected to result in any restrictions in addition to those currently in existence. As indicated on Table 1 (see Critical Habitat Designation section) we have designated property owned by Federal, State and local governments, and private property.

Within these areas, the types of Federal actions or authorized activities that we have identified as potential concerns are:

(1) Regulation of activities affecting waters of the United States by the Army Corps under section 404 of the Clean Water Act;

(2) Regulation of water flows, damming, diversion, and channelization by Federal agencies;

(3) Regulation of grazing, mining, and recreation by the BLM or Forest Service;

(4) Road construction and maintenance, right of way designation, and regulation of agricultural activities;

(5) Regulation of airport improvement activities by the Federal Aviation Administration jurisdiction;

(6) Military training and maneuvers on applicable DOD lands;

(7) Construction of roads and fences along the International Border with Mexico, and associated immigration enforcement activities by the Immigration and Naturalization Service;

(8) Hazard mitigation and post-disaster repairs funded by the Federal Emergency Management Agency;

(9) Construction of communication sites licensed by the Federal Communications Commission; and

(10) Activities funded by the U.S. Environmental Protection Agency, Department of Energy, or any other Federal agency.

Many of these activities sponsored by Federal agencies within critical habitat areas are carried out by small entities (as defined by the Regulatory Flexibility

Act) through contract, grant, permit, or other Federal authorization. As discussed in section 1 above, these actions are currently required to comply with the listing protections of the Act, and the designation of critical habitat is not anticipated to have any additional effects on these activities.

For actions on non-Federal property that do not have a Federal connection (such as funding or authorization), the current restrictions concerning take of the species remain in effect, and this final determination will have no additional restrictions.

Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2))

In the economic analysis, we determined whether designation of critical habitat would cause (a) any effect on the economy of $100 million or more, (b) any increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions in the economic analysis, or (c) any significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. Refer to the final economic analysis for a discussion of the effects of this determination.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

(a) This rule will not "significantly or uniquely" affect small governments. A Small Government Agency Plan is not required. Small governments will only be affected to the extent that any Federal funds, permits or other authorized activities must ensure that their actions will not adversely affect the critical habitat. However, as discussed in section 1, these actions are currently subject to equivalent restrictions through the listing protections of the species, and no further restrictions are anticipated.

(b) This rule will not produce a Federal mandate of $100 million or greater in any year, that is, it is not a "significant regulatory action" under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no obligations on State or local governments.

Takings

In accordance with Executive Order 12630, the rule does not have significant takings implications. A takings implication assessment is not required. As discussed above, the designation of critical habitat affects only Federal agency actions. The rule will not increase or decrease the current restrictions on private property concerning take of the gnatcatcher. Due to current public knowledge of the species protection, the prohibition against take of the species both within and outside of the designated areas, and the fact that critical habitat provides no incremental restrictions, we do not anticipate that property values will be affected by the critical habitat designation. While real estate market values may temporarily decline following designation, due to the perception that critical habitat designation may impose additional regulatory burdens on land use, we expect any such impacts to be short term. Additionally, critical habitat designation does not preclude development of HCPs and issuance of incidental take permits. Landowners in areas that are included in the designated critical habitat will continue to have the opportunity to utilize their property in ways consistent with the survival of the gnatcatcher.

Federalism

In accordance with Executive Order 13132, the rule does not have significant Federalism effects. A Federalism assessment is not required. The designation of critical habitat within the geographic range occupied by the gnatcatcher imposes no additional restrictions to those currently in place, and therefore has little incremental impact on State and local governments and their activities. The designation may have some benefit to these governments in that the areas essential to the conservation of the species are more clearly defined, and the primary constituent elements of the habitat necessary to the survival of the species are specifically identified. While this definition and identification does not alter where and what federally sponsored activities may occur, it may assist these local governments in long range planning (rather than waiting for case by case section 7 consultations to occur).

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. We designate critical habitat in accordance with the provisions of the Endangered Species Act. The determination uses standard property descriptions and identifies the primary constituent elements within the designated areas to assist the public in understanding the habitat needs of the gnatcatcher.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any information collection requirements for which OMB approval under the Paperwork Reduction Act is required.

National Environmental Policy Act

We have determined that an Environmental Assessment and/or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. A notice outlining our reason for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244). This final determination does not constitute a major Federal action significantly affecting the quality of the human environment.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951) and 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. We have determined that there are no Tribal lands essential for the conservation of the gnatcatcher because they do not support core gnatcatcher populations, nor do they provide essential linkages between core populations. Therefore, critical habitat for the gnatcatcher has not been designated on Tribal lands.

References Cited

A complete list of all references cited in this proposed rule is available upon request from the Carlsbad Fish and Wildlife Office (see **ADDRESSES** section).

Author

The primary author of this determination is Douglas Krofta, Carlsbad Fish and Wildlife Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. In § 17.11(h) revise the entry for "Gnatcatcher, coastal California" under "birds" to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
BIRDS							
*	*	*	*	*	*		*
Gnatcatcher, coastal California.	*Polioptila californica californica.*	U.S.A. (CA), Mexico	.....do.....	T	496	17.95(b)	17.41 (b)
*	*	*	*	*	*		*

3. In § 17.95 add critical habitat for the coastal California gnatcatcher (*Polioptila californica californica*) under paragraph (b) in the same alphabetical order as this species occurs in § 17.11(h), to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

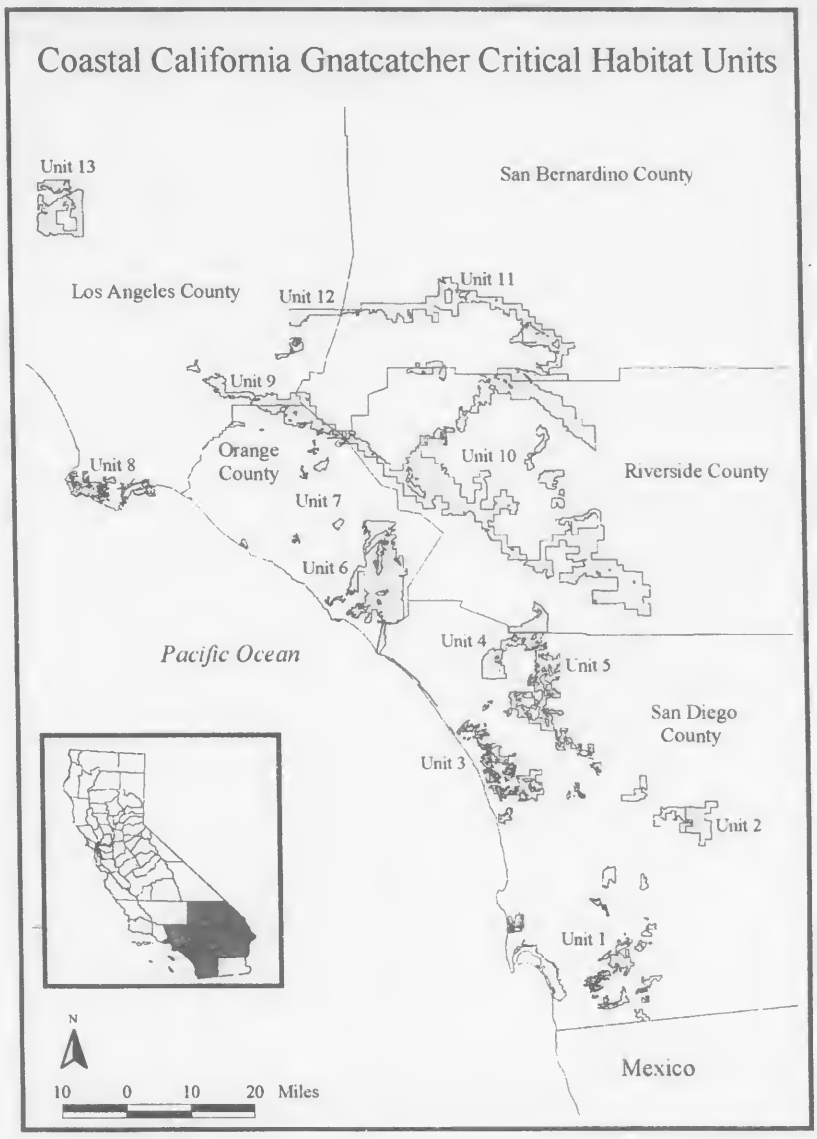
* * * * *

(b) Birds.

* * * * *

Coastal California gnatcatcher (*Polioptila californica californica*)

1. Critical Habitat Units are depicted for Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, California, on the maps below.



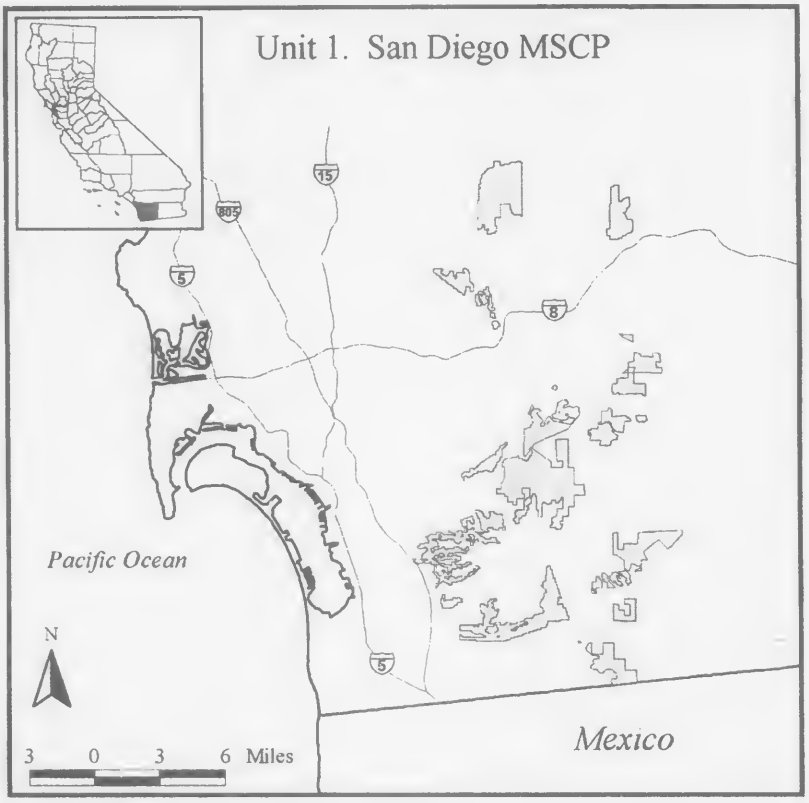
2. Within these areas, the primary constituent elements for the gnatcatcher are those habitat components that are essential for the primary biological needs of foraging, nesting, rearing of young, intra-specific communication, roosting, dispersal, genetic exchange, or sheltering (Atwood 1990). Primary constituent elements are provided in undeveloped areas that support various types of sage scrub or support chaparral, grassland, and riparian habitats where they occur proximal to sage scrub and where they may be utilized for biological needs such as breeding and foraging (Atwood *et al.* 1998, Campbell et al. 1998). Primary constituent elements associated with the biological needs of dispersal are also found in undeveloped areas that provide linkage between or within larger core areas, including open space and disturbed areas that may receive only periodic use.

Primary constituent elements include, but are not limited to, the following plant communities in their natural state or those that have been recently disturbed (e.g., fire or grubbing): Venturan coastal sage scrub, Diegan coastal sage scrub, maritime succulent scrub, Riversidean sage scrub, Riversidean alluvial fan scrub, southern coastal bluff scrub, and coastal sage-chaparral scrub (Holland 1986). Based upon dominant species, these communities have been further divided into series such as black sage, brittlebush, California buckwheat, California buckwheat-white sage, California encelia, California sagebrush, California sagebrush-black sage, California sagebrush-California buckwheat, coast prickly-pear, mixed sage, purple sage, scalebroom, and white sage (Sawyer and Keeler-Wolf 1995). Dominant species within these plant communities include California sagebrush (*Artemisia californica*), buckwheats (*Eriogonum fasciculatum* and *E. cinereum*), encelias (*Encelia californica* and *E. farinosa*), and various sages (commonly *Salvia mellifera, S. apiana,* and *S. leucophylla*). Other commonly occurring plants include coast goldenbush (*Isocoma menziesii*), bush monkeyflower (*Mimulus*

aurantiacus), Mexican elderberry (*Sambucus mexicana*), bladderpod (*Isomeris arborea*), deerweed (*Lotus scoparius*), chaparral mallow (*Malacothamnus fasciculatum*), and laurel sumac (*Malosma laurina*), and several species of Rhus (*R. integrifolia, R. ovata,* and *R. trilobata*). Succulent species, such as boxthorn (*Lycium* spp.), cliff spurge (*Euphorbia misera*), jojoba (*Simmondsia chinensis*), and various species of cacti (*Opuntia littoralis, O. prolifera,* and *Ferocactus viridescens*), and live-forever (*Dudleya* spp.), are represented in maritime succulent scrub, coast prickly-pear scrub, and southern coastal bluff scrubs.

3. Critical habitat does not include non-Federal lands covered by a legally operative incidental take permit for the coastal California gnatcatcher issued under section 10(a)(1)(B) of the Act on or before October 24, 2000.

4. Critical habitat does not include existing features and structures, such as buildings, roads, aqueducts, railroads, airports, other paved areas, lawns, and other urban landscaped areas not containing one or more of the primary constituent elements.



Map Unit 1: San Diego County Multiple Species Conservation Program (MSCP), San Diego County, California. From USGS 1:100,000 quadrangle maps San Diego (1980) and El Cajon (1982), California, lands defined by major amendment areas in the MSCP within T. 17 S., R. 01 W., San Bernardino Principle Meridian, secs. 1, 12–14, and 23–25; T. 17 S., R. 01 E., San Bernardino Principle Meridian, secs. 18, 19, and 34; T. 18 S., R. 01 E., San Bernardino Principle Meridian, secs. 3–5, 8, 9, 16, 19, 28–30, 32, and 33; and lands west of UTM NAD27 (easting, northing) x coordinate 515200 within the Jamul Land Grant.

Lands defined by the boundaries of the Otay-Sweetwater Unit of the San Diego National Wildlife Refuge Complex as mapped on September 1, 2000, and adjacent major amendment areas; and adjacent land bounded by the following UTM NAD27 coordinates (E, N): 504100, 3618800; 504200, 3618800; 504200, 3618300; 504100, 3618300; 504100, 3617900; 503500, 3617900; 503500, 3618000; 503300, 3618000; 503300, 3617900; 503000, 3617900; 503000, 3618000; 502400, 3618000; 502400, 3617900; 502300, 3617900; 502300, 3617800; 502000, 3617800; 502000, 3618100; 502100. 3618100; 502100, 3618300; 502200, 3618300; 502200, 3618400; 502700, 3618400; 502700, 3618500; 503100, 3618500; 503100, 3618600; 503200, 3618600; 503200, 3618400; 503500, 3618400; 503500, 3618300; 503700, 3618300; 503700, 3618200; 503800, 3618200; 503800, 3618300; 503900, 3618300; 503900, 3618400; 504000, 3618400; 504000, 3618600; 504100, 3618600; 504100, 3618800; and 504000, 3616300; 504500, 3616300; 504500, 3616200; 504900, 3616200; 504900, 3615400; 505600, 3615400; 505600, 3615800; 506500, 3615800; 506500, 3615500; 506300, 3615500; 506300, 3615300; 506200, 3615300; 506200, 3615200; 506100, 3615200; 506100, 3615100; 505900, 3615100; 505900, 3615300; 505600, 3615300; 505600, 3615100; 505500, 3615100; 505500, 3615000; 505300, 3615000; 505300, 3615100; 505100, 3615100; 505100, 3615200; 505000, 3615200; 505000, 3615100; 504900, 3615100; 504900, 3614100; 504600, 3614100; 504600, 3614600; 504500, 3614600; 504500, 3615600; 504400, 3615600; 504400, 3615800; 504200, 3615800; 504200, 3615600; 504100, 3615600; 504100, 3615100; 504000, 3615100; 504000, 3615000; 503900, 3615000; 503900, 3614900; 503800, 3614900; 503800, 3614800; 503900, 3614800; 503900, 3614600; 503800, 3614600; 503800, 3614400; 503700, 3614400; 503700, 3614200; 503400, 3614200; 503400, 3614000; 503200, 3614000; 503200, 3613600; 502900, 3613600; 502900, 3613800; 502800, 3613800; 502800, 3614000; 502900, 3614000; 502900, 3614100; 503000, 3614100; 503000, 3614200; 502900, 3614200; 502900, 3614500; 503000, 3614500; 503000, 3614600; 503600, 3614600; 503600, 3615300; 503700, 3615300; 503700, 3615400; 503800, 3615400; 503800, 3615500; 504000, 3615500; 504000, 3616300.

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Land bounded by the following UTM NAD27 coordinates (E, N): 510300, 3638600; 510700, 3638600; 510700, 3637400; 510900, 3637400; 510900, 3637500; 511000, 3637500; 511000, 3637600; 511200, 3637600; 511200, 3637700; 511500, 3637700; 511500, 3637000; 511400, 3637000; 511400, 3636900; 511300, 3636900; 511300, 3636700; 511200, 3636700; 511200, 3636600; 511000, 3636600; 511000, 3636500; 511100, 3636500; 511100, 3636400; 511200, 3636400; 511200, 3636300; 511300, 3636300; 511300, 3636100; 511600, 3636100; 511600, 3636000; 511700, 3636000; 511700, 3635200; 511600, 3635200; 511600, 3635100; 511400, 3635100; 511400, 3635000; 511200, 3635000; 511200, 3634900; 511000, 3634900; 511000, 3634800; 510900, 3634800; 510900, 3634700; 510700, 3634700; 510700, 3634600; 510000, 3634600; 510000, 3634900; 509800, 3634900; 509800, 3635400; 510000, 3635400; 510000, 3637200; 510100, 3637200; 510100, 3638500; 510300, 3638500; 510300, 3638600.

Land bounded by the following UTM NAD27 coordinates (E, N): 498600, 3631900; 498600, 3632000; 498700, 3632000; 498700, 3632200; 499200, 3632200; 499200, 3632500; 499500, 3632500; 499500, 3632400; 499600, 3632400; 499600, 3632200; 499700, 3632200; 499700, 3631500; 499800, 3631500; 499800, 3631400; 499900, 3631400; 499900, 3631300; 500000, 3631300; 500000, 3630800; 499700, 3630800; 499700, 3631100; 499400, 3631100; 499400, 3630800; 499300, 3630800; 499300, 3630500; 499200, 3630500; 499200, 3630600; 499100, 3630600; 499100, 3630700; 498900, 3630700; 498900, 3630800; 498800, 3630800; 498800, 3630900; 498700, 3630900; 498700, 3631000; 498500, 3631000; 498500, 3631100; 498400, 3631100; 498400, 3631200; 498300, 3631200; 498300, 3631300; 498100, 3631300; 498100, 3631400; 498000, 3631400; 498000, 3631500; 497900, 3631500; 497900, 3631600; 497700, 3631600; 497700, 3631700; 497600, 3631700; 497600, 3631800; 497500, 3631800; 497500, 3631900; 497400, 3631900; 497400, 3632000; 497200, 3632000; 497200, 3632100; 497100, 3632100; 497100, 3632200; 497000, 3632200; 497000, 3632500; 497700, 3632500; 497700, 3632300; 497600, 3632300; 497600, 3632100; 497700, 3632100; 497700, 3632000; 497900, 3632000; 497900, 3631900; 498000, 3631900; 498000, 3632000; 498100, 3632000; 498100, 3632100; 498200, 3632100; 498200, 3632300; 498500, 3632300; 498500, 3631900; 498600, 3631900; excluding land bounded by 498600, 3631900; 498600, 3631700; 498700, 3631700; 498700, 3631900; 498600, 3631900; and land bounded by 499200, 3632200; 499200, 3632100; 499300, 3632100; 499300, 3632200; 499200, 3632200.

Land bounded by the following UTM NAD27 coordinates (E, N): 500700, 3630700; 500700, 3630900; 500900, 3630900; 500900, 3631100; 501100, 3631100; 501100, 3630800; 501200, 3630800; 501200, 3630600; 501300, 3630600; 501300, 3630500; 501200, 3630500; 501200, 3630400; 501300, 3630400; 501300, 3629900; 501400, 3629900; 501400, 3629700; 501300, 3629700; 501300, 3629600; 501500, 3629600; 501500, 3629400; 501100, 3629400; 501100, 3629500; 501000, 3629500; 501000, 3629800; 501100, 3629800; 501100, 3630400; 500900, 3630400; 500900, 3630200; 501000, 3630200; 501000, 3629900; 500800, 3629900; 500800, 3629800; 500600, 3629800; 500600, 3630000; 500500, 3630000; 500500, 3629700; 500200, 3629700; 500200, 3630000; 500100, 3630000; 500100, 3630600; 500300, 3630600; 500300, 3630800; 500600, 3630800; 500600, 3630700; 500700, 3630700; excluding land bounded by 500800, 3630600; 500800, 3630500; 500900, 3630500; 500900, 3630600; 500800, 3630600; land bounded by 500500, 3630000; 500500, 3630200; 500400, 3630200; 500400, 3630000; 500500, 3630000; land bounded by 500700, 3630700; 500700, 3630600; 500800, 3630600; 500800, 3630700; 500700, 3630700; and land bounded by 500300, 3630600; 500300, 3630300; 500400, 3630300; 500400, 3630400; 500600, 3630400; 500600, 3630500; 500500, 3630500; 500500, 3630600; 500300, 3630600.

Land bounded by the following UTM NAD27 coordinates (E, N): 501200, 3629300; 501300, 3629300; 501300, 3629200; 501500, 3629200; 501500, 3628900; 501600, 3628900; 501600, 3628800; 501400, 3628800; 501400, 3628900; 501200, 3628900; 501200, 3629300.

Land bounded by the following UTM NAD27 coordinates (E, N): 501400, 3628600; 501700, 3628600; 501700, 3628500; 501800, 3628500; 501800, 3628400; 501900, 3628400; 501900, 3628200; 501700, 3628200; 501700, 3628000; 501400, 3628000; 501400, 3628300; 501300, 3628300; 501300, 3628500; 501400, 3628500; 501400, 3628600.

Land bounded by the following UTM NAD27 coordinates (E, N): 502200, 3619600; 502400, 3619600; 502400, 3619400; 502300, 3619400; 502300, 3619300; 502200, 3619300; 502200, 3619200; 502100, 3619200; 502100, 3619100; 502000, 3619100; 502000, 3618500; 501900, 3618500; 501900, 3618300; 501800, 3618300; 501800, 3618200; 501700, 3618200; 501700, 3618100; 501600, 3618100; 501600, 3617900; 501500, 3617900; 501500, 3617700; 501400, 3617700; 501400, 3617500; 501300, 3617500; 501300, 3617400; 501000, 3617400; 501000, 3617500; 500600, 3617500; 500600, 3617400; 500200, 3617400; 500200, 3617300; 499900, 3617300; 499900, 3617200; 499800, 3617200; 499800, 3617100; 499600, 3617100; 499600, 3617000; 499400, 3617000; 499400, 3617100; 499200, 3617100; 499200, 3616800; 499100, 3616800; 499100, 3617000; 499000, 3617000; 499000, 3617300; 499100, 3617300; 499100, 3617400; 499600, 3617400; 499600, 3617700; 499900, 3617700; 499900, 3617600; 500000, 3617600; 500000, 3617700; 500100, 3617700; 500100, 3617800; 500200, 3617800; 500200, 3617900; 500300, 3617900; 500300, 3618000; 500400, 3618000; 500400, 3618100; 500500, 3618100; 500500, 3618200; 500700, 3618200; 500700, 3618300; 500800, 3618300; 500800, 3618400; 501000, 3618400; 501000, 3618500; 501100, 3618500; 501100, 3618600; 501300, 3618600; 501300, 3618700; 501500, 3618700; 501500, 3618900; 501600, 3618900; 501600, 3619000; 501700, 3619000; 501700, 3619100; 501800, 3619100; 501800, 3619300; 501900, 3619300; 501900, 3619400; 502100, 3619400; 502100, 3619500; 502200, 3619500; 502200, 3619600.

Land bounded by the following UTM NAD27 coordinates (E, N): 506000, 3614700; 506500, 3614700; 506500, 3614500; 506000, 3614500; 506000, 3614700.

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Land bounded by the following UTM NAD27 coordinates (E, N): 506000, 3614400; 506200, 3614400; 506200, 3614200; 506100, 3614200; 506100, 3614100; 506300, 3614100; 506300, 3613900; 506100, 3613900; 506100, 3613200; 505900, 3613200; 505900, 3613300; 505500, 3613300; 505500, 3613500; 505600, 3613500; 505600, 3613600; 505700, 3613600; 505700, 3613700; 505600, 3613700; 505600, 3614000; 505700, 3614000; 505700, 3614100; 505900, 3614100; 505900, 3614200; 506000, 3614200; 506000, 3614400.

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Land bounded by the following UTM NAD27 coordinates (E, N): 496900, 3610500; 497100, 3610500; 497100, 3610000; 497200, 3610000; 497200, 3609800; 497600, 3609800; 497600, 3610100; 497500, 3610100; 497500, 3610200; 497700, 3610200; 497700, 3610100; 497800, 3610100; 497800, 3610000; 497900, 3610000; 497900, 3609900; 498000, 3609900; 498000, 3610000; 498200, 3610000; 498200, 3609800; 498100, 3609800; 498100, 3609700; 498400, 3609700; 498400, 3609600; 498600, 3609600; 498600, 3609700; 498900, 3609700; 498900, 3609800; 499100, 3609800; 499100, 3609700; 499300, 3609700; 499300, 3609600; 499200, 3609600; 499200, 3609500; 499000, 3609500; 499000, 3609400; 498600, 3609400; 498600, 3609300; 498200, 3609300; 498200, 3609100; 498000, 3609100; 498000, 3609200; 497800, 3609200; 497800, 3609300; 497600, 3609300; 497600, 3609400; 497500, 3609400; 497500, 3609300; 497400, 3609300; 497400, 3609200; 497200, 3609200; 497200, 3609400; 497300, 3609400; 497300, 3609600; 497100, 3609600; 497100, 3609800; 497000, 3609800; 497000, 3609900; 496900, 3609900; 496900, 3610000; 496800, 3610000; 496800, 3610100; 496900, 3610100; 496900, 3610500; excluding land bounded by 497700, 3609700; 497700, 3609600; 497900, 3609600; 497900, 3609500; 498000, 3609500; 498000, 3609700; 497700, 3609700.

Land bounded by the following UTM NAD27 coordinates (E, N): 500000, 3610500; 500200, 3610500; 500200, 3610400; 500300, 3610400; 500300, 3610300; 500200, 3610300; 500200, 3610200; 500100, 3610200; 500100, 3610100; 500000, 3610100; 500000, 3610000; 499900, 3610000; 499900, 3609900; 499700, 3609900; 499700, 3609800; 499600, 3609800; 499600, 3609700; 499400, 3609700; 499400, 3609900; 499500, 3609900; 499500, 3610000; 499600, 3610000; 499600, 3610100; 499800, 3610100; 499800, 3610300; 499900, 3610300; 499900, 3610200; 500000, 3610200; 500000, 3610500.

Land bounded by the following UTM NAD27 coordinates (E, N): 505300, 3610500; 505500, 3610500; 505500, 3610200; 505600, 3610200; 505600, 3609900; 505700, 3609900; 505700, 3609600; 505800, 3609600; 505800, 3609300; 505900, 3609300; 505900, 3609100; 506000, 3609100; 506000, 3608800; 506100, 3608800; 506100, 3608500; 506200, 3608500; 506200, 3608200; 506300, 3608200; 506300, 3608100; 506100, 3608100; 506100, 3608200; 506000, 3608200; 506000, 3608000; 506100, 3608000; 506100, 3607900; 506000, 3607900; 506000, 3607600; 506100, 3607600; 506100, 3607700; 506400, 3607700; 506400, 3607400; 506600, 3607400; 506600, 3607100; 506700, 3607100; 506700, 3606800; 506800, 3606800; 506800, 3606500; 506200, 3606500; 506200, 3606400; 505300, 3606400; 505300, 3606100; 505200, 3606100; 505200, 3606000; 505100, 3606000; 505100, 3605900; 504800, 3605900; 504800, 3605800; 504500, 3605800; 504500, 3605700; 504200, 3605700; 504200, 3605600; 503900, 3605600; 503900, 3605500; 503600, 3605500; 503600, 3605400; 503400, 3605400; 503400, 3605300; 503100, 3605300; 503100, 3605200; 502800, 3605200; 502800, 3605100; 502500, 3605100; 502500, 3605000; 502200, 3605000; 502200, 3604900; 500000, 3604900; 500000, 3605000; 498800, 3605000; 498800, 3605400; 498900, 3605400; 498900, 3605300; 499000, 3605300; 499000, 3605200; 500700, 3605200; 500700, 3605300; 500500, 3605300; 500500, 3605400; 500300, 3605400; 500300, 3605500; 500200, 3605500; 500200, 3605400; 499900, 3605400; 499900, 3605500; 499700, 3605500; 499700, 3605600; 499600, 3605600; 499600, 3605700; 498800, 3605700; 498800, 3606100; 499800, 3606100; 499800, 3606000; 499900, 3606000; 499900, 3606100; 500100, 3606100; 500100, 3606000; 500200, 3606000; 500200, 3606200; 500400, 3606200; 500400, 3606100; 500500, 3606100; 500500, 3606700; 500600, 3606700; 500600, 3607000; 500400, 3607000; 500400, 3607200; 500300, 3607200; 500300, 3607700; 500600, 3607700; 500600, 3607600; 500800, 3607600; 500800, 3607500; 500900, 3607500; 500900, 3607900; 501000, 3607900; 501000, 3608000; 501100, 3608000; 501100, 3608100; 501200, 3608100; 501200, 3608000; 501300, 3608000; 501300, 3608100; 501500, 3608100; 501500, 3607900; 501300, 3607900; 501300, 3607800; 501200, 3607800; 501200, 3607700; 501300, 3607700; 501300, 3607500; 501200, 3607500; 501200, 3607400; 501400, 3607400; 501400, 3607200; 501500, 3607200; 501500, 3607300; 501700, 3607300; 501700, 3607100; 501600, 3607100; 501600, 3606900; 501500, 3606900; 501500, 3606700;

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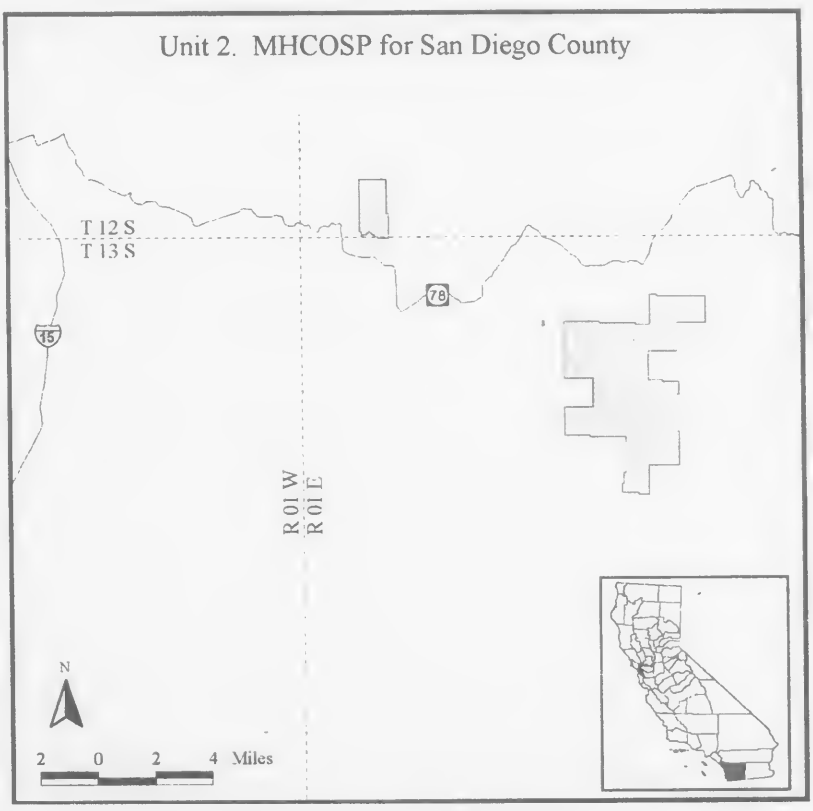
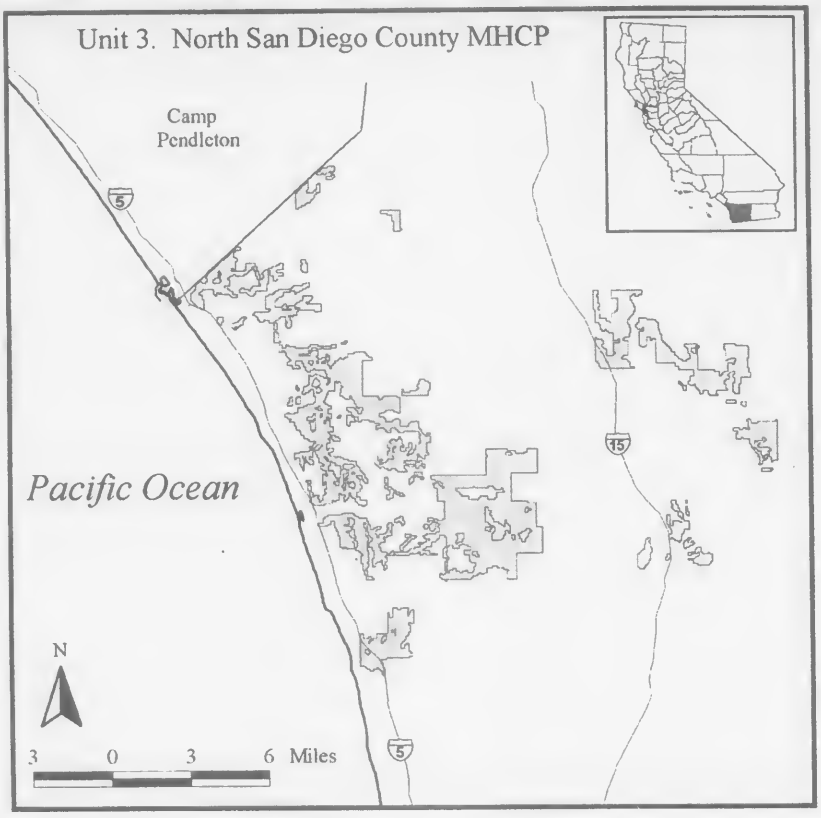
Land bounded by the following UTM NAD27 coordinates (E, N): 497000, 3609200; 497200, 3609200, 497200, 3609000; 497100, 3609000; 497100. 3608900; 497000, 3608900; 497000, 3609200.

Land bounded by the following UTM NAD27 coordinates (E, N): 497500, 3608400; 497700, 3608400; 497700, 3608100; 497600, 3608100; 497600, 3607900; 497700, 3607900; 497700, 3608000; 498300, 3608000; 498300, 3608200; 498500, 3608200; 498500, 3608100; 498600, 3608100; 498600, 3608200; 498800, 3608200; 498800, 3608100; 499000, 3608100; 499000, 3608000; 498900, 3608000; 498900, 3607900; 499000, 3607900; 499000, 3607800; 498600, 3607800; 498600, 3607600; 498400, 3607600; 498400, 3607500; 498300, 3607500; 498300, 3607400; 497500, 3607400; 497500, 3607700; 497400, 3607700; 497400, 3608100; 497500, 3608100; 497500, 3608400.



Map Unit 2: Multiple Habitat Conservation Open Space Program (MHCOSP), San Diego County, California. From USGS 1:100,000 quadrangle map Borrego Valley, California (1983), land bounded by the following UTM NAD27 coordinates (E, N): 510100, 3663200; 511600, 3663200; 511600, 3661300; 511700, 3661300; 511700, 3659900; 511100, 3659900; 511100, 3660000; 510900, 3660000; 510900, 3660100; 510800, 3660100; 510800, 3660200; 510700, 3660200; 510700, 3660300; 510600, 3660300; 510600, 3660200; 510500, 3660200; 510500, 3660100; 510300, 3660100; 510300, 3660000; 510200, 3660000; 510200, 3660300; 510100, 3660300; 510100, 3663200.

Land bounded by the following UTM NAD27 coordinates (E, N): 526200, 3656700; 526600, 3656700; 526600, 3656600; 529300, 3656600; 529300, 3655100; 527700, 3655100; 527700, 3653500; 526100, 3653500; 526100, 3651900; 526900, 3651900; 526900, 3651800; 527800, 3651800; 527800, 3651100; 527700, 3651100; 527700, 3649000; 527800, 3649000; 527800, 3647100; 526100, 3647100; 526100, 3645500; 525500, 3645500; 525500, 3645600; 524600, 3645600; 524600, 3646100; 524700, 3646100; 524700, 3546700; 524800, 3646700; 524800, 3648700; 522800, 3648700; 522800, 3648800; 521400, 3648800; 521400, 3650400; 523000, 3650400; 523000, 3652000; 521400, 3652000; 521400, 3655200; 523400, 3655200; 523400, 3655100; 525400, 3655100; 525400, 3655000; 526200, 3655000; 526200, 3656700.



Map Unit 3: North San Diego County Multiple Habitat Conservation Plan (MHCP), San Diego County, California. From USGS 1:100,000 quadrangle map Oceanside, California (1984), land bounded by the following UTM NAD27 coordinates (E, N): 472900, 3682200; 473300, 3682200; 473300, 3681900; 473200, 3681900; 473200, 3681700; 473300, 3681700; 473300, 3681500; 473200, 3681500; 473200, 3681400; 472800, 3681400; 472800, 3681600; 473100, 3681600; 473100, 3681900; 473000, 3681900; 473000, 3681800; 472800, 3681800; 472800, 3681700; 472600, 3681700; 472600, 3681800; 472500, 3681800; 472500, 3681700; 472200, 3681700; 472200, 3681800; 472300, 3681800; 472300, 3681900; 472400, 3681900; 472400, 3682000; 472500, 3682000; 472500, 3682100; 472900, 3682100; 472900, 3682200.

Land bounded by the following UTM NAD27 coordinates (E, N): 471600, 3681300; 471700, 3681300; 471700, 3680800; 471600, 3680800; 471600, 3680600; 472000, 3680600; 472000, 3680700; 472100, 3680700; 472100, 3680800; 472200, 3680800; 472200, 3681100; 472300, 3681100; 472300, 3681200; 472400, 3681200; 472400, 3680600; 472200, 3680600; 472200, 3680500; 472100, 3680500; 472100, 3680300; 472000, 3680300; 472000, 3680200; 471900, 3680200; 471900, 3680100; 471800, 3680100; 471800, 3680000; 471600, 3680000; 471600, 3679900; 471500, 3679900; 471500, 3679800; 471300, 3679800; 471300, 3679700; 471100, 3679700; 471100, 3679600; 470900, 3679600; 470900, 3680600; 471000, 3680600; 471000, 3680700; 471100, 3680700; 471100, 3680800; 471200, 3680800; 471200, 3680900; 471300, 3680900; 471300, 3681000; 471400, 3681000; 471400, 3681100; 471500, 3681100; 471500, 3681200; 471600, 3681200; 471600, 3681300.

Land bounded by the following UTM NAD27 coordinates (E, N): 476100, 3679500; 477300, 3679500; 477300, 3678400; 477400, 3678400; 477400, 3678300; 477300, 3678300; 477300, 3678200; 476900, 3678200; 476900, 3678800; 476800, 3678800; 476800, 3679200; 476500, 3679200; 476500, 3679300; 476100, 3679300; 476100, 3679500.

Land bounded by the following UTM NAD27 coordinates (E, N): 467200, 3677300; 467500, 3677300; 467500, 3677100; 467200, 3677100; 467200, 3677000; 467100, 3677000; 467100, 3676700; 467200, 3676700; 467200, 3676600; 467300, 3676600; 467300, 3676400; 467200, 3676400; 467200, 3675900; 467000, 3675900; 467000, 3676000; 466900, 3676000; 466900, 3675800; 467700, 3675800; 467700, 3675900; 467800, 3675900; 467800, 3676300; 468400, 3676300; 468400, 3676100; 468500, 3676100; 468500, 3675800; 468600, 3675800; 468600, 3675600; 468700, 3675600; 468700, 3675300; 468800, 3675300; 468800, 3675400; 468900, 3675400; 468900, 3675600; 468800, 3675600; 468800, 3675700; 468900, 3675700; 468900, 3675800; 469000, 3675800; 469000, 3675900; 469200, 3675900; 469200, 3676000; 469400, 3676000; 469400, 3676100; 469700, 3676100; 469700, 3676200; 469900, 3676200; 469900, 3676300; 470100, 3676300; 470100, 3675900; 469700, 3675900; 469700, 3675700; 470100, 3675700; 470100, 3675500; 469800, 3675500; 469800, 3675300; 469700, 3675300; 469700, 3675200; 469500, 3675200; 469500, 3675500; 469300, 3675500; 469300, 3675800; 469200, 3675800; 469200, 3675000; 469100, 3675000; 469100, 3674600; 468400, 3674600; 468400, 3674400; 468300, 3674400; 468300, 3674300; 468000, 3674300; 468000, 3674400; 467900, 3674400; 467900, 3674500; 467400, 3674500; 467400, 3674700; 467500, 3674700; 467500, 3674800; 467700, 3674800; 467700, 3674700; 468000, 3674700; 468000, 3674600; 468100, 3674600; 468100, 3674800; 468200, 3674800; 468200, 3674900; 468700, 3674900; 468700, 3675000; 468600, 3675000; 468600, 3675300; 468500, 3675300; 468500, 3675500; 468400, 3675500; 468400, 3675800; 468300, 3675800; 468300, 3676100; 468200, 3676100; 468200, 3675900; 468100, 3675900; 468100, 3675800; 468000, 3675800; 468000, 3675700; 467900, 3675700; 467900, 3675600; 467700, 3675600; 467700, 3675500; 467200, 3675500; 467200, 3675600; 467000, 3675600; 467000, 3675500; 466800, 3675500; 466800, 3675400; 466700, 3675400; 466700, 3675300; 466800, 3675300; 466800, 3674900; 466500, 3674900; 466500, 3674800; 466700, 3674800; 466700, 3674700; 466800, 3674700; 466800, 3674600; 467000, 3674600; 467000, 3674400; 467300, 3674400; 467300, 3674200; 466900, 3674200; 466900, 3674300; 466800, 3674300; 466800, 3674400; 466300, 3674400; 466300, 3674500; 466200, 3674500; 466200, 3674400; 466100, 3674400; 466100, 3674500; 466000, 3674500; 466000, 3674300; 465900, 3674300; 465900, 3674400; 465800, 3674400; 465800, 3674700; 465100, 3674700; 465100, 3674600; 465000, 3674600; 465000, 3674500; 464900, 3674500; 464900, 3674400; 465100, 3674400; 465100, 3674100; 465200, 3674100; 465200, 3673500;

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Land bounded by the following UTM NAD27 coordinates (E, N): 471200, 3676500; 471500, 3676500; 471500, 3676300; 471600, 3676300; 471600, 3675700; 471300, 3675700; 471300, 3675800; 471200, 3675800; 471200, 3676200; 471300, 3676200; 471300, 3676300; 471200, 3676300; 471200, 3676500.

Land bounded by the following UTM NAD27 coordinates (E, N): 471500, 3675100; 471700, 3675100; 471700, 3674800; 471500, 3674800; 471500, 3674700; 471300, 3674700; 471300, 3674600; 471100, 3674600; 471100, 3674500; 470900, 3674500; 470900, 3674400; 470800, 3674400; 470800, 3674600; 470500, 3674600; 470500, 3674500; 470100, 3674500; 470100, 3674300; 470000, 3674300; 470000, 3674200; 469800, 3674200; 469800, 3674100; 469700, 3674100; 469700, 3674000; 469600, 3674000; 469600, 3673600; 470000, 3673600; 470000, 3673700; 470100, 3673700; 470100, 3673800; 470300, 3673800; 470300, 3673600; 470400, 3673600; 470400, 3673700; 470800, 3673700; 470800, 3673800; 470900, 3673800; 470900, 3673900; 471100, 3673900; 471100, 3674000; 471300, 3674000; 471300, 3674300; 471900, 3674300; 471900, 3674100; 471800, 3674100; 471800, 3674000; 471700, 3674000; 471700, 3673900; 471500, 3673900; 471500, 3673800; 472400, 3673800; 472400, 3673300; 472000, 3673300; 472000, 3673400; 471000, 3673400; 471000, 3673300; 470900, 3673300; 470900, 3673100; 470700, 3673100; 470700, 3673000; 470600, 3673000; 470600, 3673100; 470400, 3673100; 470400, 3673000; 470500, 3673000; 470500, 3672800; 470600, 3672800; 470600, 3672400; 470500, 3672400; 470500, 3672300; 470300, 3672300; 470300, 3672400; 470200, 3672400; 470200, 3672600; 470300, 3672600; 470300, 3672700; 470200, 3672700; 470200, 3673000; 469900, 3673000; 469900, 3672900; 469800, 3672900; 469800, 3672800; 469600, 3672800; 469600, 3672700; 469500, 3672700; 469500, 3672600; 469200, 3672600; 469200, 3672800; 468900, 3672800; 468900, 3672700; 468600, 3672700; 468600, 3672800; 468500, 3672800; 468500, 3673000; 468400, 3673000; 468400, 3673100; 468200, 3673100; 468200, 3673200; 468300, 3673200; 468300, 3673300; 469200, 3673300; 469200, 3673400; 469300, 3673400; 469300, 3673500; 469000, 3673500; 469000, 3674300; 469200, 3674300; 469200, 3674400; 469500, 3674400; 469500, 3674500; 469600, 3674500; 469600, 3674600; 469800, 3674600; 469800, 3674700; 470600, 3674700; 470600, 3674800; 470700, 3674800; 470700, 3674900; 471300, 3674900; 471300, 3675000; 471500, 3675000; 471500, 3675100; excluding land bounded by 470800, 3673600; 470800, 3673500; 471100, 3673500; 471100, 3673600; 470800, 3673600; and land bounded by 470000, 3673500; 470000, 3673400; 470600, 3673400; 470600, 3673500; 470000, 3673500.

Land bounded by the following UTM NAD27 coordinates (E, N): 489000, 3674500; 489300, 3674500; 489300, 3674200; 489200, 3674200; 489200, 3674100; 489300, 3674100; 489300, 3673700; 489400, 3673700; 489400, 3673500; 489300, 3673500; 489300, 3673300; 489400, 3673300; 489400, 3672800; 489800, 3672800; 489800, 3672600; 490000, 3672600; 490000, 3672500; 490100, 3672500; 490100, 3673100; 490300, 3673100; 490300, 3673200; 490400, 3673200; 490400, 3673300; 490500, 3673300; 490500, 3674000; 490100, 3674000; 490100, 3674500; 492000, 3674500; 492000, 3674200; 491800, 3674200; 491800, 3674100; 491600, 3674100; 491600, 3674300; 491500, 3674300; 491500, 3674200; 491400, 3674200; 491400, 3674100; 491300, 3674100; 491300, 3673900; 491400, 3673900; 491400, 3673700; 491500, 3673700; 491500, 3673500; 491600, 3673500; 491600, 3673200; 491500, 3673200; 491500, 3673000; 491400, 3673000; 491400, 3672900; 491300, 3672900; 491300, 3672800; 491200, 3672800; 491200, 3672700; 491100, 3672700; 491100, 3672400; 491200, 3672400; 491200, 3672200; 491300, 3672200; 491300, 3671900; 491200, 3671900; 491200, 3671600; 490900, 3671600; 490900, 3671500; 490800, 3671500; 490800, 3671400; 491100, 3671400; 491100, 3670500; 490800, 3670500; 490800, 3670400; 490700, 3670400; 490700, 3670300; 491000, 3670300; 491000, 3670200; 491100, 3670200; 491100, 3670100; 491200, 3670100; 491200, 3669800; 491500, 3669800; 491500, 3669700; 489400, 3669700; 489400, 3669800; 489300, 3669800; 489300, 3670000; 489200, 3670000; 489200, 3670100; 489100, 3670100; 489100, 3671600; 489200, 3671600; 489200, 3671500; 489500, 3671500; 489500, 3671400; 489600, 3671400; 489600, 3671200; 489500, 3671200; 489500, 3671000; 489600, 3671000; 489600, 3670900; 489800, 3670900; 489800, 3670500; 490200, 3670500; 490200, 3670600; 490300, 3670600; 490300, 3670700; 490200, 3670700; 490200, 3671300; 490600, 3671300; 490600, 3671500; 490500, 3671500; 490500, 3671400; 490200, 3671400; 490200, 3671900; 489900, 3671900; 489900, 3672000; 489800, 3672000; 489800, 3672100; 489700, 3672100; 489700, 3672000; 489500, 3672000; 489500, 3672100; 489400, 3672100; 489400, 3672400; 489300, 3672400; 489300, 3672500; 489100, 3672500; 489100, 3673300; 489000, 3673300; 489000, 3674500.

Land bounded by the following UTM NAD27 coordinates (E, N): 466000, 3673000; 466400, 3673000; 466400, 3672700; 466300, 3672700; 466300, 3672500; 466100, 3672500; 466100, 3672600; 466000, 3672600; 466000, 3673000.

Land bounded by the following UTM NAD27 coordinates (E, N): 467200, 3672300; 467200, 3672200; 467000, 3672200; 467000, 3672300; 466900, 3672300; 466900, 3672600; 467100, 3672600; 467100, 3672700; 467300, 3672700; 467300, 3672800; 467400, 3672800; 467400, 3672900; 467500, 3672900; 467500, 3673000; 467800, 3673000; 467800, 3672900; 467700, 3672900; 467700, 3672800; 467600, 3672800; 467600, 3672500; 467400, 3672500; 467400, 3672400; 467300, 3672400; 467300, 3672300; 467200, 3672300; excluding land bounded by 467200, 3672300; 467200, 3672400; 467100, 3672400; 467100, 3672300; 467200, 3672300.

Land bounded by the following UTM NAD27 coordinates (E, N): 495300, 3670900; 495400, 3670900; 495400, 3669600; 496400, 3669600; 496400, 3669500; 496700, 3669500; 496700, 3669200; 496800, 3669200; 496800, 3669300; 496900, 3669300; 496900, 3669400; 497000, 3669400; 497000, 3669500; 497200, 3669500; 497200, 3670000; 497500, 3670000; 497500, 3669900; 497600, 3669900; 497600, 3670100; 497700, 3670100; 497700, 3670300; 497400, 3670300; 497400, 3670200; 497200, 3670200; 497200, 3670100; 497100, 3670100; 497100, 3670800; 497000, 3670800; 497000, 3671200; 497700, 3671200; 497700, 3671100; 498400, 3671100; 498400, 3671000; 498500, 3671000; 498500, 3670300; 498400, 3670300; 498400, 3669700; 498500, 3669700; 498500, 3669400; 498600, 3669400; 498600, 3669100; 498000, 3669100; 498000, 3668700; 497900, 3668700; 497900, 3668100; 497600, 3668100; 497600, 3668200; 497500, 3668200; 497500, 3668800; 497600, 3668800; 497600, 3669100; 497500, 3669100; 497500, 3669300; 497600, 3669300; 497600, 3669500; 497500, 3669500; 497500, 3669400; 497300, 3669400; 497300, 3669300; 497200, 3669300; 497200, 3669200; 497300, 3669200; 497300, 3669000; 497100, 3669000; 497100, 3668900; 497000, 3668900; 497000, 3668700; 497100, 3668700; 497100, 3668400; 497200, 3668400; 497200, 3668300; 496500, 3668300; 496500, 3668100; 496600, 3668100; 496600, 3668000; 496100, 3668100; 496000, 3668100; 496000, 3668300; 495700, 3668300; 495700, 3668100; 495500, 3668100; 495500, 3668300; 495400, 3668300; 495400, 3668400; 495300, 3668400; 495300, 3668500; 495200, 3668500; 495200, 3668700; 495100, 3668700; 495100, 3668600; 494900, 3668600; 494900, 3668700; 494800, 3668700; 494800, 3668900; 494900, 3668900; 494900, 3669200; 495100, 3669200; 495100, 3669600; 494200, 3669600; 494200, 3669800; 494000, 3669800; 494000, 3670000; 492800, 3670000; 492800, 3671500; 492600, 3671500; 492600, 3671400; 492500, 3671400; 492500, 3671600; 492300, 3671600; 492300, 3671100; 492200, 3671100; 492200, 3671000; 491900, 3671000; 491900, 3671100; 491800, 3671100; 491800, 3672000; 492100, 3672000; 492100, 3672200; 492000, 3672200; 492000, 3672100; 491700, 3672100; 491700, 3672200; 491600, 3672200; 491600, 3672400; 491700, 3672400; 491700, 3672500; 491800, 3672500; 491800, 3672800; 492300, 3672800; 492300, 3672700; 492800, 3672700; 492800, 3672600; 492900, 3672600; 492900, 3672500; 493000, 3672500; 493000, 3672100; 493100, 3672100; 493100,

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Land bounded by the following UTM NAD27 coordinates (E, N): 469500, 3672600; 469700, 3672600; 469700, 3672200; 469500, 3672200; 469500, 3672600.

Land bounded by the following UTM NAD27 coordinates (E, N): 469500, 3672100; 469700, 3672100; 469700, 3672000; 469800, 3672000; 469800, 3671500; 469900, 3671500; 469900, 3671400; 469500, 3671400; 469500, 3672100.

Land bounded by the following UTM NAD27 coordinates (E, N): 473800, 3671500; 474000, 3671500; 474000, 3671400; 473900, 3671400; 473900, 3671300; 473600, 3671300; 473600, 3671400; 473800, 3671400; 473800, 3671500.

Land bounded by the following UTM NAD27 coordinates (E, N): 478300, 3664400; 478300, 3664300; 478200, 3664300; 478200, 3664000; 478300, 3664000; 478300, 3664100; 478500, 3664100; 478500, 3663900; 478700, 3663900; 478700, 3663600; 478600, 3663600; 478600, 3663700; 478500, 3663700; 478500, 3663800; 478300, 3663800; 478300, 3663600; 478100, 3663600; 478100, 3663800; 478000, 3663800; 478000, 3663700; 477700, 3663700; 477700, 3663800; 477400, 3663800; 477400, 3663600; 477500, 3663600; 477500, 3663500; 477600, 3663500; 477600, 3663400; 477000, 3663400; 477000, 3663500; 476900, 3663500; 476900, 3663600; 476600, 3663600; 476600, 3663500; 476400, 3663500; 476400, 3663600; 476200, 3663600; 476200, 3663700; 476000, 3663700; 476000, 3663600; 475900, 3663600; 475900, 3663700; 475800, 3663700; 475800, 3663800; 475700, 3663800; 475700, 3663900; 475600, 3663900; 475600, 3664400; 475800, 3664400; 475800, 3664100; 475900, 3664100; 475900, 3664200; 476100, 3664200; 476100, 3664100; 476000, 3664100; 476000, 3664000; 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Land bounded by the following UTM NAD27 coordinates (E, N): 494200, 3668900; 494300, 3668900; 494300, 3668800; 494400, 3668800; 494400, 3668700; 494500, 3668700; 494500, 3668600; 494700, 3668600; 494700, 3668300; 494500, 3668300; 494500, 3668500; 494400, 3668500; 494400, 3668600; 494300, 3668600; 494300, 3668700; 494200, 3668700; 494200, 3668900.

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Land bounded by the following UTM NAD27 coordinates (E, N): 470500, 3668100; 470600, 3668100; 470600, 3667500; 470300, 3667500; 470300, 3667700; 470400, 3667700; 470400, 3668000; 470500, 3668000; 470500, 3668100.

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Land bounded by the following UTM NAD27 coordinates (E, N): 498000, 3667600; 498300, 3667600; 498300, 3667300; 498100, 3667300; 498100, 3667400; 498000, 3667400; 498000, 3667600.

Land bounded by the following UTM NAD27 coordinates (E, N): 473400, 3666900; 473600, 3666900; 473600, 3666800; 473500, 3666800; 473500, 3666700; 473300, 3666700; 473300, 3666800; 473400, 3666800; 473400, 3666900.

Land bounded by the following UTM NAD27 coordinates (E, N): 498400, 3666600; 498500, 3666600; 498500, 3666500; 498600, 3666500; 498600, 3666300; 499000, 3666300; 499000, 3666400; 500100, 3666400; 500100, 3666500; 500200, 3666500; 500200, 3664000; 499900, 3664000; 499900, 3663900; 499800, 3663900; 499800, 3664200; 499700, 3664200; 499700, 3664500; 499600, 3664500; 499600, 3664600; 499800, 3664600; 499800, 3664700; 499700, 3664700; 499700, 3664800; 499000, 3664800; 499000, 3665000; 499100, 3665000; 499100, 3665100; 499400, 3665100; 499400, 3665200; 499500, 3665200; 499500, 3665300; 499400, 3665300; 499400, 3665400; 499300, 3665400; 499300, 3665200; 499000, 3665200; 499000, 3665100; 498900, 3665100; 498900, 3665200; 498800, 3665200; 498800, 3664800; 498900, 3664800; 498900, 3664700; 499000, 3664700; 499000, 3664600; 499200, 3664600; 499200, 3664300; 499300, 3664300; 499300, 3664100; 499400, 3664100; 499400, 3664300; 499500, 3664300; 499500, 3664400; 499600, 3664400; 499600, 3664100; 499500, 3664100; 499500, 3664000; 499300, 3664000; 499300, 3663800; 499200, 3663800; 499200, 3663700; 499000, 3663700; 499000, 3663800; 499100, 3663800; 499100, 3664200; 499000, 3664200; 499000, 3664400; 498900, 3664400; 498900, 3664500; 498800, 3664500; 498800, 3664700; 498700, 3664700; 498700, 3664800; 498600, 3664800; 498600, 3665000; 498500, 3665000; 498500, 3665300; 498100, 3665300; 498100, 3665400; 498000, 3665400; 498000, 3665300; 497700, 3665300; 497700, 3665700; 497800, 3665700; 497800, 3665800; 497500, 3665800; 497500, 3666000; 497900, 3666000; 497900, 3665900; 498100, 3665900; 498100, 3666000; 498300, 3666000; 498300, 3665900; 498500, 3665900; 498500, 3666000; 498400, 3666000; 498400, 3666400; 498300, 3666400; 498300, 3666500; 498400, 3666500; 498400, 3666600.

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Land bounded by the following UTM NAD27 coordinates (E, N): 479700, 3662500; 479700, 3662700; 479600, 3662700; 479600, 3662800; 479300, 3662800; 479300, 3662900; 479000, 3662900; 479000, 3663200; 482400, 3663200; 482400, 3664300; 482500, 3664300; 482500, 3664400; 482400, 3664400; 482400, 3664800; 483700, 3664800; 483700, 3664700; 484200, 3664700; 484200, 3664500; 484700, 3664500; 484700, 3664600; 484900, 3664600; 484900, 3664800; 485500, 3664800; 485500, 3663300; 483900, 3663300; 483900, 3661600; 484900, 3661600; 484900, 3661500; 485400, 3661500; 485400, 3660000; 485800, 3660000; 485800, 3658400; 484200, 3658400; 484200, 3656800; 483600, 3656800; 483600, 3657300; 483700, 3657300; 483700, 3657400; 483400, 3657400; 483400, 3657500; 483000, 3657500; 483000, 3657600; 482700, 3657600; 482700, 3657500; 482400, 3657500; 482400, 3657200; 482200, 3657200; 482200, 3657100; 482000, 3657100; 482000, 3657200; 481900, 3657200; 481900, 3657100; 481800, 3657100; 481800, 3657000; 481500, 3657000; 481500, 3656900; 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Land bounded by the following UTM NAD27 coordinates (E, N): 499200, 3663500; 499900, 3663500; 499900, 3663400; 499800, 3663400; 499800, 3663300; 499200, 3663300; 499200, 3663500.

Land bounded by the following UTM NAD27 coordinates (E, N): 478000, 3663400; 478500, 3663400; 478500, 3663100; 478600, 3663100; 478600, 3662900; 478400, 3662900; 478400, 3663100; 478200, 3663100; 478200, 3663200; 478100, 3663200; 478100, 3663100; 478000, 3663100; 478000, 3662800; 477900, 3662800; 477900, 3662700; 477800, 3662700; 477800, 3662600; 477700, 3662600; 477700, 3663000; 477800, 3663000; 477800, 3663100; 477900, 3663100; 477900, 3663200; 478000, 3663200; 478000, 3663400.

Land bounded by the following UTM NAD27 coordinates (E, N): 476200, 3663100; 476400, 3663100; 476400, 3662500; 476600, 3662500; 476600, 3662400; 476700, 3662400; 476700, 3662300; 476900, 3662300; 476900, 3662200; 477100, 3662200; 477100, 3662100; 477300, 3662100; 477300, 3662000; 477400, 3662000; 477400, 3661900; 477100, 3661900; 477100, 3662000; 476900, 3662000; 476900, 3662100; 476700, 3662100; 476700, 3661800; 476500, 3661800; 476500, 3661700; 476300, 3661700; 476300, 3662000; 476500, 3662000; 476500, 3662300; 476400, 3662300; 476400, 3662400; 476200, 3662400; 476200, 3662600; 476300, 3662600; 476300, 3662700; 476200, 3662700; 476200, 3663100.

Land bounded by the following UTM NAD27 coordinates (E, N): 493700, 3661600; 494000, 3661600; 494000, 3661300; 494100, 3661300; 494100, 3661100; 494200, 3661100; 494200, 3660900; 494300, 3660900; 494300, 3660800; 494400, 3660800; 494400, 3660400; 494500, 3660400; 494500, 3660300; 494800, 3660300; 494800, 3659800; 494500, 3659800; 494500, 3659600; 494400, 3659600; 494400, 3659500; 494300, 3659500; 494300, 3659100; 494200, 3659100; 494200, 3659000; 494100, 3659000; 494100, 3659100; 493900, 3659100; 493900, 3659200; 493800, 3659200; 493800, 3659300; 493700, 3659300; 493700, 3659200; 493500, 3659200; 493500, 3659500; 493700, 3659500; 493700, 3659800; 493600, 3659800; 493600, 3659900; 493500, 3659900; 493500, 3660100; 493400, 3660100; 493400, 3660700; 493600, 3660700; 493600, 3660000; 493800, 3660000; 493800, 3660300; 494200, 3660300; 494200, 3660200; 494300, 3660200; 494300, 3660500; 494200, 3660500; 494200, 3660600; 494100, 3660600; 494100, 3660900; 493900, 3660900; 493900, 3661000; 493800, 3661000; 493800, 3661100; 493700, 3661100; 493700, 3661200; 493800, 3661200; 493800, 3661300; 493700, 3661300; 493700, 3661600.

Land bounded by the following UTM NAD27 coordinates (E, N): 494600, 3661600; 494700, 3661600; 494700, 3661400; 494600, 3661400; 494600, 3661600.

Land bounded by the following UTM NAD27 coordinates (E, N): 494600, 3661200; 494700, 3661200; 494700, 3660900; 494800, 3660900; 494800, 3660600; 494700, 3660600; 494700, 3660700; 494600, 3660700; 494600, 3661200.

Land bounded by the following UTM NAD27 coordinates (E, N): 477100, 3660700; 477300, 3660700; 477300, 3660400; 477400, 3660400; 477400, 3660200; 477300, 3660200; 477300, 3660100; 477200, 3660100; 477200, 3660300; 477100, 3660300; 477100, 3660400; 477000, 3660400; 477000, 3660300; 476800, 3660300; 476800, 3660500; 476900, 3660500; 476900, 3660600; 477100, 3660600; 477100, 3660700.

Land bounded by the following UTM NAD27 coordinates (E, N): 477800, 3659500; 478100, 3659500; 478100, 3659400; 478000, 3659400; 478000, 3659300; 477800, 3659300; 477800, 3659200; 477700, 3659200; 477700, 3659100; 477600, 3659100; 477600, 3659000; 477500, 3659000; 477500, 3658900; 477400, 3658900; 477400, 3658800; 477300, 3658800; 477300, 3658600; 477100, 3658600; 477100, 3658900; 477200, 3658900; 477200, 3659000; 477300, 3659000; 477300, 3659100; 477400, 3659100; 477400, 3659200; 477500, 3659200; 477500, 3659300; 477600, 3659300; 477600, 3659400; 477400, 3659400; 477400, 3659600; 477800, 3659600; 477800, 3659500; excluding land bounded by 477800, 3659500; 477700, 3659500; 477700, 3659400; 477800, 3659400; 477800, 3659500.

Land bounded by the following UTM NAD27 coordinates (E, N): 492200, 3659300; 492400, 3659300; 492400, 3659100; 492300, 3659100; 492300, 3659000; 492400, 3659000;

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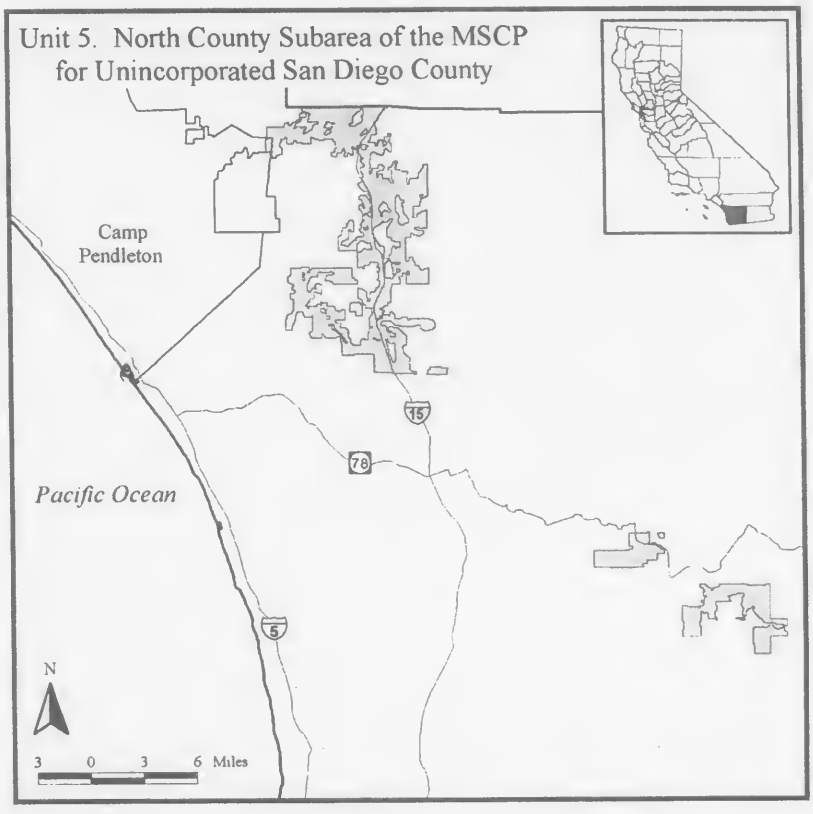
Land bounded by the following UTM NAD27 coordinates (E, N): 493400, 3658300; 493600, 3658300; 493600, 3658000; 493500, 3658000; 493500, 3657900; 493300, 3657900; 493300, 3658100; 493400, 3658100; 493400, 3658300.

Land bounded by the following UTM NAD27 coordinates (E, N): 475300, 3653100; 475400, 3653100; 475400, 3653200; 475600, 3653200; 475600, 3653500; 476300, 3653500; 476300, 3654800; 476400, 3654800; 476400, 3654500; 476600, 3654500; 476600, 3655100; 476900, 3655100; 476900, 3655000; 477100, 3655000; 477100, 3655100; 477600, 3655100; 477600, 3654900; 477500, 3654900; 477500, 3654600; 477600, 3654600; 477600, 3654800; 477700, 3654800; 477700, 3654900; 477800, 3654900; 477800, 3655000; 477900, 3655000; 477900, 3654100; 477700, 3654100; 477700, 3654200; 477600, 3654200; 477600, 3654000; 477700, 3654000; 477700, 3653600; 477600, 3653600; 477600, 3653400; 477500, 3653400; 477500, 3653300; 477400, 3653300; 477400, 3653100; 477300, 3653100; 477300, 3653000; 477200, 3653000; 477200, 3652900; 477100, 3652900; 477100, 3652600; 477300, 3652600; 477300, 3652800; 477400, 3652800; 477400, 3652900; 477600, 3652900; 477600, 3652400; 477700, 3652400; 477700, 3652300; 477800, 3652300; 477800, 3652100; 477600, 3652100; 477600, 3652000; 476200, 3652000; 476200, 3651900; 475900, 3651900; 475900, 3651700; 476000, 3651700; 476000, 3651400; 476100, 3651400; 476100, 3650900; 476000, 3650900; 476000, 3651000; 475900, 3651000; 475900, 3651200; 475800, 3651200; 475800, 3651300; 475700, 3651300; 475700, 3651400; 475600, 3651400; 475600, 3651300; 475400, 3651300; 475400, 3651200; 475200, 3651200; 475200, 3651300; 475000, 3651300; 475000, 3651400; 474900, 3651400; 474900, 3651500; 474600, 3651500; 474600, 3653500; 474800, 3653500; 474800, 3653200; 475100, 3653200; 475100, 3653300; 475300, 3653300; 475300, 3653100; excluding land bounded by 475200, 3653000; 475100, 3653000; 475100, 3652900; 475200, 3652900; 475200, 3653000; land bounded by 475200, 3653000; 475300, 3653000; 475300, 3653100; 475200, 3653100; 475200, 3653000; land bounded by 476700, 3653800; 476700, 3653700; 476500, 3653700; 476500, 3653600; 476700, 3653600; 476700, 3653400; 476800, 3653400; 476800, 3653800; 476700, 3653800; land bounded by 476100, 3653400; 476100, 3653300; 476000, 3653300; 476000, 3653200; 475900, 3653200; 475900, 3652900, 476000, 3652900; 476000, 3653000; 476100, 3653000; 476100, 3653100; 476200, 3653100; 476200, 3653400; 476100, 3653400; and land bounded by 474900, 3652500; 474900, 3652300; 475000, 3652300; 475000, 3652200; 475100, 3652200; 475100, 3652300; 475200, 3652300; 475200, 3652400; 475100, 3652400; 475100, 3652500; 474900, 3652500.

Map Unit 4: Fallbrook Naval Weapons Station, San Diego County, California. From USGS 1:100,000 quadrangle map Oceanside, California (1984). Lands within the Santa Margarita y Las Flores Land Grant: Fallbrook Naval Weapons Station; and Federal Lands associated with the Fallbrook Naval Weapons Station within T. 09 S., R. 04 W., San Bernardino Principal Meridian, secs. 35 and 36; and T. 10 S., R. 04 W., San Bernardino Principal Meridian, secs. 1 and 2; excluding land bounded by 476000, 3692600; 475800, 3692600; 475800, 3692400; 475700, 3692400; 475700, 3692300; 475500, 3692300; 475500, 3692100; 475400, 3692100; 475400, 3691900; 475300, 3691900; 475300, 3691800; 475400, 3691800; 475400, 3691600; 475300, 3691600; 475300, 3691500; 475100, 3691500; 475100, 3691400; 475400, 3691400; 475400, 3691500; 475500, 3691500; 475500, 3691600; 475600, 3691600; 475600, 3691700; 475700, 3691700; 475700, 3691800; 476000, 3691800; 476000, 3692600; land bounded by 474700, 3691700; 474600, 3691700; 474600, 3691600; 474700, 3691600; 474700, 3691700; land bounded by 474700, 3691700; 474800, 3691700; 474800, 3691800; 474900, 3691800; 474900, 3692000; 474700, 3692000; 474700, 3691900; 474600, 3691900; 474600, 3691800; 474700, 3691800; 474700, 3691700; land bounded by 474800, 3693200; 474800, 3693100; 474500, 3693100; 474500, 3693000; 474400, 3693000; 474400, 3692800; 474300, 3692800; 474300, 3692700; 474200, 3692700; 474200, 3692400; 474300, 3692400; 474300, 3692500; 474400, 3692500; 474400, 3692600; 474500, 3692600; 474500, 3692800; 474600, 3692800; 474600, 3692700; 474800, 3692700; 474800, 3692600; 475000, 3692600; 475000, 3692700; 475200, 3692700; 475200, 3692900; 475100, 3692900; 475100, 3693200; 474800, 3693200; land bounded by 474200, 3692100; 474200, 3691700; 474400, 3691700; 474400, 3691800; 474300, 3691800; 474300, 3692100; 474200, 3692100; and land bounded by 475300, 3689700; 475300, 3689600; 475200, 3689600; 475200, 3689500; 475400, 3689500; 475400, 3689700; 475300, 3689700.



Map Unit 5: North County Subarea of the Multiple Species Conservation Program (MSCP) for Unincorporated San Diego County, California. From USGS 1:100,000 quadrangle map Oceanside, California (1984), beginning at the San Diego/Riverside County line at UTM NAD27 x coordinate 486600; land bounded by the following UTM NAD27 coordinates (E, N): 486600, 3698900; 486500, 3698900; 486500, 3698800; 486400, 3698800; 486400, 3698600; 486300, 3698600; 486300, 3698500; 486200, 3698500; 486200, 3698300; 486100, 3698300; 486100, 3698200; 486000, 3698200; 486000, 3698000; 485900, 3698000; 485900, 3697800; 485800, 3697800; 485800, 3697700; 485700, 3697700; 485700, 3697500; 485600, 3697500; 485600, 3697400; 485700, 3697400; 485700, 3697100; 485800, 3697100; 485800, 3696500; 485300, 3696500; 485300, 3696300; 485200, 3696300; 485200, 3696000; 485100, 3696000; 485100, 3695900; 485000, 3695900; 485000, 3695800; 485700, 3695800; 485700, 3695500; 485900, 3695500; 485900, 3695600; 485800, 3695600; 485800, 3695700; 485900, 3695700; 485900, 3695800; 486000, 3695800; 486000, 3695900; 485900, 3695900; 485900, 3696000; 486400, 3696000; 486400, 3695400; 486500, 3695400; 486500, 3695600; 486700, 3695600; 486700, 3695800; 486600, 3695800; 486600, 3695900; 486500, 3695900; 486500, 3696300; 486900, 3696300; 486900, 3696400; 486800, 3696400; 486800, 3696600; 487100, 3696600; 487100, 3696300; 487000, 3696300; 487000, 3696000; 486900, 3696000; 486900, 3695800; 487000, 3695800; 487000, 3695700; 487100, 3695700; 487100, 3694900; 486900, 3694900; 486900, 3695000; 486800, 3695000; 486800, 3695100; 486700, 3695100; 486700, 3695200; 486600, 3695200; 486600, 3695100; 486500, 3695100; 486500, 3694800; 486400, 3694800; 486400, 3694600; 486100, 3694600; 486100, 3694700; 485800, 3694700; 485800, 3694800; 485600, 3694800; 485600, 3694900; 485400, 3694900; 485400, 3694800; 485300, 3694800; 485300, 3694700; 485200, 3694700; 485200, 3694200; 485100, 3694200; 485100, 3693800; 485200, 3693800; 485200, 3693500; 485100, 3693500; 485100, 3692900; 485200, 3692900; 485200, 3693000; 485300, 3693000; 485300, 3693400; 485900, 3693400; 485900, 3693700; 486000, 3693700; 486000, 3693800; 486300, 3693800; 486300, 3693600; 486500, 3693600; 486500, 3693400; 486400, 3693400; 486400, 3693200; 486000, 3693200; 486000, 3693100; 485800, 3693100; 485800, 3692600; 485900, 3692600; 485900, 3692900; 486300, 3692900; 486300, 3692500; 486900,

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Land bounded by the following UTM NAD27 coordinates (E, N): 483900, 3681200; 484000, 3681200; 484000, 3681100; 484100, 3681100; 484100, 3681000; 484200, 3681000; 484200, 3680900; 484300, 3680900; 484300, 3679900; 483700, 3679900; 483700, 3680300; 483100, 3680300; 483100, 3681000; 483200, 3681000; 483200, 3681100; 483900, 3681100; 483900, 3681200.

Land bounded by the following UTM NAD27 coordinates (E, N): 490400, 3675200; 491500, 3675200; 491500, 3675100; 492100, 3675100; 492100, 3675000; 492000, 3675000; 492000, 3674500; 490100, 3674500; 490100, 3674600; 490200, 3674600; 490200, 3674900; 490300, 3674900; 490300, 3675000; 490400, 3675000; 490400, 3675200.

Land bounded by the following UTM NAD27 coordinates (E, N): 510200, 3660000; 510400, 3660000; 510400, 3659000; 510300, 3659000; 510300, 3658900; 510600, 3658900; 510600, 3659000; 510900, 3659000; 510900, 3658900; 511100, 3658900; 511100, 3658800; 511400, 3658800; 511400, 3658700; 511500, 3658700; 511500, 3658600; 511600, 3658600; 511600, 3658500; 511700, 3658500; 511700, 3658000; 511100, 3658000; 511100, 3657500; 511000, 3657500; 511000, 3657400; 510200, 3657400; 510200, 3657100; 509700, 3657100; 509700, 3656900; 509800, 3656900; 509800, 3656800; 509200, 3656800; 509200, 3656700; 506800, 3656700; 506800, 3656800; 505300, 3656800; 505300, 3658300; 508500, 3658300; 508500, 3658400; 508800, 3658400; 508800, 3658700; 508500, 3658700; 508500, 3659900; 510200, 3659900; 510200, 3660000.

Land bounded by the following UTM NAD27 coordinates (E, N): 511100, 3659900; 511700, 3659900; 511700, 3659400; 511300, 3659400; 511300, 3659500; 511200, 3659500; 511200, 3659700; 511100, 3659700; 511100, 3659900.

Land bounded by the following UTM NAD27 coordinates (E, N): 514900, 3655200; 515500, 3655200; 515500, 3655100; 515600, 3655100; 515600, 3655000; 515700, 3655000; 515700, 3654900; 515800, 3654900; 515800, 3654800; 516000, 3654800; 516000, 3654600; 516100, 3654600; 516100, 3654800; 516300, 3654800; 516300, 3654900; 516700, 3654900; 516700, 3655200; 519300, 3655200; 519300, 3655100; 521000, 3655100; 521000, 3655200; 521400, 3655200; 521400, 3652000; 523000, 3652000; 523000, 3651300; 522700, 3651300; 522700, 3651400; 522600, 3651400; 522600, 3651500; 521900, 3651500; 521900, 3651600; 521600, 3651600; 521600, 3651700; 521500, 3651700; 521500, 3651600; 520900, 3651600; 520900, 3651700; 520800, 3651700; 520800, 3651800; 520700, 3651800; 520700, 3651900; 520600, 3651900; 520600, 3652000; 520400, 3652000; 520400, 3652100; 520300, 3652100; 520300, 3652200; 520200, 3652200; 520200, 3652300; 520100, 3652300; 520100, 3652400; 520000, 3652400; 520000, 3652600; 519900, 3652600; 519900, 3652700; 519800, 3652700; 519800, 3652900; 519900, 3652900; 519900, 3653100; 519800, 3653100; 519800, 3653000; 519600, 3653000; 519600, 3652900; 519400, 3652900; 519400, 3652800; 519300, 3652800; 519300, 3652700; 519200, 3652700; 519200, 3652300; 519100, 3652300; 519100, 3652200; 518900, 3652200; 518900, 3652300; 518800, 3652300; 518800, 3652700; 518900, 3652700; 518900, 3653000; 518800, 3653000; 518800, 3653200; 518700, 3653200; 518700, 3653500; 518800, 3653500; 518800, 3654000; 518900, 3654000; 518900, 3654100; 519000, 3654100; 519000, 3654300; 518300, 3654300; 518300,

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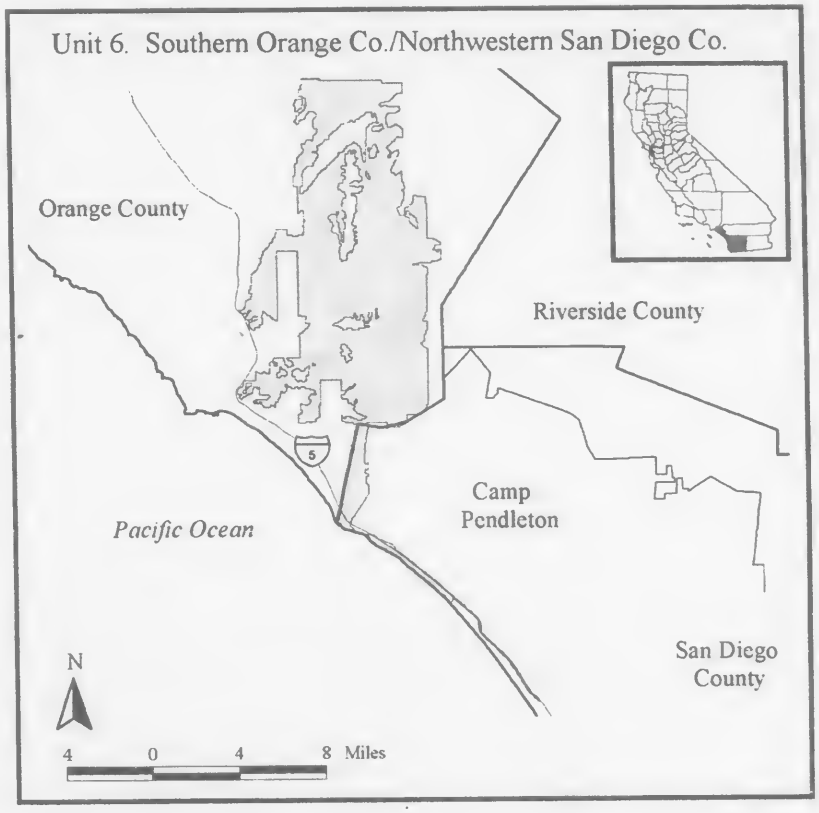
Land bounded by the following UTM NAD27 coordinates (E, N): 518200, 3652100; 519000, 3652100; 519000, 3652000; 519100, 3652000; 519100, 3651900; 518600, 3651900; 518600, 3652000; 518200, 3652000; 518200, 3652100.

Land bounded by the following UTM NAD27 coordinates (E, N): 521300, 3651400; 521600, 3651400; 521600, 3651300; 521700, 3651300; 521700, 3651200; 521800, 3651200; 521800, 3651100; 522000, 3651100; 522000, 3651000; 522200, 3651000; 522200, 3651100; 522500, 3651100; 522500, 3651200; 522600, 3651200; 522600, 3651300; 522700, 3651300; 522700, 3650900; 522800, 3650900; 522800, 3650800; 523000, 3650800; 523000, 3650400; 521400, 3650400; 521400, 3648800; 519900, 3648800; 519900, 3649600; 519800, 3649600; 519800, 3651200; 520600, 3651200; 520600, 3651300; 520700, 3651300; 520700, 3651200, 521200, 3651200; 521200, 3651300; 521300, 3651300; 521300, 3651400.



Map Unit 6: Southern Orange County/ Northwestern San Diego County, California. From USGS 1:100,000 quadrangle maps Oceanside (1984) and Santa Ana (1985), California, land bounded by the following UTM NAD27 coordinates (E, N): 445500, 3704000, 445100, 3704000; 445100, 3704800; 443600, 3704800; 443600, 3702900; 443500, 3702900; 443500, 3702000; 443300, 3702000; 443300, 3701900; 443200, 3701900; 443200, 3701700; 442900, 3701700; 442900, 3701600; 442800, 3701600; 442800, 3701700; 442500, 3701700; 442500, 3701600; 441900, 3701600; 441900, 3702300; 442100, 3702300; 442100, 3702400; 442200, 3702400; 442200, 3702600; 442100, 3702600; 442100, 3703100; 442200, 3703100; 442200, 3703000; 442500, 3703000; 442500, 3702900; 442600, 3702900; 442600, 3703000; 442700, 3703000; 442700, 3703100; 442800, 3703100; 442800, 3703200; 442900, 3703200; 442900, 3703300; 442800, 3703300; 442800, 3703400; 442700, 3703400; 442700, 3703600; 442800, 3703600; 442800, 3703700; 442900, 3703700; 442900, 3703800; 443000, 3703800; 443000, 3703700; 443200, 3703700; 443200, 3703800; 443100, 3703800; 443100, 3703900; 443200, 3703900; 443200, 3704000; 443100, 3704000; 443100, 3704100; 442800, 3704100; 442800, 3704200; 442400, 3704200; 442400, 3704300; 442100, 3704300; 442100, 3704200; 441900, 3704200; 441900, 3704300; 441700, 3704300; 441700, 3704200; 441400, 3704200; 441400, 3704300; 441200, 3704300; 441200, 3704400; 441100, 3704400; 441100, 3704500; 441000, 3704500; 441000, 3704300; 441100, 3704300; 441100, 3704000; 441000, 3704000; 441000, 3703900; 440800, 3703900; 440800, 3704000; 440700, 3704000; 440700, 3703800; 440600, 3703800; 440600, 3703500; 440500, 3703500; 440500, 3703200; 440300, 3703200; 440300, 3702800; 440200, 3702800; 440200, 3702900; 440000, 3702900; 440000, 3703000; 439900, 3703000; 439900, 3702800; 439400, 3702800; 439400, 3702900; 439300, 3702900; 439300, 3703000; 439200, 3703000; 439200, 3703200; 439100, 3703200; 439100, 3703100; 438900, 3703100; 438900, 3703200; 438800, 3703200; 438800, 3703100; 438700, 3703100; 438700, 3703200; 438600, 3703200; 438600, 3703300; 438800, 3703300; 438800, 3703400; 439700, 3703400; 439700, 3703500; 439800, 3703500; 439800, 3703700; 439100, 3703700; 439100, 3704300; 439000, 3704300; 439000, 3704200; 438900, 3704200; 438900, 3704300; 438700, 3704300; 438700, 3704200; 438600, 3704200; 438600, 3703900; 438500, 3703900; 438500, 3703800; 438300, 3703800;

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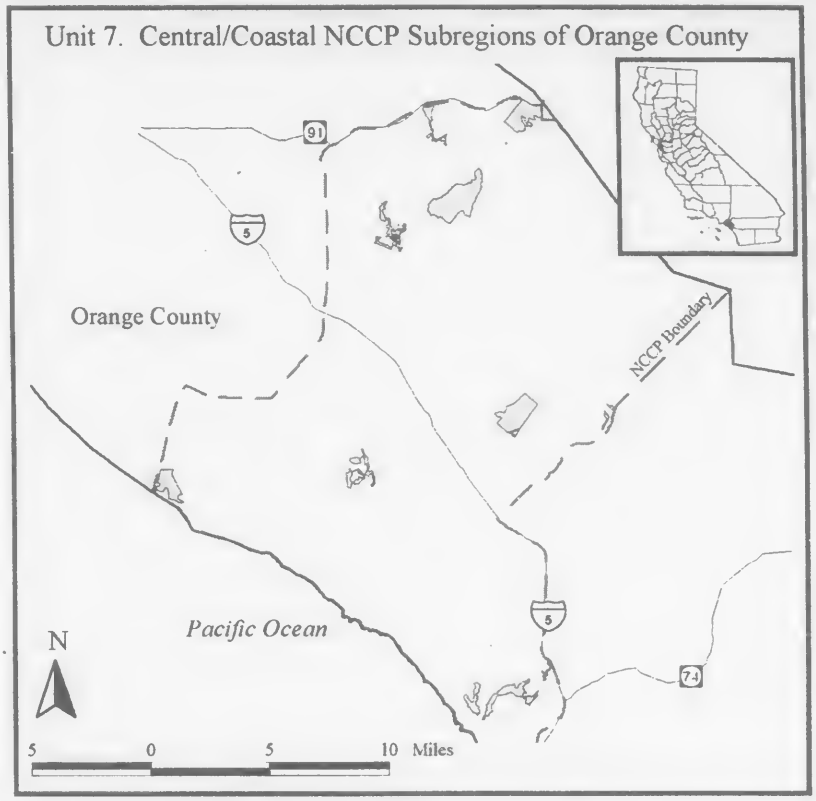
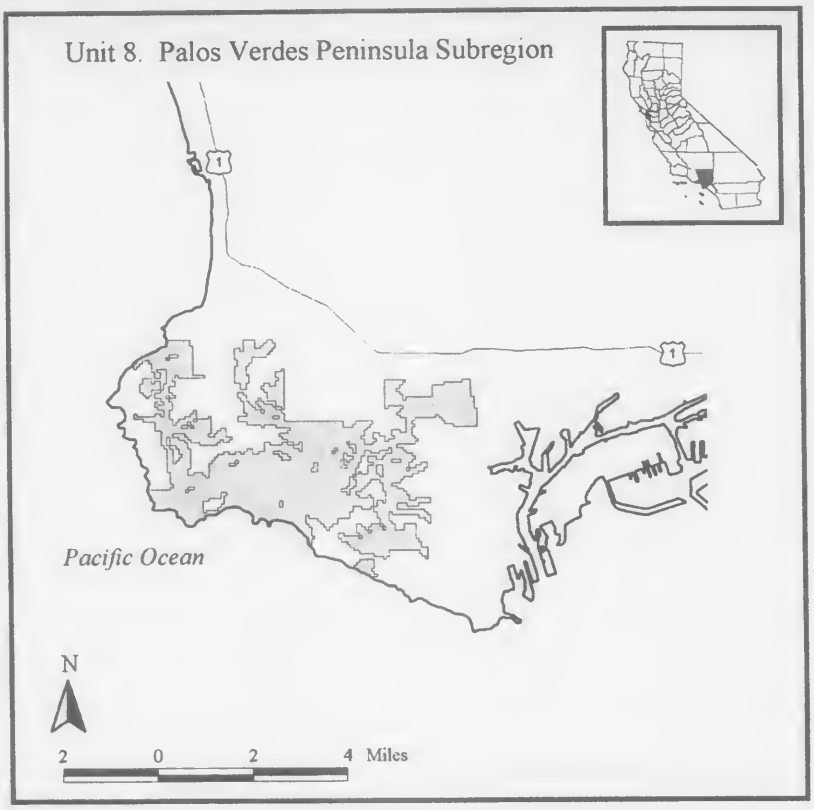


Map Unit 7: Central/Coastal Natural Communities Conservation Plan (NCCP) Subregions of Orange County, Orange County, California. From USGS 1:100,000 quadrangle maps Santa Ana (1985) and Oceanside (1984), California, land defined by the boundary of the designated reserve within Marine Corps Air Station El Toro and selected Existing Land Use areas within the NCCP for the Central/Coastal Subregions.



Map Unit 8: Palos Verdes Peninsula Subregion, Los Angeles County, California. From USGS 1:100,000 quadrangle map Long Beach, California (1981), land within the Los Palos Verdes Land Grant bounded by the following UTM NAD27 coordinates (E, N): 377000, 3733600; 377000, 3733800; 376900, 3733800; 376900, 3734000; 376800, 3734000; 376800, 3734200; 376700, 3734200; 376700, 3734100; 376400, 3734100; 376400, 3734200; 376100, 3734200; 376100, 3734000; 376000, 3734000; 376000, 3733800; 375600, 3733800; 375600, 3733600; 375400, 3733600; 375400, 3733500; 375300, 3733500; 375300, 3733400; 375200, 3733400; 375200, 3733500; 375100, 3733500; 375100, 3733600; 375000, 3733600; 375000, 3733700; 374900, 3733700; 374900, 3733800; 374600, 3733800; 374600, 3733900; 374500, 3733900; 374500, 3733600; 374600, 3733600; 374600, 3733500; 374700, 3733500; 374700, 3733200; 374800, 3733200; 374800, 3733100; 374700, 3733100; 374700, 3732900; 374500, 3732900; 374500, 3733100; 374400, 3733100; 374400, 3733200; 374300, 3733200; 374300, 3733300; 374200, 3733300; 374200, 3733400; 374100, 3733400; 374100, 3733500; 374000, 3733500; 374000, 3733600; 373700, 3733600; 373700, 3733700; 373400, 3733700; 373400, 3733600; 373300, 3733600; 373300, 3733500; 373100, 3733500; 373100, 3733700; 372900, 3733700; 372900, 3733600; 372600, 3733600; 372600, 3733900; 372500, 3733900; 372500, 3734000; 372300, 3734000; 372300, 3734100; 372100, 3734100; 372100, 3734200; 372000, 3734200; 372000, 3734100; 371700, 3734100; 371700, 3734000; 371600, 3734000; 371600, 3733900; 371100, 3733900; 371100, 3733700; 370800, 3733700; 370800, 3733600; 370700, 3733600; 370700, 3733500; 370400, 3733500; 370400, 3733600; 370300, 3733600; 370300, 3733800; 370100, 3733800; 370100, 3734000; 369900, 3734000; 369900, 3734100; 369300, 3734100; 369300, 3734400; 369200, 3734400; 369200, 3734600; 369100, 3734600; 369100, 3734800; 369900, 3734800; 369900, 3734900; 370000, 3734900; 370000, 3735000; 369900, 3735000; 369900, 3735400; 369800, 3735400; 369800, 3736200; 369700, 3736200; 369700, 3736300; 369600, 3736300; 369600, 3736800; 369400, 3736800; 369400, 3737100; 369000, 3737100; 369000, 3737200; 368700, 3737200; 368700, 3737400; 368800, 3737400; 368800, 3737300; 369400, 3737300; 369400, 3737400; 369600, 3737400; 369600, 3737300; 369700, 3737300; 369700, 3737500; 369500, 3737500; 369500, 3737600; 369400, 3737600; 369400, 3737800; 369500, 3737800; 369500, 3737700; 369700, 3737700; 369700, 3737800; 369600, 3737800; 369600, 3737900; 369400, 3737900; 369400, 3738100; 369600, 3738100; 369600, 3738200; 369700, 3738200; 369700, 3738400; 369800, 3738400; 369800, 3738900; 369500, 3738900; 369500, 3738800; 369600, 3738800; 369600, 3738600; 369400, 3738600; 369400, 3738800; 369300, 3738800; 369300, 3739100; 369200, 3739200; 369000, 3739200; 369000, 3739100; 368900, 3739100; 368900, 3739000; 368800, 3739000; 368800, 3738900; 368700, 3738900; 368700, 3739100; 368800, 3739300; 368900, 3739300; 368900, 3739400; 369100, 3739400; 369100, 3739500; 369300, 3739500; 369300, 3739600; 369500, 3739600; 369500, 3739700; 369700, 3739700; 369700, 3739800; 369800, 3739800; 369800, 3739900; 370600, 3739900; 370600, 3739700; 370700, 3739700; 370700, 3738700; 371100, 3738700; 371100, 3738600; 370200, 3738600; 370200, 3738700; 370100, 3738700; 370100, 3738600; 370000, 3738600; 370000, 3738500; 370100, 3738500; 370100, 3738300; 369900, 3738300; 369900, 3738100; 370000, 3738100; 370000, 3738000; 370100, 3738000; 370100, 3737900; 369900, 3737900; 369900, 3737800; 370000, 3737800; 370000, 3737500; 369900, 3737500; 369900, 3737200; 370000, 3737200; 370000, 3737000; 370100, 3737000; 370100, 3737100; 370200, 3737100; 370200, 3737200; 370400, 3737200; 370400, 3737300; 370600, 3737300; 370600, 3737400; 370700, 3737400; 370700, 3737500; 370800, 3737500; 370800, 3737200; 371200, 3737200; 371200, 3737300; 371300, 3737300; 371300, 3736700; 371200, 3736700; 371200, 3736600; 371400, 3736600; 371400, 3736700; 371500, 3736700; 371500, 3736800; 371600, 3736800; 371600, 3736900; 371800, 3736900; 371800, 3736600; 372000, 3736600; 372000, 3736500; 371900, 3736500; 371900, 3736400; 371700, 3736400; 371700, 3736500; 371600, 3736500; 371600, 3736400; 371500, 3736400; 371500, 3736300; 370900, 3736300; 370900, 3736400; 370600, 3736400; 370600, 3736500; 370500, 3736500; 370500, 3736600; 370400, 3736600; 370400, 3736700; 370000, 3736700; 370000, 3736600; 370200, 3736600; 370200, 3736500; 370400, 3736500; 370400, 3736400; 370500, 3736400; 370500, 3736200; 370600, 3736200; 370600, 3735500; 370500, 3735500; 370500, 3735300; 370700, 3735300; 370700, 3735400; 371000, 3735400; 371000, 3735300; 371100, 3735300; 371100, 3735200; 371200,

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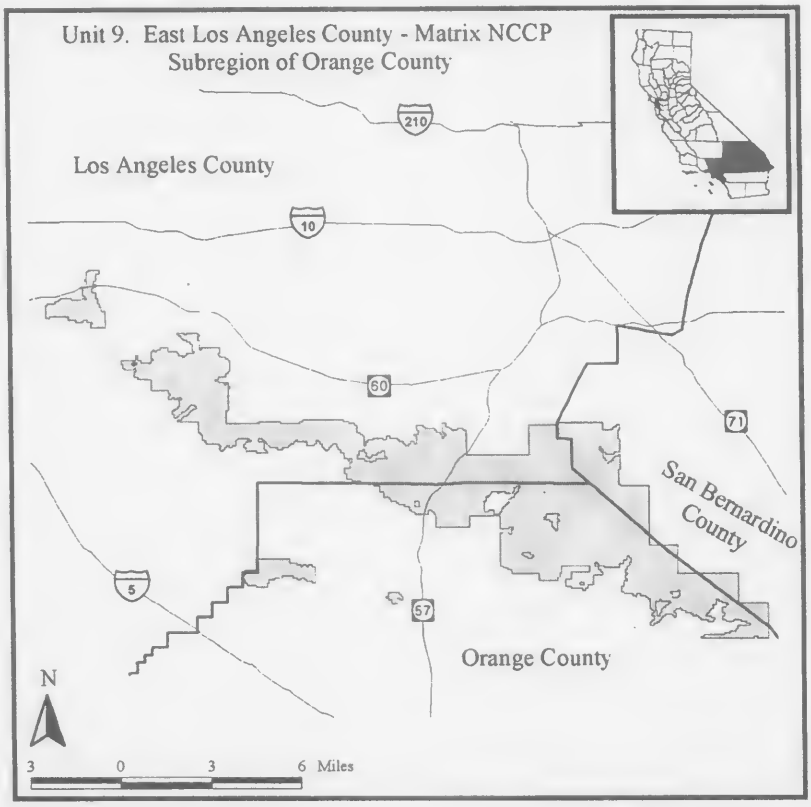
Land bounded by the following UTM NAD27 coordinates (E, N): 372400, 3739900; 372800, 3739900; 372800, 3739600; 373000, 3739600; 373000, 3739700; 373100, 3739700; 373100, 3739800; 373200, 3739800; 373200, 3739900; 373400, 3739900; 373400, 3739800; 373500, 3739800; 373500, 3739600; 373400, 3739600; 373400, 3739500; 373300, 3739500; 373300, 3739400; 373200, 3739400; 373200, 3739300; 372700, 3739300; 372700, 3739100; 372600, 3739100; 372600, 3739000; 372500, 3739000; 372500, 3738700; 372600, 3738700; 372600, 3738400; 372500, 3738400; 372500, 3738200; 372300, 3738200; 372300, 3738400; 372100, 3738400; 372100, 3739000; 372200, 3739000; 372200, 3739200; 372100, 3739200; 372100, 3739600; 372300, 3739600; 372300, 3739500; 372400, 3739500; 372400, 3739900.

Land bounded by the following UTM NAD27 coordinates (E, N): 373700, 3738900; 373800, 3738900; 373800, 3737500; 373700, 3737500; 373700, 3737600; 373500, 3737600; 373500, 3737800; 373200, 3737800; 373200, 3738100; 373100, 3738100; 373100, 3738200; 373000, 3738200; 373000, 3738300; 373100, 3738300; 373100, 3738400; 373300, 3738400; 373300, 3738300; 373500, 3738300; 373500, 3738500; 373600, 3738500; 373600, 3738600; 373500, 3738600; 373500, 3738800; 373700, 3738800; 373700, 3738900.

Land bounded by the following UTM NAD27 coordinates (E, N): 369000, 3738600; 369300, 3738600; 369300, 3738400; 369400, 3738400; 369400, 3738500; 369600, 3738500; 369600, 3738200; 369300, 3738200; 369300, 3738000; 369200, 3738000; 369200, 3737900; 369100, 3737900; 369100, 3738000; 369000, 3738000; 369000, 3738100; 368900, 3738100; 368900, 3738400; 369000, 3738400; 369000, 3738600.

Land bounded by the following UTM NAD27 coordinates (E, N): 376300, 3732400; 376800, 3732400; 376800, 3732100; 376700, 3732100; 376700, 3732000; 376800, 3732000; 376800, 3731900; 376900, 3731900; 376900, 3731800; 376500, 3731800; 376500, 3731900; 376300, 3731900; 376300, 3732000; 376100, 3732000; 376100, 3732200; 376200, 3732200; 376200, 3732300; 376300, 3732300; 376300, 3732400.



Map Unit 9: East Los Angeles County—Matrix NCCP Subregion of Orange County, Los Angeles, Orange and Riverside Counties, California. From USGS 1:100,000 quadrangle maps Long Beach (1981), Los Angeles (1983) and Santa Ana (1985), California, land bounded by the following UTM NAD27 coordinates (E, N): 400700, 3766400; 400700, 3766500; 400600, 3766500; 400600, 3766900; 400500, 3766900; 400500, 3767000; 400800, 3767000; 400800, 3767300; 400700, 3767300; 400700, 3767400; 400800, 3767400; 400800, 3767800; 400900, 3767800; 400900, 3767900; 401500, 3767900; 401500, 3767700; 401300, 3767700; 401300, 3767300; 401200, 3767300; 401200, 3767100; 401300, 3767100; 401300, 3767000; 401200, 3767000; 401200, 3766900; 401100, 3766900; 401100, 3766700; 401300,

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Land bounded by the following UTM NAD27 coordinates (E, N): 409700, 3752300; 411500, 3752300; 411500, 3752100; 411900, 3752100; 411900, 3752000; 412100, 3752000; 412100, 3751900; 412200, 3751900; 412200, 3752000; 412400, 3752000; 412400, 3751900; 412500, 3751900; 412500, 3752000; 412700, 3752000; 412700, 3751900; 412900, 3751900; 412900, 3751000; 412700, 3751000; 412700, 3751100; 412400, 3751100; 412400, 3751200; 412300, 3751200; 412300, 3751300; 412100, 3751300; 412100, 3751200; 411900, 3751200; 411900, 3751300; 411700, 3751300; 411700, 3751400; 411100, 3751400; 411100, 3751300; 410700, 3751300; 410700, 3751200; 410400, 3751200; 410400, 3751000; 410300, 3751000; 410300, 3750800; 409700, 3750800; 409700, 3750900; 409200, 3750900; 409200, 3751000; 409100, 3751000; 409100, 3751200; 409000, 3751200; 409000, 3751500; 409100, 3751500; 409100, 3751700; 409700, 3751700; 409700, 3752300.

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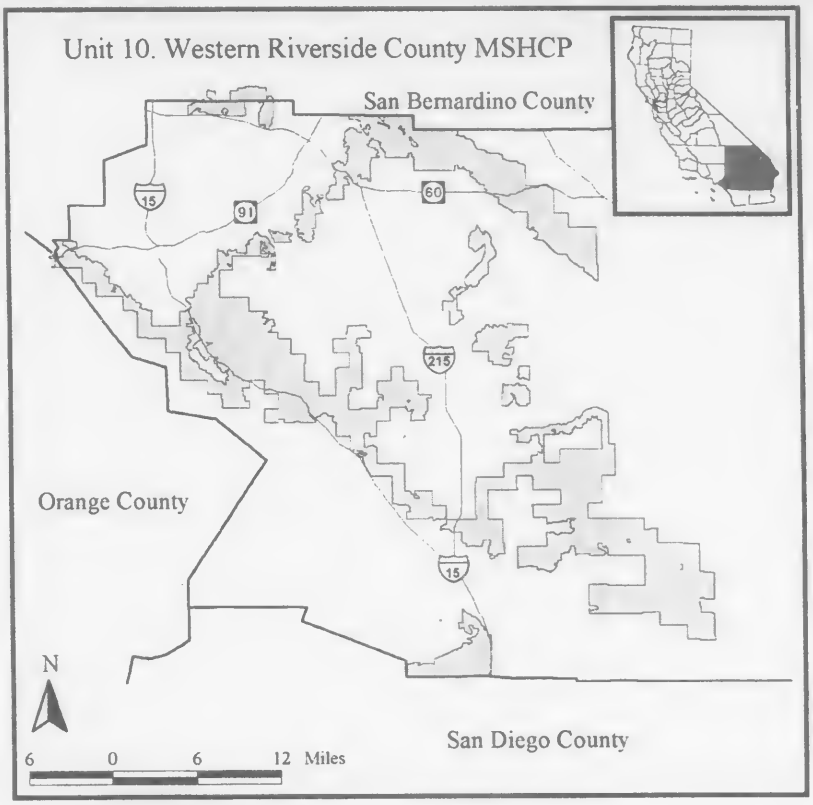

Map Unit 10: Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), Riverside County, California. From USGS 1:100,000 quadrangle maps Santa Ana (1985) and San Bernardino (1982), California, beginning at the Riverside/San Bernardino County line at UTM NAD27 x coordinate 484300; land bounded by the following UTM NAD27 coordinates (E, N): 484300, 3762200; 484400, 3762200; 484400, 3762000; 484300, 3762000; 484300, 3761900; 484200, 3761900; 484200, 3761800; 484600, 3761800; 484600, 3761700; 484900, 3761700; 484900, 3761800; 485100, 3761800; 485100, 3761600; 485200, 3761600; 485200, 3761500; 485300, 3761500; 485300, 3761400; 485800, 3761400; 485800, 3761300; 485900, 3761300; 485900, 3761200; 486000, 3761200; 486000, 3761100; 486100, 3761100; 486100, 3761000; 486200, 3761000; 486200, 3760800; 486300, 3760800; 486300, 3760600; 486400, 3760600; 486400, 3760400; 486500, 3760400; 486500, 3760200; 487000, 3760200; 487000, 3760100; 487400, 3760100; 487400, 3760000; 487600, 3760000; 487600, 3759900; 487700, 3759900; 487700, 3759800; 488000, 3759800; 488000, 3759700; 489100, 3759700; 489100, 3759600; 489400, 3759600; 489400, 3759400; 489500, 3759400; 489500, 3759100; 489600, 3759100; 489600. 3759000; 489800, 3759000; 489800, 3758900; 490200, 3758900; 490200, 3758800; 491200, 3758800; 491200, 3758600; 491400, 3758600; 491400, 3758500; 491900, 3758500; 491900, 3758400; 492100, 3758400; 492100, 3757800; 492000, 3757800; 492000, 3757600; 492100, 3757600; 492100, 3756000; 494600, 3756000; 494600, 3755900; 494700, 3755900; 494700, 3755800; 494900, 3755800; 494900, 3755700; 495100, 3755700; 495100, 3755600; 495200, 3755600; 495200, 3755500; 495300, 3755500; 495300, 3752800; 496900, 3752800; 496900, 3751200; 500000, 3751200; 500000, 3751100; 500100, 3751100; 500100, 3746800; 500200, 3746800; 500200, 3744900; 500000, 3744900; 500000, 3745000; 499800, 3745000; 499800, 3745100; 499700, 3745100; 499700, 3745200; 499600, 3745200; 499600, 3745300; 499500, 3745300; 499500, 3745400; 499400, 3745400; 499400, 3745500; 499200, 3745500; 499200, 3745600; 499100, 3745600; 499100, 3745700; 499000, 3745700; 499000, 3745800; 498900, 3745800; 498900, 3745900; 498700, 3745900; 498700, 3746000; 498600, 3746000; 498600, 3746500; 498000, 3746500; 498000, 3746600; 497900, 3746600; 497900, 3746700; 497800, 3746700; 497800, 3746800; 497600, 3746800; 497600, 3746900; 497500, 3746900; 497500, 3747000; 497400, 3747000; 497400, 3747100; 497300, 3747100; 497300, 3747200; 497100, 3747200; 497100, 3747300; 497000, 3747300; 497000, 3747400; 496900, 3747400; 496900, 3747600; 496800, 3747600; 496800, 3747700; 496700, 3747700; 496700, 3747900; 496600, 3747900; 496600, 3748000; 495500, 3748000; 495500, 3748100; 495400, 3748100; 495400, 3748200; 495300, 3748200; 495300, 3748300; 495200, 3748300; 495200, 3748400; 495100, 3748400; 495100, 3748500; 495000, 3748500; 495000, 3748600; 494900, 3748600; 494900, 3748700; 494800, 3748700; 494800, 3748800; 494700, 3748800; 494700, 3748900; 494600, 3748900; 494600, 3749000; 494500, 3749000; 494500, 3749100; 494400, 3749100; 494400, 3749200; 494300, 3749200; 494300, 3749300; 494200, 3749300; 494200, 3749400; 494100, 3749400; 494100, 3749500; 494000, 3749500; 494000, 3749600; 493500, 3749600; 493500, 3749700; 493100, 3749700; 493100, 3749800; 492900, 3749800; 492900, 3749900; 493100, 3749900; 493100, 3750000; 493300, 3750000; 493300, 3750200; 493400, 3750200; 493400, 3750500; 493300, 3750500; 493300, 3750600; 493100, 3750600; 493100, 3750700; 493000, 3750700; 493000, 3750800; 492800, 3750800; 492800, 3750900; 492900, 3750900; 492900, 3751200; 492800, 3751200; 492800, 3751100; 492700, 3751100; 492700, 3750900; 492600, 3750900; 492600, 3750800; 492400, 3750800; 492400, 3750900; 492300, 3750900; 492300, 3751000; 492200, 3751000; 492200, 3751100; 492100, 3751100; 492100, 3751200; 492200, 3751200; 492200, 3752900; 490800, 3752900; 490800, 3752800; 490600, 3752800; 490600, 3752900; 490500, 3752900; 490500, 3753000; 490400, 3753000; 490400, 3753100; 490200, 3753100; 490200, 3753200; 490100, 3753200; 490100, 3753300; 489900, 3753300; 489900, 3753400; 489700, 3753400; 489700, 3753500; 489500, 3753500; 489500, 3753600; 489400, 3753600; 489400, 3753700; 489200, 3753700; 489200, 3753800; 489000, 3753800; 489000, 3753900; 488900, 3753900; 488900, 3754600; 488600, 3754600; 488600, 3754700; 488400, 3754700; 488400, 3754800; 488300, 3754800; 488300, 3755000; 488200, 3755000; 488200, 3754900; 488000, 3754900; 488000, 3755000; 487800, 3755000; 487800, 3755100; 487500, 3755100; 487500, 3755200; 487400, 3755200; 487400, 3755300; 487500, 3755300; 487500, 3755400; 487600, 3755400; 487600, 3755500; 487500, 3755500; 487500, 3755600; 487300, 3755600;

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Land bounded by the following UTM NAD27 coordinates (E, N): 459900, 3767500; 461400, 3767500; 461400, 3767400; 462300, 3767400; 462300, 3766100; 462400, 3766100; 462400, 3766300; 462500, 3766300; 462500, 3766400; 462900, 3766400; 462900, 3766300; 463000, 3766300; 463000, 3766200; 463100, 3766200; 463100, 3763900; 463000, 3763900; 463000, 3763700; 462900, 3763700; 462900, 3763100; 462800, 3763100; 462800, 3763000; 462700, 3763000; 462700, 3762900; 462600, 3762900; 462600, 3762600; 462500, 3762600; 462500, 3762500; 462300, 3762500; 462300, 3762600; 462100, 3762600; 462100, 3762700; 462000, 3762700; 462000, 3762800; 462100, 3762800; 462100, 3762900; 462200, 3762900; 462200, 3763000; 462100, 3763000; 462100, 3763100; 462000, 3763100; 462000, 3763000; 461800, 3763000; 461800, 3763100; 461700, 3763100; 461700, 3762900; 461600, 3762900; 461600, 3763000; 461500, 3763000; 461500, 3763100; 461400, 3763100; 461400, 3764600; 461600, 3764600; 461600, 3765000; 461700, 3765000; 461700, 3765100; 461800, 3765100; 461800, 3765300; 461900, 3765300; 461900, 3765500; 462000, 3765500; 462000, 3765600; 461900, 3765600; 461900, 3765700; 461700, 3765700; 461700, 3765800; 461600, 3765800; 461600, 3765600; 461500, 3765600; 461500, 3765900; 459800, 3765900; 459800, 3765000; 459900, 3765000; 459900, 3764200; 459800, 3764200; 459800, 3764100; 457500, 3764100; 457500, 3764200; 457600, 3764200; 457600, 3764300; 457700, 3764300; 457700, 3764400; 457600, 3764400; 457600, 3764500; 457700, 3764500; 457700, 3764600; 457900, 3764600; 457900, 3764800; 457800, 3764800; 457800, 3764900; 457500, 3764900; 457500, 3765000; 457400, 3765000; 457400, 3764900; 457300, 3764900; 457300, 3764700; 457200, 3764700; 457200, 3764600; 457100, 3764600; 457100, 3764500; 457300, 3764500; 457300, 3764400; 457400, 3764400; 457400, 3764200; 456100, 3764200; 456100, 3764300; 455600, 3764300; 455600, 3764400; 455400, 3764400; 455400, 3764500; 455200, 3764500; 455200, 3764600; 454900, 3764600; 454900, 3764500; 454600, 3764500; 454600, 3764600; 454500, 3764600; 454500, 3764800; 454700, 3764800; 454700, 3765000; 454300, 3765000; 454300, 3764800; 454100, 3764800; 454100, 3764700; 454000, 3764700; 454000, 3764600; 453900, 3764600; 453900, 3764500; 453800, 3764500; 453800, 3764400; 453600, 3764400; 453600, 3764300; 453300, 3764300; 453300, 3765300; 453400, 3765300; 453400, 3765400; 453700, 3765400; 453700, 3765500; 453800, 3765500; 453800, 3765600; 454100, 3765600; 454100, 3765700; 455000, 3765700; 455000, 3766000; 455200, 3766000; 455200, 3765900; 455400, 3765900; 455400, 3765800; 455900, 3765800; 455900, 3765900; 456000, 3765900; 456000, 3766100; 455800, 3766100; 455800, 3766200; 455600, 3766200; 455600, 3766300; 455500, 3766300; 455500, 3766900; 455600, 3766900; 455600, 3767100; 455800, 3767100; 455800, 3767000;

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Land bounded by the following UTM NAD27 coordinates (E, N): 466600, 3756000; 467000, 3756000; 467000, 3755900; 467100, 3755900; 467100, 3755700; 467000, 3755700; 467000, 3755500; 466600, 3755500; 466600, 3755300; 466500, 3755300; 466500, 3755200; 466900, 3755200; 466900, 3755100; 467000, 3755100; 467000, 3755000; 467200, 3755000; 467200, 3754700; 467500, 3754700; 467500, 3754500; 467400, 3754500; 467400, 3754400; 467200, 3754400; 467200, 3754000; 467300, 3754000; 467300, 3753900; 467500, 3753900; 467500, 3753700; 467600, 3753700; 467600, 3753600; 467800, 3753600; 467800, 3754200; 467900, 3754200; 467900, 3754400; 468100, 3754400; 468100, 3754300; 468200, 3754300; 468200, 3754200; 468300, 3754200; 468300, 3753300; 468400, 3753300; 468400, 3753000; 468500, 3753000; 468500, 3752900; 468600, 3752900; 468600, 3752800; 467800, 3752800; 467800, 3751100; 467500, 3751100; 467500, 3750700; 467600, 3750700; 467600, 3750300; 467400, 3750300; 467400, 3750100; 467500, 3750100; 467500, 3749800; 467300, 3749800; 467300, 3749600; 467200, 3749600; 467200, 3749500; 466600, 3749500; 466600, 3749700; 466500, 3749700; 466500, 3749800; 466400, 3749800; 466400, 3749700; 466200, 3749700; 466200, 3750000; 466100, 3750000; 466100, 3750100; 465900, 3750100; 465900, 3750000; 465800, 3750000; 465800, 3750100; 465700, 3750100; 465700, 3750400; 465800, 3750400; 465800, 3750500; 465700, 3750500; 465700, 3750700; 465600, 3750700; 465600, 3750900; 465800, 3750900; 465800, 3751000; 465700, 3751000; 465700, 3751100; 465400, 3751100; 465400, 3751500; 465600, 3751500; 465600, 3752000; 465800, 3752000; 465800, 3752100; 465400, 3752100; 465400, 3752700; 466300, 3752700; 466300, 3753200; 466400, 3753200; 466400, 3753300; 466300, 3753300; 466300, 3755600; 466400, 3755600; 466400, 3755800; 466600, 3755800; 466600, 3756000; excluding land bounded by 466000, 3750600; 466000, 3750500; 466100, 3750500; 466100, 3750400; 466400, 3750400; 466400, 3750500; 466200, 3750500; 466200, 3750600; 466000, 3750600.

Land bounded by the following UTM NAD27 coordinates (E, N): 467900, 3755000; 468300, 3755000; 468300, 3754900; 468700, 3754900; 468700, 3754700; 468600, 3754700; 468600, 3754600; 468500, 3754600; 468500, 3754500; 468200, 3754500; 468200, 3754700; 468000, 3754700; 468000, 3754800; 467900, 3754800; 467900, 3755000.

Land bounded by the following UTM NAD27 coordinates (E, N): 486400, 3751400; 486500, 3751400; 486500, 3751200; 486600, 3751200; 486600, 3751100; 486700, 3751100; 486700, 3750900; 486800, 3750900; 486800, 3750700; 486900, 3750700; 486900, 3750600; 487000, 3750600; 487000, 3750400; 487100, 3750400; 487100, 3750300; 487200, 3750300; 487200, 3750700; 487400, 3750700; 487400, 3750600; 487600, 3750600; 487600, 3750500; 487700, 3750500; 487700, 3750400; 487800, 3750400; 487800, 3750300; 487900, 3750300; 487900, 3750100; 488000, 3750100; 488000, 3749900; 488100, 3749900; 488100, 3749600; 488000, 3749600; 488000, 3749300; 488100, 3749300; 488100, 3749100; 488200, 3749100; 488200, 3748900; 488300, 3748900; 488300, 3748700; 488400, 3748700; 488400, 3748500; 488500, 3748500; 488500, 3748100; 488600, 3748100; 488600, 3748000; 488500, 3748000; 488500, 3747800; 488400, 3747800; 488400, 3747700; 488300, 3747700; 488300, 3747600; 488200, 3747600; 488200, 3747500; 488000, 3747500; 488000, 3747400; 487900, 3747400; 487900, 3747300; 487800, 3747300; 487800, 3747200; 487700, 3747200; 487700, 3745900; 487600, 3745900; 487600, 3745800; 487500, 3745800; 487500, 3745700; 487400, 3745700; 487400, 3745600; 487200, 3745600; 487200, 3745500; 487100, 3745500; 487100, 3745400; 487000, 3745400; 487000, 3745300; 486900, 3745300; 486900, 3745200; 486800, 3745200; 486800, 3745100; 486700, 3745100; 486700, 3745000; 486600, 3745000; 486600, 3744700; 486500, 3744700; 486500, 3744600; 486400, 3744500; 486300, 3744500; 486300, 3744300; 485900, 3744300; 485900, 3744200; 485700, 3744200; 485700, 3744200; 485700, 3744500; 485500, 3744500; 485500, 3744400; 485400, 3744400; 485400, 3744300; 485200, 3744300; 485200, 3744400; 485100, 3744400; 485100, 3744500; 485000, 3744500; 485000, 3744600; 484900, 3744600; 484900, 3745300; 485000, 3745300; 485000, 3745400; 485100, 3745400; 485100, 3745500; 485200, 3745500; 485200, 3745700; 485300, 3745700; 485300, 3745800; 485400, 3745800; 485400, 3745900; 485500, 3745900; 485500, 3746000; 485600, 3746000; 485600, 3746100; 485700, 3746100; 485700, 3746200; 485900, 3746200; 485900, 3746300; 486000, 3746300; 486000, 3746500; 486100, 3746500; 486100, 3746700; 486300, 3746700; 486300, 3746800; 486400, 3746800; 486400, 3746900; 486500, 3746900; 486500, 3747000; 486600, 3747000; 486600, 3747100; 486800, 3747200; 486900, 3747200; 486900, 3747500; 487000, 3747500; 487000, 3747700; 487100, 3747700; 487100, 3748000; 487200, 3748000; 487200, 3748400; 487300, 3748400; 487300, 3749200; 487200, 3749100; 487100, 3749100; 487100, 3749000; 487000, 3749000; 487000, 3748900; 486900, 3748900; 486900, 3748800; 486900, 3748800; 486700, 3748800; 486700, 3748700; 486600, 3748700; 486600, 3748600; 486600, 3748600; 486500, 3748600; 486500, 3748500; 486400, 3748400; 486200, 3748400; 486200, 3748300; 486000, 3748300; 486000, 3748500; 485900, 3748500; 485900, 3748600; 485800, 3748600; 485800, 3748800; 485500, 3748800; 485500, 3748900; 485400, 3748900; 485400, 3749500; 485500, 3749500; 485500, 3750000; 485400, 3750000; 485400, 3750200; 485600, 3750200; 485600, 3750500; 485700, 3750500; 485700, 3750600; 485800, 3750600; 485800, 3750700; 486000, 3750700; 486000, 3750800; 486200, 3750800; 486200, 3750900; 486300, 3750900; 486300, 3751200; 486400, 3751200; 486400, 3751400.

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Land bounded by the following UTM NAD27 coordinates (E, N): 462600, 3747100; 462900, 3747100; 462900, 3747000; 462800, 3747000; 462800, 3746800; 463100, 3746800; 463100, 3746300; 462100, 3746300; 462100, 3746500; 462500, 3746500; 462500, 3746800; 462600, 3746800; 462600, 3747100.

Land bounded by the following UTM NAD27 coordinates (E, N): 483800, 3744300; 483900, 3744300; 483900, 3744200; 484000, 3744200; 484000, 3744000; 484200, 3744000; 484200, 3744100; 484300, 3744100; 484300, 3744300; 484500, 3744300; 484500, 3744200; 484900, 3744200; 484900, 3744100; 485000, 3744100; 485000, 3744200; 485300, 3744200; 485300, 3744100; 485200, 3744100; 485200, 3744000; 485000, 3744000; 485000, 3743900; 484900, 3743900; 484900, 3743800; 484700, 3743800; 484700, 3743700; 484500, 3743700; 484500, 3743600; 484400, 3743600; 484400, 3743400; 484000, 3743400; 484000, 3741600; 484500, 3741600; 484500, 3741000; 484600, 3741000; 484600, 3740900; 484700, 3740900; 484700, 3740700; 484600, 3740700; 484600, 3740500; 484300, 3740500; 484300, 3740400; 484200, 3740400; 484200, 3740300; 484100, 3740300; 484100, 3740200; 484000, 3740200; 484000, 3740100; 483900, 3740100; 483900, 3740000; 483700, 3740000; 483700, 3739900; 483100, 3739900; 483100, 3741500; 482300, 3741500; 482300, 3742700; 482800, 3742700; 482800, 3742600; 483500, 3742600; 483500, 3742800; 483700, 3742800; 483700, 3742900; 483600, 3742900; 483600, 3743000; 483500, 3743000; 483500, 3743100; 483400, 3743100; 483400, 3743300; 483300, 3743300; 483300, 3743400; 483200, 3743400; 483200, 3743500; 483100, 3743500; 483100, 3743800; 483200, 3743800; 483200, 3743900; 483300, 3743900; 483300, 3744000; 483500, 3744000; 483500, 3744100; 483600, 3744100; 483600, 3744200; 483800, 3744200; 483800, 3744300.

Land bounded by the following UTM NAD27 coordinates (E, N): 486100, 3738000; 486100, 3738500; 486000, 3738500; 486000, 3738800; 486100, 3738800; 486100, 3739000; 486300, 3739000; 486300, 3739100; 486500, 3739100; 486500, 3739000; 486600, 3739000; 486600, 3739100; 486800, 3739100; 486800, 3739400; 487100, 3739400; 487100, 3739700; 487200, 3739700; 487200, 3739900; 487600, 3739900; 487600, 3739700; 487700, 3739700; 487700, 3739600; 488000, 3739600; 488000, 3739500; 488100, 3739500; 488100, 3739900; 488300, 3739900; 488300, 3739800; 488400, 3739800; 488400, 3739700; 488500, 3739700; 488500, 3739600; 488700, 3739600; 488700, 3739700; 488800, 3739700; 488800, 3739800; 489300, 3739800; 489300, 3739600; 489600, 3739600; 489600, 3739500; 489700, 3739500; 489700, 3740000; 490400, 3740000; 490400, 3739900; 492100, 3739900; 492100, 3738400; 490500, 3738400; 490500, 3738200; 490400, 3738200; 490400, 3738100; 490300, 3738100; 490300, 3738000; 489800, 3738000; 489800, 3737500; 489700, 3737500; 489700, 3737400; 489600, 3737400; 489600, 3737200; 489500, 3737200; 489500, 3737100; 489900, 3737100; 489900, 3737200; 490000, 3737200; 490000, 3737300; 490500, 3737300; 490500, 3736700; 490400, 3736700; 490400, 3736600; 490300, 3736600; 490300, 3736400; 490200, 3736400; 490200, 3736300; 489900, 3736300; 489900, 3736400; 489700, 3736400; 489700, 3736500; 489500, 3736500; 489500, 3736600; 489300, 3736600; 489300, 3736400; 489200, 3736400; 489200, 3736000; 489300, 3736000; 489300, 3735900; 490200, 3735900; 490200, 3735700; 490100, 3735700; 490100, 3735600; 490000,

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Land bounded by the following UTM NAD27 coordinates (E, N): 491000, 3735100; 492200, 3735100; 492200, 3733400; 492000, 3733400; 492000, 3733500; 491800, 3733500; 491800, 3733600; 491500, 3733600; 491500, 3733700; 491300, 3733700; 491300, 3733600; 490900, 3733600; 490900, 3733700; 490800, 3733700; 490800, 3733900; 490900, 3733900; 490900, 3734000; 491000, 3734000; 491000, 3734100; 490900, 3734100; 490900, 3734800; 491000, 3734800; 491000, 3735100.

Land bounded by the following UTM NAD27 coordinates (E, N): 490700, 3733100; 491000, 3733100; 491000, 3732800; 491300, 3732800; 491300, 3732900; 491500, 3732900; 491500, 3732800; 491800, 3732800; 491800, 3732500; 492000, 3732500; 492000, 3732200; 492200, 3732200; 492200, 3730700; 491900, 3730700; 491900, 3730400; 490900, 3730400; 490900, 3730600; 490700, 3730600; 490700, 3730700; 490600, 3730700; 490600, 3731400; 490500, 3731400; 490500, 3731600; 490400, 3731600; 490400, 3731700; 490300, 3731700; 490300, 3731900; 490000, 3731900; 490000, 3731800; 490100, 3731800; 490100, 3731700; 490200, 3731700; 490200, 3731600; 490300, 3731600; 490300, 3731400; 490400, 3731400; 490400, 3731200; 490300, 3731200; 490300, 3731000; 490200, 3731000; 490200, 3730900; 490100, 3730900; 490100, 3730800; 490000, 3730800; 490000, 3730700; 489800, 3730700; 489800, 3730500; 489700, 3730500; 489700, 3730400; 489000, 3730400; 489000, 3732000; 489100, 3732000; 489100, 3733000; 489300, 3733000; 489300, 3732800; 489500, 3732800; 489500, 3732900; 489600, 3732900; 489600, 3732800; 489700, 3732800; 489700, 3732900; 490300, 3732900; 490300, 3732800; 490500, 3732800; 490500, 3732900; 490600, 3732900; 490600, 3733000; 490700, 3733000; 490700, 3733100.

Land bounded by the following UTM NAD27 coordinates (E, N): 497100, 3717300; 496900, 3717300; 496900, 3717400; 496700, 3717400; 496700, 3717300; 496300, 3717300; 496300, 3717000; 496000, 3717000; 496000, 3717100; 495800, 3717100; 495800, 3717000; 495400, 3717000; 495400, 3716900; 494600, 3716900; 494600, 3716800; 494300, 3716800; 494300, 3716900; 494200, 3716900; 494200, 3716800; 494100, 3716800; 494100, 3716700; 494000, 3716700; 494000, 3717500; 492400, 3717500; 492400, 3718800; 492300, 3718800; 492300, 3719000; 495600, 3719000; 495600, 3720700; 492400, 3720700; 492400, 3722200; 492300, 3722200; 492300, 3722300; 490600, 3722300; 490600, 3720900; 490700, 3720900; 490700, 3720700; 487300, 3720700; 487300, 3717300; 489000, 3717300; 489000, 3714600; 489100, 3714600; 489100, 3714100; 489200, 3714100; 489200, 3713300; 488300, 3713300; 488300, 3713000; 488000, 3713000; 488000, 3712800; 487800, 3712800; 487800, 3712700; 487400, 3712700; 487400, 3713100; 487700, 3713100; 487700, 3713300; 487200, 3713300; 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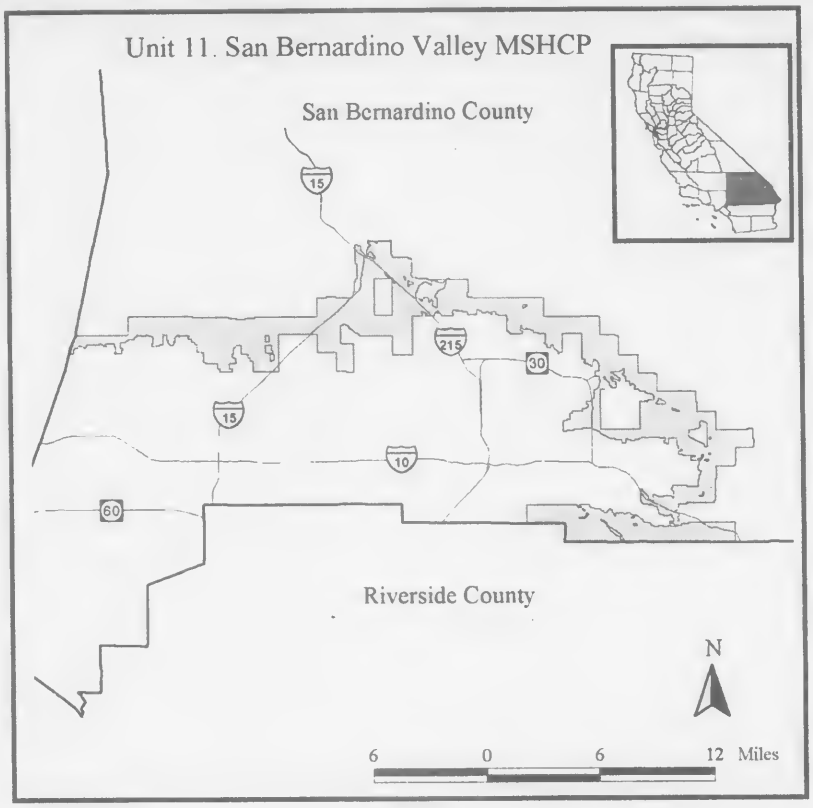
Land bounded by the following UTM NAD27 coordinates (E, N): 484200, 3706900; 484300, 3706900; 484300, 3706800; 484400, 3706800; 484400, 3706700; 484500, 3706700; 484500, 3706600; 484600, 3706600; 484600, 3706500; 484700, 3706500; 484700, 3706400; 484900, 3706400; 484900, 3706300; 485100, 3706300; 485100, 3706200; 485200, 3706200; 485200, 3706100; 485300, 3706100; 485300, 3706000; 485700, 3706000; 485700, 3705900; 485800, 3705900; 485800, 3705800; 485900, 3705800; 485900, 3705700; 486000, 3705700; 486000, 3705600; 486100, 3705600; 486100, 3705500; 486200, 3705500; 486200, 3705400; 486300, 3705400; 486300, 3705200; 486400, 3705200; 486400, 3704900; 486600, 3704800; 486700, 3704800; 486700, 3704400; 486800, 3704400; 486800, 3704500; 486900, 3704500; 486900, 3704400; 487000, 3704400; 487000, 3704200; 487100, 3704200; 487100, 3703900; 487200, 3703800; 487300, 3703800; 487300, 3703900; 487500, 3703900; 487500, 3702100; 487400, 3702100; 487400, 3699200; 487300, 3699200; 487300, 3699100.

Beginning at the Riverside/San Diego County line at UTM NAD27 x coordinate 477700; land bounded by the following UTM NAD27 coordinates (E, N): 477700, 3700500; 478000, 3700500; 478000, 3700600; 478400, 3700600; 478400, 3700700; 479200, 3700700; 479200, 3700600; 479100, 3700600; 479100, 3700500; 479000, 3700500; 479000, 3700400; 479300, 3700400; 479300, 3700500; 479500, 3700500; 479500, 3700600; 480700, 3700600; 480700, 3700500; 480900, 3700500; 480900, 3701100; 481000, 3701100; 481000, 3701200; 481200, 3701200; 481200, 3701300; 481400, 3701300; 481400, 3701400; 481700, 3701400; 481700, 3701500; 481900, 3701500; 481900, 3701600; 482100, 3701600; 482100, 3701700; 482400, 3701700; 482400, 3701800; 482600, 3701800; 482600, 3701900; 482800, 3701900; 482800, 3702000; 483000, 3702000; 483000, 3702100; 483300, 3702100; 483300, 3702200; 483500, 3702200; 483500, 3702300; 483700, 3702300; 483700, 3702400; 484000, 3702400; 484000, 3702500; 484100, 3702500; 484100, 3702800; 484200, 3702800; 484200, 3702900; 484300, 3702900; 484300, 3703000; 484700, 3703000; 484700, 3702900; 484800, 3702900; 484800, 3702800; 485000, 3702800; 485000, 3702900; 485200, 3702900; 485200, 3703000; 485300, 3703000; 485300, 3703100; 485200, 3703100; 485200, 3703200; 485100, 3703200; 485100, 3703300; 484700, 3703300; 484700, 3703500; 485200, 3703500; 485200, 3703600; 485600, 3703600; 485600, 3703700; 485700, 3703700; 485700, 3703800; 485800, 3703800; 485800, 3704000; 485900, 3704000; 485900, 3704300; 486000, 3704300; 486000, 3704500; 485900, 3704500; 485900, 3704600; 485400, 3704600; 485400, 3704900; 485200, 3704900; 485200, 3705000; 485000, 3705000; 485000, 3704900; 484900, 3704900; 484900, 3704800; 485000, 3704800; 485000, 3704600; 485100, 3704600; 485100, 3704500; 485200, 3704500; 485200, 3704300; 485300, 3704300; 485300, 3704100; 485200, 3704100; 485200, 3703900; 485000, 3703900; 485000, 3704000; 484900, 3704000; 484900, 3704100; 484600, 3704100; 484600, 3704200; 484500, 3704200; 484500, 3704300; 484400, 3704300; 484400, 3704600; 484300, 3704600; 484300, 3704700; 484100, 3704700; 484100, 3704600; 483800, 3704600; 483800, 3705000; 483700, 3705000; 483700, 3705300; 484200, 3705300; 484200, 3706900; 484300, 3706900; 484300, 3706800; 484400, 3706800; 484400, 3706700; 484500, 3706700; 484500, 3706600; 484600, 3706600; 484600, 3706500; 484700, 3706500; 484700, 3706400; 484900, 3706400; 484900, 3706300; 485100, 3706300; 485100, 3706200; 485200, 3706200; 485200, 3706100; 485300, 3706100; 485300, 3706000; 485700, 3706000; 485700, 3705900; 485800, 3705900; 485800, 3705800; 485900, 3705800; 485900, 3705700; 486000, 3705700; 486000, 3705600; 486100, 3705600; 486100, 3705500; 486200, 3705500; 486200, 3705400; 486300, 3705400; 486300, 3705200; 486400, 3705200; 486400, 3704900; 486600, 3704900; 486600, 3704800; 486700, 3704800; 486700, 3704400; 486800, 3704400; 486800, 3704500; 486900, 3704500; 486900, 3704400; 487000, 3704400; 487000, 3704200; 487100, 3704200; 487100, 3703900; 487200, 3703900; 487200, 3703800; 487300, 3703800; 487300, 3703900; 487500, 3703900; 487500, 3702100; 487400, 3702100; 487400, 3699200; 487300, 3699200; to the Riverside/San Diego County line at x coordinate 487300; and returning to the point of beginning.



Map Unit 11: San Bernardino Valley MSHCP, San Bernardino County, California. From USGS 1:100,000 quadrangle map San Bernardino, California (1982), beginning at the San Bernardino/Riverside County line at UTM NAD27 x coordinate 479300, land bounded by the following UTM NAD27 coordinates (E, N): 479300, 3764100; 476000, 3764100; 476000, 3765700; 480300, 3765700; 480300, 3765600; 480400, 3765600; 480400, 3765500; 480500, 3765500; 480500, 3765400; 480700, 3765400; 480700, 3765500; 480600, 3765500; 480600, 3765600; 480500, 3765600; 480500, 3765700; 481400, 3765700; 481400, 3765500; 481500, 3765500; 481500, 3765400; 481800, 3765400; 481800, 3765300; 482300, 3765300; 482300, 3765200; 482400, 3765200; 482400, 3765100; 482600, 3765100; 482600, 3765000; 482900, 3765000; 482900, 3765100; 483000, 3765100; 483000, 3765200; 483100, 3765200; 483100, 3765300; 483200, 3765300; 483200, 3765200; 483300, 3765200; 483300, 3765000; 483400, 3765000; 483400, 3764900; 483500, 3764900; 483500, 3764700; 483600, 3764700; 483600, 3765000; 483800, 3765000; 483800, 3764900; 483900, 3764900; 483900, 3765000; 484300, 3765000; 484300, 3764900; 484500, 3764900; 484500, 3765000; 484800, 3765000; 484800, 3764900; 484900, 3764900; 484900, 3764800; 485100, 3764800; 485100, 3764600; 484900, 3764600; 484900, 3764500; 485200, 3764500; 485200, 3764800; 485400, 3764800; 485400, 3764700; 485500, 3764700; 485500, 3764600; 485600, 3764600; 485600, 3764500; 485700, 3764500; 485700, 3764400; 485900, 3764400; 485900, 3764200; 486000, 3764200; 486000, 3764100; 486500, 3764100; 486500, 3764000; 486600, 3764000; 486600, 3763900; 486800, 3763900; 486800, 3763800; 487200, 3763800; 487200, 3763900; 487600, 3763900; 487600, 3763800; 488000, 3763800; 488000, 3763900; 488200, 3763900; 488200, 3763800; 488800, 3763800; 488800, 3763900; 489100, 3763900; 489100, 3764000; 489700, 3764000; 489700, 3764100; 493600, 3764100; to the San Bernardino/Riverside County line at UTM NAD27 x coordinate 493600; and returning to the point of beginning; excluding land bounded by 484300, 3762500; 484300, 3762700; 484200, 3762700; 484200, 3762900; 484100, 3762900; 484100, 3763000; 484000, 3763000; 484000, 3763200; 483800, 3763200; 483800, 3763300; 483700, 3763300; 483700, 3763400; 483600, 3763400; 483600, 3763500; 483400, 3763500; 483400, 3763600; 483300, 3763600; 483300, 3763700; 483100, 3763700; 483100, 3763500; 483200, 3763500; 483200, 3763400; 483300, 3763400; 483300, 3763300; 483400, 3763300; 483400, 3763200; 483500, 3763200; 483500, 3763100; 483600, 3763100; 483600, 3763000; 483800, 3763000; 483800, 3762900; 484000, 3762900; 484000, 3762700; 484100, 3762700; 484100, 3762600; 484200, 3762600; 484200, 3762500; 484300, 3762500; land bounded by 480900, 3765200; 480900, 3765300; 480800, 3765200; 480900, 3765200; land bounded by 481100, 3764700; 481200, 3764700; 481200, 3764800; 481300, 3764800; 481300, 3764900; 481200, 3764900; 481200, 3765000; 481100, 3765000; 481100, 3764700; land bounded by 481000, 3764600; 480500, 3764600; 480500, 3764500; 481000, 3764500; 481000, 3764600; lands bounded by 482400, 3764300; 482400, 3764400; 482300, 3764400; 482300, 3764300; 482400, 3764300; land bounded by 480900, 3765200; 480900, 3765100; 481000, 3765100; 481000, 3765200; 480900, 3765200; land bounded by 481000, 3764600; 481100, 3764600; 481100, 3764700; 481000, 3764700; 481000, 3764600; land bounded by 482600, 3764200; 482600, 3764300; 482400, 3764300; 482400, 3764200; 482600, 3764200; land bounded by 482700, 3764100; 482700, 3764200; 482600, 3764200; 482600, 3764100; 482700, 3764100; land bounded by 483000, 3763800; 483000, 3763700; 483100, 3763700; 483100, 3763800; 483000, 3763800; land bounded by 482900, 3763900; 482900, 3764100; 482700, 3764100; 482700, 3764000; 482800, 3764000; 482800, 3763900; 482900, 3763900; land bounded by 482900, 3763900; 482900, 3763800; 483000, 3763800; 483000, 3763900; 482900, 3763900; and land bounded by 485100, 3764000; 485100, 3763900; 485400, 3763900; 485400, 3764000; 485100, 3764000.

Beginning at the San Bernardino/Los Angeles County line at y coordinate 3780400, land bounded by the following UTM NAD27 coordinates (E, N): 442200, 3780400; 442200, 3782000; 447700, 3782000; 447700, 3781900; 450800, 3781900; 450800, 3781800; 451500, 3781800; 451500, 3781700; 452200, 3781700; 452200, 3781800; 453000, 3781800; 453000, 3781900; 458300, 3781900; 458300, 3783500; 459100, 3783500; 459100, 3783600; 459900, 3783600; 459900, 3783500; 461300, 3783500; 461300, 3783600; 461400, 3783600; 461400, 3784000; 461500, 3784000; 461500, 3784900; 461600, 3784900; 461600, 3785100; 461700,

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Map Unit 12: East Los Angeles County Linkage, Los Angeles County, California. From USGS 1:100,000 quadrangle Los Angeles, California (1983), beginning at the Los Angeles/San Bernardino County line at UTM NAD27 y coordinate 3778900; land bounded by the following UTM NAD27 coordinates (E, N): 434800, 3778900; 434800, 3779000; 429300, 3779000; 429300, 3778400; 429200, 3778400; 429200, 3778300; 429100, 3778300; 429100, 3778600; 428900, 3778600; 428900, 3778500; 429000, 3778500; 429000, 3778300; 428900, 3778300; 428900, 3778200; 428800, 3778200; 428800, 3778100; 428900, 3778100; 428900, 3777800; 428800, 3777800; 428800, 3777600; 428700, 3777600; 428700, 3777400; 428400, 3777400; 428400, 3777900; 428300, 3777900; 428300, 3777800; 428200, 3777800; 428200, 3777600; 428000, 3777600; 428000, 3777500; 427800, 3777500; 427800, 3777400; 427600, 3777400; 427600, 3777100; 427500, 3777100; 427500, 3777000; 427300, 3777000; 427300, 3776800; 427100, 3776800; 427100, 3776700; 427000, 3776700; 427000, 3776600; 427300, 3776600; 427300, 3776400; 427100, 3776400; 427100, 3776300; 427000, 3776300; 427000, 3776200; 426800, 3776200; 426800, 3776400; 426500, 3776400; 426500, 3776500; 426400, 3776500; 426400, 3776400; 426300, 3776400; 426300, 3776200; 426000, 3776200; 426000, 3776400; 425300, 3776400; 425300, 3776500; 424800, 3776500; 424800, 3776600; 424700, 3776600; 424700, 3776700; 424600, 3776700; 424600, 3776800; 424500, 3776800; 424500, 3777100; 424600, 3777100; 424600, 3777200; 424500, 3777200; 424500, 3780500; 424500, 3780500; 435600, 3780500; 435600, 3780400; 437600, 3780400; to the Los Angeles/San Bernardino County line at UTM NAD27 y coordinate 3780300; and returning to the point of beginning.

Lands bounded by the following UTM NAD27 coordinates (E, N): 426700, 3772700; 427000, 3772700; 427000, 3772400; 427200, 3772400; 427200, 3772300; 427700, 3772300; 427700, 3770400; 427600, 3770400; 427600, 3770300; 427200, 3770300; 427200, 3770200; 426900, 3770200; 426900, 3770100; 426800, 3770100; 426800, 3770000; 426600, 3770000; 426600, 3769900; 426400, 3769900; 426400, 3769800; 426100, 3769800; 426100, 3769700; 425700, 3769700; 425700, 3769800; 425600, 3769800; 425600, 3769800; 425600, 3770000; 425500, 3770000; 425500, 3769500; 425300, 3769500; 425300, 3769400; 424900, 3769400; 424900, 3769300; 424400, 3769300; 424400, 3769600; 424700, 3769600; 424700, 3769700; 424800, 3769700; 424800, 3769800; 424900, 3769800; 424900, 3769900; 424600, 3769900; 424600, 3770300; 424800, 3770300; 424800, 3770200; 425100, 3770200; 425100, 3770400; 424700, 3770400; 424700, 3770600; 424800, 3770600; 424800, 3770700; 425100, 3770700; 425100, 3770800; 425000, 3770800; 425000, 3771000; 424800, 3771000; 424800, 3771200; 424700, 3771200; 424700, 3771300; 424600, 3771300; 424600, 3771400; 424500, 3771400; 424500, 3771700; 424400, 3771700; 424400, 3772100; 424500, 3772100; 424500, 3773000; 424600, 3773000; 424600, 3773100; 425000, 3773100; 425000, 3773200; 425100, 3773200; 425100, 3773300; 425200, 3773300; 425200, 3773500; 425500, 3773500; 425500, 3773400; 426000, 3773400; 426000, 3773500; 426200, 3773500; 426200, 3773300; 426300, 3773300; 426300, 3773400; 426600, 3773400; 426600, 3773300; 427000, 3773300; 427000, 3773200; 427200, 3773200; 427200, 3773100; 427300, 3773100; 427300, 3772800; 426700, 3772800; 426700, 3772700; excluding land bounded by 425800, 3771300; 425700, 3771300; 425700, 3771200; 425800, 3771200; 425800, 3771300; land bounded by 425300. 3770000; 425300, 3769900; 425400, 3769900; 425400, 3770000; 425300, 3770000; land bounded by 426600, 3772600; 426500, 3772600; 426500, 3772500; 426200, 3772500; 426200, 3772800; 426400, 3772800; 426400, 3773000; 426200, 3773000; 426200, 3773100; 425900, 3773100; 425900, 3773200; 425800, 3773200; 425800, 3773100; 425600, 3773100; 425600, 3772900; 425500, 3772900; 425500, 3772800; 425300, 3772800; 425300, 3772600; 425800, 3772600; 425800, 3772400; 425900, 3772400; 425900, 3772300; 425800, 3772300; 425800, 3772200; 425500, 3772200; 425500, 3772300; 425200, 3772300; 425200, 3772200; 425100, 3772200; 425100, 3772000; 425200, 3772000; 425200, 3771900; 425400, 3771900; 425400, 3771600; 425500, 3771600; 425500, 3771700; 425600, 3771700; 425600, 3771600; 425800, 3771600; 425800, 3771300; 426200, 3771300; 426200, 3771400; 426300, 3771400; 426300, 3771500; 426200, 3771500; 426200, 3771800; 426100, 3771800; 426100, 3772000; 426200, 3772000; 426200, 3772100; 426300, 3772100; 426300, 3772200; 426500, 3772200; 426500, 3772400; 426600, 3772400; 426600, 3772600; land bounded by 425100, 3770200; 425100, 3770000; 425300, 3770000; 425300, 3770100; 425200, 3770100; 425200, 3770200; 425100, 3770200; land

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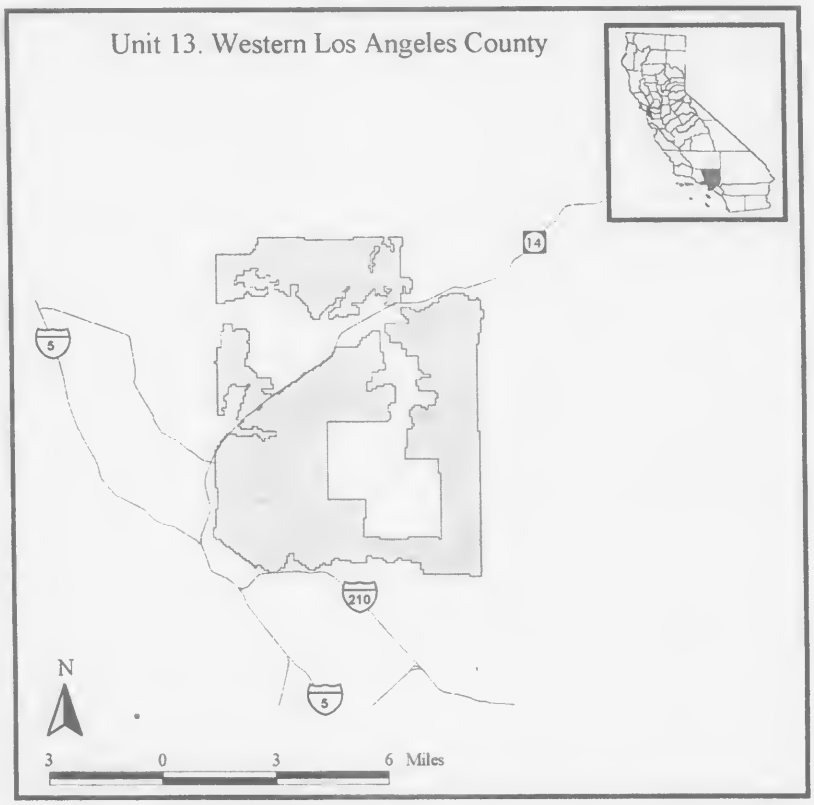
Land bounded by the following UTM NAD27 coordinates (E, N): 420700, 3769300; 421200, 3769300; 421200, 3769100; 421300, 3769100; 421300, 3769000; 421500, 3769000; 421500, 3769200; 421800, 3769200; 421800, 3769300; 424300, 3769300; 424300, 3769100; 424200, 3769100; 424200, 3769000; 424100, 3769000; 424100, 3768800; 424000, 3768800; 424000, 3768700; 423600, 3768700; 423600, 3768600; 423700, 3768600; 423700, 3768400; 423300, 3768400; 423300, 3768500; 423200, 3768500; 423200, 3768600; 423100, 3768600; 423100, 3768500; 422900, 3768500; 422900, 3768400; 422600, 3768400; 422600, 3768500; 422400, 3768500; 422400, 3768400; 422200, 3768400; 422200, 3768200; 422000, 3768200; 422000, 3768100; 421800, 3768100; 421800, 3768000; 421500, 3768000; 421500, 3768100; 421400, 3768100; 421400, 3768200; 421300, 3768200; 421300, 3768100; 421100, 3768100; 421100, 3768200; 421000, 3768200; 421000, 3768500; 421100, 3768500; 421100, 3768600; 421200, 3768600; 421200, 3768700; 421100, 3768700; 421100, 3768800; 421000, 3768800; 421000, 3768900; 420900, 3768900; 420900, 3769000; 420800, 3769000; 420800, 3769100; 420700, 3769100; 420700, 3769300.



Map Unit 13: Western Los Angeles County, Los Angeles County, California. From USGS 1:100,000 quadrangle map Los Angeles, California (1983), land bounded by the following UTM NAD27 coordinates (E, N): 367500, 3810500; 367200, 3810500; 367200, 3810300; 367100, 3810300; 367100, 3810200; 366900, 3810200; 366900, 3810100; 366800, 3810100; 366800, 3810000; 366700, 3810000; 366700, 3809900; 366600, 3809900; 366600, 3809800; 366500, 3809800; 366500, 3809600; 366200, 3809600; 366200, 3809700; 366100, 3809700; 366100, 3809900; 366000, 3809900; 366000, 3810200; 365900, 3810200; 365900, 3810300; 365800, 3810300; 365800, 3810400; 365700, 3810400; 365700, 3810500; 365600, 3810500; 365600, 3810600; 365500, 3810600; 365500, 3810800; 365600, 3810800; 365600, 3811100; 365300, 3811100; 365300, 3810600; 365100, 3810600; 365100, 3810700; 365000, 3810700; 365000, 3810800; 364800, 3810800; 364800, 3810900; 364600, 3810900; 364600, 3811100; 364800, 3811100; 364800, 3811300; 364700, 3811300; 364700, 3811200; 364400, 3811200; 364400, 3811500; 364200, 3811500; 364200, 3811400; 363900, 3811400; 363900, 3811500; 363800, 3811500; 363800, 3811700; 363900, 3811700; 363900, 3811800; 363600, 3811800; 363600, 3811700; 363300, 3811700; 363300, 3811500; 363000, 3811500; 363000, 3811300; 362900, 3811300; 362900, 3811100; 363000, 3811100; 363000, 3811200; 363300, 3811200; 363300, 3811000; 363800, 3811000; 363800, 3810900; 364200, 3810900; 364200. 3811000; 364300, 3811000; 364300, 3810700; 364200, 3810700; 364200, 3810600; 363600, 3810600; 363600, 3810700; 363500, 3810700; 363500, 3810800; 363400, 3810800; 363400, 3810700; 363300, 3810700; 363300, 3810500; 362900, 3810500; 362900, 3810400; 362500, 3810400; 362500, 3810300; 362100, 3810300; 362100, 3812400; 363600, 3812400; 363600, 3812500; 363700, 3812500; 363700, 3812600; 363800, 3812600; 363800, 3812800; 363900, 3812800; 363900, 3813100; 365900, 3813100; 365900, 3813000; 368000, 3813000; 368000, 3813100; 369300, 3813100; 369300, 3812900; 369200, 3812900; 369200, 3812800; 369400, 3812800; 369400, 3812700; 369600, 3812700; 369600, 3812500; 369700, 3812500; 369700, 3812800; 369600, 3812800; 369600, 3813000; 369500, 3813000; 369500, 3813100; 370100, 3813100; 370100, 3812700; 370000, 3812700; 370000, 3811400; 370400, 3811400; 370400, 3811300; 370500, 3811300; 370500, 3810900; 370400, 3810900; 370400, 3810700; 370200, 3810700; 370200, 3811000; 370100, 3811000; 370100, 3810700; 370000, 3810700; 370000, 3810300; 369700, 3810300; 369700, 3810200; 369300, 3810200; 369300, 3810300; 369400, 3810300; 369400, 3810600; 369100, 3810600; 369100, 3810700; 369000, 3810700; 369000, 3810600; 368900, 3810600; 368900, 3810900; 368800, 3810900; 368800, 3810800; 368700, 3810800; 368700, 3810700; 368600, 3810700; 368600, 3810600; 368500, 3810600; 3685C0, 3810400; 368400, 3810400; 368400, 3810300; 367900, 3810300; 367900, 3810200; 368100, 3810200; 368100, 3810100; 368200, 3810100;

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Land bounded by the following UTM NAD27 coordinates (E, N): 363400, 3806700; 362900, 3806700; 362900, 3806800; 362700, 3806800; 362700, 3806700; 362600, 3806700; 362600, 3806400; 362500, 3806400; 362500, 3806300; 362400, 3806300; 362400, 3806100; 362500, 3806100; 362500, 3805800; 362300, 3805800; 362300, 3805700; 362400, 3805700; 362400, 3805500; 362100, 3805500; 362100, 3807700; 362000, 3807700; 362000, 3807800; 362100, 3807800; 362100, 3808400; 362300, 3808400; 362300, 3809100; 362400, 3809100; 362400, 3809400; 362800, 3809400; 362800, 3809100; 362900, 3809100; 362900, 3809200; 363400, 3809200; 363400, 3809100; 363500, 3809100; 363500, 3808700; 363400, 3808700; 363400, 3808600; 363500, 3808600; 363500, 3808200; 363400, 3808200; 363400, 3807900; 363300, 3807900; 363300, 3807600; 363500, 3807600; 363500, 3807500; 363600, 3807500; 363600, 3807400; 363700, 3807400; 363700, 3807300; 363800, 3807300; 363800, 3807100; 364400, 3807100; 364400, 3806800; 364500, 3806800; 364500, 3806600; 364000, 3806600; 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Dated: October 16, 2000.

Kenneth L. Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 00–26969 Filed 10–17–00; 2:36 pm]

BILLING CODE 4310–55–P

Federal Register

Tuesday,
October 24, 2000

Part III

Department of Housing and Urban Development

Funding for Fiscal Year 2000: Capacity Building for Community Development and Affordable Housing; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4593–N–01]

Funding for Fiscal Year 2000: Capacity Building for Community Development and Affordable Housing

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding for fiscal year 2000.

SUMMARY: The fiscal year 2000 HUD Appropriations Act provided $26,250,000 in Fiscal Year 2000 funds for activities authorized in section 4 of the HUD Demonstration Act of 1993. Twenty million of these funds are appropriated to the Enterprise Foundation (Enterprise) and the Local Initiatives Support Corporation (LISC) for activities as authorized by section 4, as in effect immediately before June 12, 1997. The funds are to be used for capacity building for community development and affordable housing—provided that at least $4,000,000 of the funding is used in rural areas, including tribal areas.

Section 4 authorizes the Secretary to establish by notice such requirements as may be necessary to carry out its provisions. This notice, which takes effect upon issuance, indicates that HUD will equally divide $20 million appropriated for this capacity building initiative between Enterprise and LISC. In addition, $3,750,000 is appropriated to Habitat for Humanity and $2,500,000 to Youthbuild USA for section 4 activities. Each organization will match the HUD assistance provided with resources from private sources in an amount equal to three times its share, as required by section 4. Enterprise and LISC will each use at least $2 million of their $10 million share for activities in rural areas, including tribal areas.

This notice also provides details regarding administrative and other requirements which shall apply to this program.

FOR FURTHER INFORMATION CONTACT: Penny McCormack, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7216, Washington DC 20410. Telephone Number (202) 708–3176 Ext. 4391. Persons with hearing or speech impediments may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8339, or they may call: (202) 708–2565. Except for the "800" number, these are not toll-free telephone numbers.

SUPPLEMENTARY INFORMATION:

1. Authority

The Departments of Veterans Affairs and Housing and Urban Development, Independent Agencies Appropriations Act (Pub.L. 106–74, 113 Stat. 1047, October 20, 1999) (VA/HUD FY 2000 Appropriations Act) makes $26,250,000 available from the community development grants program for capacity building for community development and affordable housing as authorized by section 4 of the HUD Demonstration Act of 1993 (Pub.L. 103–120, 107 Stat. 1148, October 27, 1993) (41 U.S.C. 9816 note.) HUD will provide this assistance through Enterprise, LISC, Habitat for Humanity and Youthbuild USA "to develop the capacity and ability of community development corporations and community housing development organizations to undertake community development and affordable housing projects and programs."

2. Background

In Fiscal Year 1994, HUD provided $20 million to Enterprise and LISC through The National Community Development Initiative (NCDI) as authorized by section 4 of the HUD Demonstration Act of 1993. In FY 1996, $10 million for NCDI was authorized by section 12(b)(3) of the Housing Opportunity Program Extension Act of 1996 (Pub.L. 104–120, 110 Stat. 845, March 28, 1996). In accordance with these statutes, HUD divided both appropriations equally between Enterprise and LISC. HUD published a notice on March 30, 1994, at 59 FR 14988, which sets forth the requirements for these funds.

In FY 1997, $30.2 million was authorized by the FY 1997 Emergency Supplemental Appropriations Act (Pub. L. 105–18, 111 Stat. 198 and 201, June 12, 1997). HUD published a notice on January 30, 1998, 63 FR 5220, which contained requirements for these funds which were made available to Enterprise, LISC, Habitat for Humanity and Youthbuild USA. On May 29, 1998 at 63 FR 29418, HUD published a revision to the January 30, 1998 notice. Under these notices, Enterprise and LISC were allocated funding to be used either for new activities or to continue NCDI activities which received funding under the notice dated March 30, 1994 and grant agreements pursuant to it. Funding used to continue NCDI activities was governed by the requirements of the **Federal Register** funding notice dated March 30, 1994.

The FY 1998 VA/HUD Appropriations Act (Pub. L. 105–65, 111 Stat. 1334, October 27, 1997) and the FY 1999 VA/HUD Appropriations Act (Pub. L. 105–276, 112 Stat. 246, October 21, 1998) each provided $15 million for activities authorized by section 4. On September 11, 1998 at (63 FR 48984) and November 8, 1999 (64 FR 60824), HUD published notices which contained requirements for these funds which were made available to LISC and Enterprise.

Today's notice contains requirements for the newly appropriated $26,250,000. These funds may be used for new activities or, in the case of Enterprise and LISC, to continue NCDI activities that received funding under the notice dated March 30, 1994 and grant agreements pursuant to it. Funding used to continue NCDI activities is governed by the requirements of the March 30, 1994, **Federal Register** funding notice.

3. Allocation and Form of Awards

The VA/HUD FY 2000 Appropriations Act provides $26,250,000 for activities authorized by section 4. In accordance with congressional intent, Enterprise and LISC will each be awarded $10 million. Each of the two organizations will use $2 million of its share for activities in rural areas, including tribal areas. Habitat for Humanity will be awarded $3,750,000. Youthbuild USA will be awarded $2,500,000.

4. Eligible Activities

Eligible activities under this award include:

(a) Training, education, support, and advice to enhance the technical and administrative capabilities of community development corporations (CDCs) and community housing development organizations (CHDOs) including the capacity to participate in consolidated planning including fair housing planning and continuum of care homeless assistance efforts that help ensure community-wide participation in assessing area needs, consulting broadly within the community, cooperatively planning for the use of available resources in a comprehensive and holistic manner, and assisting in evaluating performance under these community efforts and in linking plans with neighboring communities in order to foster regional planning;

(b) Loans, grants, development assistance, predevelopment assistance, or other financial assistance to CDCs/CHDOs to carry out community development and affordable housing activities that benefit low-income families and persons, including the acquisition, construction, or rehabilitation of housing for low-income families and persons, and community and economic development activities

which create jobs for low-income persons; and

(c) Such other activities as may be determined by Enterprise, LISC, Habitat for Humanity or Youthbuild USA in consultation with the Secretary or his designee.

5. Matching Requirements

As required by section 4 of the 1993 Act, this $26,250,000 appropriation is subject to each award dollar being matched by three dollars in cash or in-kind contributions to be obtained from private sources. Each of the organizations receiving these funds will document their proportionate share of matching resources, including resources committed directly or by a third party to a grantee or subgrantee after October 20, 1999 to conduct activities.

In-kind contributions shall conform to the requirements of 24 CFR 84.23.

6. Administrative and Other Requirements

The award will be governed by 24 CFR part 84 (Uniform Administrative Requirements), OMB Circular A–122 (Cost Principles for Nonprofit Organizations), and OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations).

Other requirements will be detailed in the terms and conditions of the grant agreement provided to grantees, including the following:

(a) Each grantee will submit to HUD a specific work and funding plan for each community showing when and how the federal funds will be used. The work plan must be sufficiently detailed for monitoring purposes and must identify the performance goals and objectives to be achieved. Within 30 days after submission of a specific work plan, HUD will approve the work plan or notify the grantee of matters which need to be addressed prior to approval, or the work plan shall be construed to be approved. Work plans may be developed for less than the full dollar amount and term of the award, but no HUD-funded costs may be incurred for any activity until the work plan is approved by HUD. All activities are also subject to the environmental requirements in paragraph 6(f) of this notice.

(b) The grantees shall submit to HUD an annual performance report due 90 days after the end of each calendar year, with the first report due on March 31, 2001. Performance reports shall include reports on both performance and financial progress under work plans and shall include reports on the commitment and expenditure of private matching resources utilized through the end of the reporting period. Reports shall conform to the reporting requirements of 24 CFR part 84. Additional information or increased frequency of reporting, not to exceed twice a year, may be required by HUD any time during the grant agreement if HUD finds such reporting to be necessary for monitoring purposes.

To further the consultation process and share the results of progress to date, the Secretary may require grantees to present and discuss their performance reports at annual meetings in Washington, DC during the life of the award.

(c) The performance reports must contain the information required under 24 CFR part 84, including a comparison of actual accomplishments with the objectives and performance goals of the work plans. In the work plans each grantee will identify performance goals and objectives established for each community in which it proposes to work and appropriate measurements under the work plan such as: The number of housing units and facilities each CDC/CHDO produces annually during the grant period and the average cost of these units. Provided, however, that when the activity described in a work plan is not to be undertaken in a single community that a report indicating the areas in which the activity will be undertaken, along with appropriate goals and objectives, will be provided when that information is available. The performance reports will also include a discussion of the reasonableness of the unit costs; the reasons for slippage if established objectives and goals are not met; and additional pertinent information.

(d) A final performance report, in the form described in paragraph (c) above, shall be provided to HUD by each grantee within 90 days after the completion date of the award.

(e) Financial status reports (SF–269A) shall be submitted semiannually.

(f) Environmental review. Individual projects to be funded by these grants may not be known at the time the overall grants are awarded and also may not be known when some of the individual subgrants are made. Therefore, in accordance with 24 CFR 50.3(h), the application and the grant agreement must provide that no commitment or expenditure of HUD or local funds to a HUD-assisted project may be made until HUD has completed an environmental review to the extent required under applicable regulations and has given notification of its approval in accordance with 24 CFR 50.3(h).

7. Application Content

Grantees will be required to file an application containing the following:

(a) Application for Federal Assistance (OMB Standard Form 424), Non-construction Assurances (SF–424B), Certification Regarding Drug-Free Workplace Requirements, Certification Regarding Lobbying and the Fair Housing and Equal Opportunity certification described in section 9(f) of this notice;

(b) A Summary Budget for the amount of funds being requested as described in section VI(H) of the "Funding Availability for Community Development Technical Assistance (CD-TA) Programs—CHDO, HOME, McKinney Act Homeless Assistance and HOPWA" published on February 24, 2000 (64 FR 9321, 9389) and a similar summary budget for any amounts to be committed to NCDI activities under the notice dated March 30, 1994 and grant agreements pursuant to it.

8. Findings and Certifications

(a) *Environmental Impact.* A Finding of No Significant Impact with respect to the environment has been made in accordance with the Department's regulations at 24 CFR part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays at the Office of the Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

(b) *Wage Rates.* Unless triggered by other Federal funds for a project under this grant, the requirements of the Davis-Bacon Act do not apply.

(c) *Relocation.* The Uniform Relocation Act applies to anyone who is displaced as a result of acquisition, rehabilitation, or demolition, for a HUD-assisted activity.

(d) *Federalism.* Executive Order 13132 (entitled "Federalism") prohibits, to the extent practicable by law, an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs on State and local governments and are not required by statute, or that preempt State law, unless the agency meets the relevant requirements of section 6 of the Executive Order. This notice does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

(e) *Prohibition Against Lobbying Activities.* Applicants for funding under this notice are subject to the provisions of section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment) and to the provisions of the Lobbying Disclosure Act of 1995, Pub.L. 104–65 (December 19, 1995).

The Byrd Amendment, which is implemented in regulations at 24 CFR part 87, prohibits applicants for Federal contracts and grants from using appropriated funds to attempt to influence Federal Executive or legislative officers or employees in connection with obtaining such assistance, or with its extension, continuation, renewal, amendment or modification. The Byrd Amendment applies to the funds that are the subject of this notice. Therefore, applicants must file with their application a certification stating that they have not made and will not make any prohibited payments and, if any payments or agreement to make payments of nonappropriated funds for these purposes have been made, a form SF–LLL disclosing such payments must be submitted.

The Lobbying Disclosure Act of 1995, Pub.L. 104–65 (December 19, 1995), which repealed section 112 of the HUD Reform Act and resulted in the elimination of the regulations at 24 CFR part 86, requires all persons and entities who lobby covered Executive or Legislative Branch officials to register with the Secretary of the Senate and the Clerk of the House of Representatives and file reports concerning their lobbying activities.

(f) *Fair Housing and Equal Opportunity.* Applications must contain a certification that the applicant and all subgrantees shall comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, title IX of the Education Amendments Act of 1972 and the Americans with Disabilities Act, and will affirmatively further fair housing.

(g) *Section 3 of the Houisng and Urban Development Act of 1968.* Applications must contain a certification that the applicant and all subgrantees will comply with section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) and HUD's implementing regulations at 24 CFR part 135, which require that, to the greatest extent feasible, opportunities for training and employment be given to low-income persons residing within the unit of local government for the metropolitan area (or nonmetropolitan county) in which the project is located.

Authority: Section 4 of the HUD Demonstration Act of 1993 (Pub. L. 103–120, 42 U.S.C. 9816 note), as amended, and Pub.L. 106–74, 113 Stat. 1047.

Dated: October 16, 2000.

Joseph D'Agosta,

General Deputy Assistant, Secretary for Community Planning and Development.

[FR Doc. 00–27190 Filed 10–23–00; 8:45 am]

BILLING CODE 4210–29–P

Federal Register

Tuesday,
October 24, 2000

Part IV

Nuclear Regulatory Commission

10 CFR Parts 34, 36, and 39
New Dosimetry Technology; Final Rule and Proposed Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 34, 36, and 39

RIN 3150–AG21

New Dosimetry Technology

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations that govern radiological safety to allow licensees to use any type of personnel dosimeter that requires processing to determine the radiation dose, provided that the processor of the dosimeter is accredited to process this type of dosimeter under the National Voluntary Laboratory Accreditation Program (NVLAP), operated by the National Institute of Standards and Technology (NIST).

DATES: The final rule is effective January 8, 2001 unless significant adverse comments are received by November 24, 2000. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Mail comments to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff.

Hand deliver comments to 11555 Rockville Pike, Maryland, between 7.30 am and 4.15 p.m. on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website (*http://ruleforum.llnl.gov*). This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–5905, e-mail *CAG@nrc.gov*.

For more information, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Betty Ann Torres, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone, (301) 415–0191, email: BAT@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

NRC regulations at 10 CFR Part 20, Subpart F—Surveys and Monitoring, § 20.1501 (c) "General" specify that whole body personnel dosimeters that require processing to determine the radiation dose must be processed and evaluated by a processor holding current personnel dosimetry accreditation under the NVLAP. In addition, the dosimetry processor must be approved in this accreditation process for the types of radiation that most closely approximate the types of radiation for which the individual wearing the dosimeter is monitored.

Although there is no specification in § 20.1501, "General" on the type of NVLAP accredited dosimeters that are acceptable, other parts of the NRC regulations, namely Part 34, "Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations;" Part 36, "Licenses and Radiation Safety Requirements for Irradiators;" and Part 39, " Licenses and Radiation Safety Requirements for Well Logging" specify the use of either a film badge or a thermoluminescent dosimeter (TLD). At the time that these rules were adopted, film badges and TLDs were the only available dosimeters that required processing to determine the radiation dose.

Discussion

Modern developments in personnel dosimetry have produced dosimeters that have higher sensitivities to radiation than either film badges or TLDs, and require processing to determine the radiation dose. For example, the Optically Stimulated Luminescent Dosimeter involves the use of optical lasers for processing, unlike the processing for a film badge that requires photographic development or the TLD that is processed using heat. New dosimeter technologies and other processing techniques are likely to appear in the near future. Therefore, the specific references to film badges or TLDs in 10 CFR 34.47, "Personnel Monitoring;" § 36.55, "Personnel Monitoring;" and § 39.65, "Personnel Monitoring" should be removed to allow the use of dosimeters that require alternative processing techniques. This rule is intended to remove the specific requirements and to allow the use of any dosimeter that requires processing to determine the radiation dose, provided that the processor of the dosimeter holds appropriate NVLAP accreditation.

Discussion of Amendments by Section

Section 34.47 Personnel Monitoring

This section is amended to delete the limitation to the use of film badges and TLDs and to allow the use of any personnel dosimeter that requires processing to determine the radiation dose, provided that the processor of the dosimeter holds appropriate NVLAP accreditation. The replacement of dosimeters specified in this section is also revised to conform to the language used in paragraph (a) of this section.

Section 34.83 Records of Personnel Monitoring Procedures

In paragraphs (c) and (d), the existing requirement to retain exposure records of lost or damaged film badges or TLDs until license termination is modified to use conforming terminology of "personnel dosimeter" in place of "film badges or TLDs'.

Section 36.55 Personnel Monitoring

This section is amended to allow irradiator operators to wear any personnel dosimeter requiring processing to determine radiation dose, provided that the dosimeter is processed and evaluated by an accredited NVLAP processor. Processing intervals specified in this paragraph are also revised to incorporate conforming language.

Section 36.81 Records and Retention Periods

This section is modified to use conforming terminology of "personnel dosimeter" in place of "film badges and TLDs".

Section 39.65 Personnel Monitoring

This section is revised to remove the limitation to the use of film badges and TLDs, and to permit the use of a personnel dosimeter that is processed by an accredited NVLAP processor. The frequency of processing dosimeters specified in this paragraph and the record retention requirement are revised to incorporate conforming language.

Procedural Background

Because NRC considers this action to be noncontroversial and routine, the NRC is using the direct final rule procedure for this rule. This action will become effective January 8, 2001. However, if the NRC receives significant adverse comments on the associated proposed rule published concurrently in the proposed rules section of this **Federal Register**, by November 24, 2000, then the NRC will publish a document that withdraws this action and will address the comments received in response to the proposed amendments. These comments will be addressed in a subsequent final rule. Absent significant modifications to the proposed changes requiring republication, the NRC will not initiate a second comment period on this action.

Agreement State Compatibility

Under the "Policy Statement on Adequacy and Compatibility of Agreement State Programs" approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997, (62 FR 46517), this direct final rule will be a matter of compatibility between the NRC and the Agreement States, thereby providing consistency among Agreement State and NRC requirements. A Compatibility Category "C" designation means an NRC program element, the essential objectives of which Agreement States should adopt to avoid conflicts, duplication, or gaps in the regulation of agreement material on a nationwide basis and that, if not adopted, would result in an undesirable consequence. The manner in which the essential objectives are addressed need not be the same as NRC provided the essential objectives are met. A Compatibility Category "D" designation means an NRC program element which does not need to be adopted by Agreement States for purposes of compatibility.

The revisions to § 34.47 and § 34.83 are classified as Category C, and the revisions to § 36.55 and § 36.81 are classified as Category D. The revisions to § 39.65 are classifed as Category C for paragraph (a) and Category D for paragraph (c). Although these sections are subject to varying degrees of compatibility with regard to the Agreement States, this direct final rule is not expected to affect the compatibility of the Agreement State regulations.

Plain Language

The Presidential Memorandum dated June 1, 1998, entitled, "Plain Language in Government Writing" directed that the Government's writing be in plain language. The NRC requests comments on this direct final rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995, (Pub. L. 104–113), requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC would revise 10 CFR 34.47, 10 CFR 36.55, and 10 CFR 39.65 to allow the use of any dosimeter that requires processing to determine the radiation dose, provided that the processor of the dosimeter holds appropriate NVLAP accreditation. This action does not constitute the establishment of a standard that establishes generally-applicable requirements.

Environmental Impact: Categorical Exclusion

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

Paperwork Reduction Act Statement

This direct final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150–0007 for 10 CFR Part 34, Approval Number 3150–0158 for 10 CFR Part 36, and Approval Number 3150–0130 for 10 CFR Part 39.

Public Protection Notification

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

Regulatory Analysis

A regulatory analysis has not been prepared for this direct final rule because this rule is considered a minor, nonsubstantive amendment that has no economic impact on NRC licensees or the public.

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1966, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This direct final rule simply amends present regulations to allow use of any dosimeter that requires processing to determine the radiation dose, provided that the processor of the dosimeter holds appropriate NVLAP accreditation. The use of this new technology is optional and will have no significant impact on small entities because use of the new technology is optional and no changes are being made to affect the use of the technology currently available.

Backfit Analysis

The NRC has determined that the backfit rules (10 CFR 50.109, 72.62, or 76.76) do not apply to this direct final rule because these amendments do not involve any provisions that would impose backfits as defined. Therefore a backfit analysis is not required.

List of Subjects

10 CFR Part 34

Criminal penalties, Packaging and containers, Radiation protection, Radiography, Reporting and recordkeeping requirements, Scientific equipment, Security measures.

10 CFR Part 36

Byproduct material, Criminal penalties, Nuclear materials, Reporting and recordkeeping requirements, Scientific equipment, Security measures.

10 CFR Part 39

Byproduct material, Criminal penalties, Nuclear material, Oil and gas exploration—well logging, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Source material, Special nuclear material.

For reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is adopting the following amendments to 10 CFR Parts 34, 36, and 39.

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

1. The authority citation for Part 34 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec.201, 88 Stat. 1242, as amended (42 U.S.C. 5841). Section 34.45 also issued under sec. 206. as Stat. 1246 (42 U.S.C. 5846).

2. In § 34.47, the introductory text of paragraph (a), and paragraphs (a)(2), (a)(3), (a)(4), (d), (e), and (f) are revised to read as follows:

§ 34.47 Personnel monitoring.

(a) The licensee may not permit any individual to act as a radiographer or a

radiographer's assistant unless, at all times during radiographic operations, each individual wears, on the trunk of the body, a direct reading dosimeter, an operating alarm ratemeter, and a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor. At permanent radiography installations where other appropriate alarming or warning devices are in routine use, the wearing of an alarming ratemeter is not required.

* * * * *

(2) Each personnel dosimeter must be assigned to and worn only by one individual.

(3) Film badges must be replaced at periods not to exceed one month and other personnel dosimeters processed and evaluated by an accredited NVLAP processor must be replaced at periods not to exceed three months.

(4) After replacement, each personnel dosimeter must be processed as soon as possible.

* * * * *

(d) If an individual's pocket chamber is found to be off-scale, or if his or her electronic personal dosimeter reads greater than 2 millisieverts (200 millirems), and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel dosimeter must be sent for processing within 24 hours. In addition, the individual may not resume work associated with licensed material use until a determination of the individual's radiation exposure has been made. This determination must be made by the RSO or the RSO's designee. The results of this determination must be included in the records maintained in accordance with § 34.83.

(e) If the personnel dosimeter that is required by paragraph (a) of this section is lost or damaged, the worker shall cease work immediately until a replacement personnel dosimeter meeting the requirements in paragraph (a) is provided and the exposure is calculated for the time period from issuance to loss or damage of the personnel dosimeter. The results of the calculated exposure and the time period for which the personnel dosimeter was lost or damaged must be included in the records maintained in accordance with § 34.83.

(f) Dosimetry reports received from the accredited NVLAP personnel dosimeter processor must be retained in accordance with § 34.83.

* * * * *

3. In § 34.83, paragraphs (c) and (d) are revised to read as follows:

§ 34.83 Records of personnel monitoring procedures

* * * * *

(c) Personnel dosimeter results received from the accredited NVLAP processor until the Commission terminates the license.

(d) Records of estimates of exposures as a result of: off-scale personal direct reading dosimeters, or lost or damaged personnel dosimeters until the Commission terminates the license.

PART 36—LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

4. The authority citation for Part 36 continues to read as follows:

Authority: Secs 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2282); secs. 201, as amended, 202, 206, 88 Stat.1242, as amended 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

5. In § 36.55, paragraph (a) is revised to read as follows:

§ 36.55 Personnel monitoring.

(a) Irradiator operators shall wear a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor while operating a panoramic irradiator or while in the area around the pool of an underwater irradiator. The personnel dosimeter processor must be accredited for high energy photons in the normal and accident dose ranges (see 10 CFR 20.1501(c)). Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be processed at least monthly, and other personnel dosimeters must be processed at least quarterly.

* * * * *

6. In § 36.81, paragraph (e) is revised to read as follows:

§ 36.81 Records and retention periods.

* * * * *

(e) Evaluations of personnel dosimeters required by § 36.55 until the Commission terminates the license.

* * * * *

PART 39—LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING

7. The authority citation for Part 39 continues to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 69, 81, 82, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat.1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

8. In § 39.65, paragraphs (a) and (c) are revised to read as follows:

§ 39.65 Personnel monitoring.

(a) The licensee may not permit an individual to act as a logging supervisor or logging assistant unless that person wears, at all times during the handling of licensed radioactive materials, a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor. Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be replaced at least monthly and other personnel dosimeters replaced at least quarterly. After replacement, each personnel dosimeter must be promptly processed.

* * * * *

(c)The licensee shall retain records of personnel dosimeters required by paragraph (a) of this section and bioassay results for inspection until the Commission authorizes disposition of the records.

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

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 00–26988 Filed 10–23–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 34, 36 and 39

RIN 3150–AG21

New Dosimetry Technology

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations that govern radiological safety to allow licensees to use any type of personnel dosimeter that requires processing to determine the radiation dose, provided that the processor of the dosimeter is accredited to process this type of dosimeter under the National Laboratory Accreditation Program (NVLAP), operated by the National Institute of Standards and Technology (NIST).

DATES: Comments on the proposed rules must be received on or before November 24, 2000.

ADDRESSES: Mail comments to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff.

Hand deliver comments to 11555 Rockville Pike, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website (*http://ruleforum.llnl.gov*). This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–5905, e-mail *cag@nrc.gov*.

For more information, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Betty Ann Torres, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone, (301) 415–0191, email: BAT@nrc.gov.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**.

Procedural Background

Because the NRC considers this action noncontroversial and routine, we are publishing this proposed rule concurrently with a direct final rule. The direct final rule will become effective on January 8, 2001. However, if the NRC receives significant adverse comments on the direct final rule, by November 24, 2000, the NRC will publish a document to withdraw the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in response to the proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment for this action if the direct final rule is withdrawn.

List of Subjects

10 CFR Part 34

Criminal penalties, Packaging and containers, Radiation protection, Radiography, reporting and recordkeeping requirements, Scientific equipment, Security measures.

10 CFR Part 36

Byproduct material, Criminal penalties, Nuclear materials, Reporting and recordkeeping requirements, Scientific equipment, Security measures.

10 CFR Part 39

Byproduct material, Criminal penalties, Nuclear material, Oil and gas exploration-well logging, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Source material, Special nuclear material.

For reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR parts 34, 36, and 39.

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

1. The authority citation for part 34 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841). Section 34.45 also issued under sec. 206. as Stat. 1246 (42 U.S.C. 5846).

2. In § 34.47, the introductory text of paragraph (a), and paragraphs (a)(2), (a)(3), (a)(4), (d), (e), and (f) are revised to read as follows:

§ 34.47 Personnel monitoring.

(a) The licensee may not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each individual wears, on the trunk of the body, a direct reading dosimeter, an operating alarm ratemeter, and a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor. At permanent radiography installations where other appropriate alarming or warning devices are in routine use, the wearing of an alarming ratemeter is not required.

* * * * *

(2) Each personnel dosimeter must be assigned to and worn only by one individual.

(3) Film badges must be replaced at periods not to exceed one month and other personnel dosimeters processed and evaluated by an accredited NVLAP processor must be replaced at periods not to exceed three months.

(4) After replacement, each personnel dosimeter must be processed as soon as possible.

* * * * *

(d) If an individual's pocket chamber is found to be off-scale, or if his or her electronic personal dosimeter reads greater than 2 millisieverts (200 millirems), and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel dosimeter must be sent for processing within 24 hours. In addition, the individual may not resume work associated with licensed material use until a determination of the individual's radiation exposure has been made. This determination must be made by the RSO or the RSO's designee. The results of this determination must be included in the records maintained in accordance with § 34.83.

(e) If the personnel dosimeter that is required by paragraph (a) of this section is lost or damaged, the worker shall cease work immediately until a replacement personnel dosimeter meeting the requirements in paragraph (a) is provided and the exposure is calculated for the time period from issuance to loss or damage of the personnel dosimeter. The results of the calculated exposure and the time period for which the personnel dosimeter was lost or damaged must be included in the records maintained in accordance with § 34.83.

(f) Dosimetry reports received from the accredited NVLAP personnel dosimeter processor must be retained in accordance with § 34.83.

* * * * *

3. In § 34.83, paragraphs (c) and (d) are revised to read as follows:

§ 34.83 Records of personnel monitoring procedures.

* * * * *

(c) Personnel dosimeter results received from the accredited NVLAP processor until the Commission terminates the license.

(d) Records of estimates of exposures as a result of: off-scale personal direct reading dosimeters, or lost or damaged personnel dosimeters until the Commission terminates the license.

PART 36—LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

4. The authority citation for part 36 continues to read as follows:

Authority: Secs 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2282); secs. 201, as amended, 202, 206, 88 Stat.1242, as amended 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

5. In § 36.55, paragraph (a) is revised to read as follows:

§ 36.55 Personnel monitoring.

(a) Irradiator operators shall wear a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor while operating a panoramic irradiator or while in the area around the pool of an underwater irradiator. The personnel dosimeter processor must be accredited for high energy photons in the normal and accident dose ranges (see 10 CFR 20.1501(c)). Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be processed at least monthly, and other personnel dosimeters must be processed at least quarterly.

* * * * *

6. In § 36.81, paragraph (e) is revised to read as follows:

§ 36.81 Records and retention periods.

* * * * *

(e) Evaluations of personnel dosimeters required by § 36.55 until the Commission terminates the license.

* * * * *

PART 39—LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING

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

Authority: Secs. 53, 57, 62, 63, 65, 69, 81, 82, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

8. In § 39.65, paragraphs (a) and (c) are revised to read as follows:

§ 39.65 Personnel Monitoring.

(a) The licensee may not permit an individual to act as a logging supervisor or logging assistant unless that person wears, at all times during the handling of licensed radioactive materials, a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor. Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be replaced at least monthly and other personnel dosimeters replaced at least quarterly. After replacement, each personnel dosimeter must be promptly processed.

* * * * *

(c) The licensee shall retain records of personnel dosimeters required by paragraph (a) of this section and bioassay results for inspection until the Commission authorizes disposition of the records.

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

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 00–26989 Filed 10–23–00; 8:45 am]

BILLING CODE 7590–01–P

Federal Register

Tuesday,
October 24, 2000

Part V

Department of Housing and Urban Development

24 CFR Part 570
Prohibition on Use of Community Development Block Grant Assistance for Job-Pirating Activities; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 570

[Docket No. FR–4556–P–01]

RIN 2506–AC04

Prohibition on Use of Community Development Block Grant Assistance for Job-Pirating Activities

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement section 588 of the Quality Housing and Work Responsibility Act of 1998 by revising HUD's regulations for the Community Development Block Grant (CDBG) program. Section 588 prohibits State and local governments from using CDBG funds for "job pirating" activities that are likely to result in significant job loss. Job-pirating, in this context, refers to the use of CDBG funds to lure or attract a business and its jobs from one community to another community.

DATES: *Comments Due Date:* December 26, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Rules Docket Clerk, Office of General Counsel, Room 10276, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying weekdays between 7:30 a.m. and 5:30 p.m. at the above address. Comments submitted by facsimile (FAX) will not be accepted.

FOR FURTHER INFORMATION CONTACT: Richard Kennedy, Office of Block Grant Assistance, Room 7286, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–3587 (this is not a toll-free number).

In addition, program participants may contact their respective program offices by calling the applicable telephone number listed below (these telephone numbers are not toll-free).

For State CDBG recipients: Steve Johnson, Director, State & Small Cities Division, (202) 708–1322.

For Entitlement Communities: Sue Miller, Acting Director, Entitlement Communities Division, (202) 708–1577.

For Section 108, EDI, and BEDI program participants: Paul Webster, Director, Office of Community and Economic Development Finance, (202) 708–1871.

Hearing- or speech-impaired individuals may access any of the telephone numbers listed in this section by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Statutory Background

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301–5320) (referred to as the "1974 HCD Act") establishes the statutory framework for the Community Development Block Grants (CDBG) Program. HUD's regulations implementing the CDBG program are located at 24 CFR part 570 (entitled "Community Development Block Grants").

Section 588 of the Quality Housing and Work Responsibility Act of 1998 (Title V of the FY 1999 HUD Appropriations Act; Pub.L. 105–276, approved October 21, 1998) amended section 105 of the 1974 HCD Act (42 U.S.C. 5305). Specifically, section 588 added, at the end of section 105, a new subsection (h) entitled "Prohibition on Use of Assistance for Employment Relocation Activities." This new subsection prohibits the use of CDBG funds to facilitate the relocation of for-profit businesses from one labor market area to another if the relocation is likely to result in significant job loss.

New subsection (h) reads as follows:

> (h) Prohibition on Use of Assistance for Employment Relocation Activities.—Notwithstanding any other provision of law, no amount from a grant under section 106 made in fiscal year 1999 or any succeeding fiscal year may be used to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs.

II. This Proposed Rule

This proposed rule would implement new subsection 105(h) of the 1974 HCD Act by revising HUD's CDBG program regulations at 24 CFR part 570. The proposed rule would establish a new § 570.210 (entitled "Prohibition of use of assistance for employment relocation activities"), which would describe the CDBG job-pirating prohibitions. These anti-pirating provisions would also be incorporated in subpart I of the part 570 regulations. Subpart I describes the policies and procedures governing the State-administered CDBG program. Specifically, the proposed rule would revise § 570.482 (entitled "Eligible activities") to describe the job-pirating provisions for the State-administered CDBG program. The anti-pirating provisions described in § 570.482 would be parallel to those found in proposed § 570.210.

III. Significant Features of the Proposed Rule

A. *Covered programs.* This proposed rule would apply to the CDBG program. In addition, the proposed rule would also apply to the Section 108 Loan Guarantee program, the Economic Development Initiative (EDI) program, the Brownfields Economic Development Initiative (BEDI) program, and CDBG assistance to Insular Areas. HUD has decided to include these additional programs in the coverage of the proposed rule since they all provide assistance for economic development activities authorized by the CDBG program.

B. *Direct assistance to for-profit businesses.* Section 105 of the 1974 HCD Act authorizes the provision of direct CDBG assistance to for-profit businesses. Specifically, subsection 105(a)(17) authorizes CDBG recipients to provide direct assistance to for-profit businesses for economic development activities. Additionally, subsection 105(a)(15) authorizes recipients to provide CDBG funds to Community-Based Development Organizations (CBDOs) for economic development activities that increase economic opportunities, or that stimulate or retain businesses or permanent jobs. CBDOs may carry-out economic development activities directly or they may assist for-profit businesses similar to the way CDBG recipients assist for-profit businesses.

New subsection 105(h) targets CDBG assistance to for-profit businesses. In accordance with the statutory language of new subsection 105(h), the proposed rule would prohibit the provision of CDBG assistance to for-profit businesses (including business expansions) under subsections 105(a)(15) and 105(a)(17) of the 1974 HCD Act, if:

(1) The funding will assist in the relocation of a plant, facility, or operation; and

(2) If the relocation is likely to result in a significant loss of jobs in the area from which the relocation occurs.

As noted, HUD proposes to apply the job-pirating prohibition rule to those business expansions that result in the relocation of all or a portion of an operation to the expansion site, if the relocation would result in a significant loss in the number of jobs at the current facility. When a business expands to a site outside of its current labor market

area, the expansion may or may not involve a relocation of a product line or jobs. HUD specifically invites public comment on whether the anti-pirating prohibitions should apply to CDBG-assisted business expansion activities that may or may not have the potential for future job relocation. HUD also invites public comment on whether this proposed rule might have an impact on the expansion of electronic commerce on the internet and, if so, any suggestions for addressing such impact. Finally, while this proposed rule is directed to CDBG assistance made available to for-profit businesses that might relocate from one labor market area to another, the statutory provision does not specifically identify for-profit businesses, per se. In that regard, while there is the potential that some not-for-profit businesses may have fairly substantial levels of employment and might have the potential for business relocation and job loss, HUD believes that the likelihood of CDBG assistance to a not-for-profit business relocation is limited. HUD invites comments on its decision to limiting this rule to for-profit businesses.

C. *Infrastructure improvements.* In the development of this proposed rule, HUD also considered how new subsection 105(h) applies to CDBG recipients that provide assistance *indirectly* to for-profit businesses. This indirect assistance may take the form of infrastructure improvements (such as water and sewer lines, utilities and roadway improvements) as well as buildable sites, rail spurs, and other amenities in industrial parks. State and local CDBG recipients may also facilitate businesses indirectly through the development of business incubator buildings. The development of business incubator buildings indirectly assists for-profit businesses through the provision of reduced rents, shared administrative services, etc.

CDBG recipients may carry out these activities under subsection 105(a)(14) of the 1974 HCD Act, as well as subsections 105(a)(1), (2), (4), or (7), which govern the use of CDBG funds for acquisition of real property, public facilities improvements, clearance, demolition, and disposition of real property. A recipient may use these provisions to assist a business in relocating from one area to another.

This proposed rule provides that, when a CDBG recipient enters into a written agreement with a business to fund any of the activities described above in consideration for the relocation of the business, this is equivalent to providing direct assistance to the business. Accordingly, the proposed rule would apply. HUD specifically invites public comment on whether the anti-pirating prohibitions of this proposed rule should apply to infrastructure and other indirect CDBG assistance.

D. *Definition of "Operation".* New subsection 105(h) prohibits the use of CDBG assistance to assist in the relocation of any industrial or commercial plant, facility, or *"operation"* from one area to another area. This proposed rule would define the term "operation" to include any equipment, position, employment opportunity, production capacity or product line. HUD specifically solicits public comments regarding this proposed definition of the term "operation."

E. *Definition of "Area".* The statutory language of new subsection 105(h) prohibits the relocation of any industrial or commercial plant, facility, or operation, from "one area to another," if the relocation is likely to result in significant job loss. HUD proposes to interpret the phrase "area" to be synonymous with the term "Labor Market Area (LMA)," as defined by the U.S. Bureau of Labor Statistics (BLS). The BLS defines an LMA as:

> (a)n economically integrated area within which individuals can live and find employment within a reasonable distance or can readily change jobs without changing their place of residence.

HUD believes that the BLS definition is the most logical one to use, for two reasons:

(1) It ensures consistency of definitions and data across the country; and

(2) It enhances consistency of approach among Federal programs.

These are important considerations because potentially affected projects may involve a business relocating from one type of market area to a very different type of market area in a different region of the country. In addition, assembling financing for economic development projects often involves combining funding from multiple Federal programs or agencies.

LMAs include metropolitan statistical areas (MSA) and primary metropolitan statistical areas (PMSA), defined by the Office of Management and Budget, and small labor market areas. The proposed rule would be applicable to moves from one LMA to another, regardless of the type of area (*e.g.*, from an MSA to a PMSA, or from an MSA to a small labor market area, etc.) or the type of CDBG grantee providing assistance (*e.g.*, entitlement, non-entitlement, or State). For example, moving a business from the City of Denver (located in the Denver, CO MSA) to Adams County, CO (also located in the Denver, CO MSA) would not be subject to the anti-pirating provisions of this proposed rule since both Denver and Adams County are located in the same LMA.

HUD specifically invites public comments on the appropriateness of using the BLS definition of LMA for purposes of this rulemaking.

F. *Determining "significant job loss".* As noted above, new subsection 105(h) prohibits CDBG assistance for business relocation activities that "will result in a significant loss of employment" in the LMA from which the relocation occurs. This proposed rule would require that a CDBG grantee, in determining whether a significant job loss would occur, collect labor force statistics for the LMA where the business is located *before* the relocation occurs. As proposed in this rule, the CDBG grantee would also be required to document the number of jobs that the business plans to relocate to the new LMA.

Annual unemployment rates for metropolitan areas are reported to the nearest .1 percent (.001). Unemployment statistics for States and non-metropolitan areas also suggest that State unemployment rates vary between 0.1 percent and 0.9 percent. (Source: Bureau of the Census, *Local Area Unemployment Statistics,* Table 1—Civilian labor force and unemployment by state and metropolitan area, 1998–99.) This proposed rule would provide that a business relocation results in a "significant job loss" when the number of displaced jobs equals one-tenth percent or more of the total number of jobs in the LMA from which the relocation occurs.

The following example, provided in chart form, illustrates the factors that a CDBG grantee would be required to consider in determining whether a business relocation would result in a significant job loss. In the example, a city has proposed funding a business that plans to relocate from any of the following areas. The business plans on relocating on July 1 and the move would result in the relocation of 50 jobs.

EXAMPLE OF CALCULATING SIGNIFICANT JOB LOSS

(A) CDBG grantee/name of labor market area (LMA) Area where business is currently located	(B) Number of persons in labor force in area where business is currently located (June 1999)	(C) One-tenth percent of labor force Multiply column (B) by .001	(D) Number of jobs leaving the area Must be less than number in column (C) to be eligible for assistance
Chattanooga, TN Chattanooga, TN–GA MSA	219,709	219,709 × .001 = 219.709	50 Not Prohibited.
Logan, NE Lincoln-Logan-McPherson SLMA	19,714	19,714 × .001 = 19.71	50 Prohibited.
Jefferson County, CO Denver, CO PMSA	1,162,479	1,162,479 × .001 = 1,162.48	50 Not Prohibited.

(MSA: Metropolitan Statistical Area)
(PMSA: Primary MSA)
(SLMA: Small LMA)

Labor force statistics are provided monthly and annually for each LMA. Labor force data may be obtained from the BLS web site at http://www.bls.gov/lauhome.htm. CDBG grantees may also write to their State employment statistics contact person to receive local employment data. A list of State employment statistics contact names is provided at the following Internet address: http://www.bls.gov/ofolist.htm. To obtain a list of LMAs or for questions regarding local area unemployment statistics, contact the BLS Local Area Unemployment Statistics Division by calling (202) 606–6392 or e-mail the Division at the following address: lausinfo@bls.gov.

Even in large LMAs, however, a one-tenth of a percent job loss of the total labor market may constitute a large number of employees. Therefore, this proposed rule provides that in all cases a loss of 500 or more jobs will be considered to constitute a significant job loss. HUD specifically solicits public comments on the use of labor force data and the impact of the .1 percent and the 500 jobs threshold for determining significant job loss.

IV. Activities and Businesses Exempt From the Job Piracy Prohibition

A. *General.* This proposed rule would not apply to any of the following:

(1) Relocation assistance required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970, as amended, (42 U.S.C. 4601-4655) (implemented by HUD at 24 CFR part 42) and by the CDBG regulations at §§ 570.488 and 570.606;

(2) Start-up businesses;

(3) Microenterprises; and

(4) Assistance to businesses that buy equipment and/or inventory in arms-length transactions and move the equipment and/or inventory to another area.

B. *Relocation assistance.* HUD proposes to exclude relocation assistance required to be provided to a business under the URA. Businesses that receive such assistance and are required to relocate generally are not voluntarily relocating. HUD does not believe that the anti-pirating provisions were intended to prevent businesses that are forced to relocate as a result of a government action covered by the URA from relocating to another area.

C. *Start-up businesses and microenterprises.* HUD considered whether start-up businesses and microenterprises should be subject to the job-pirating restrictions, but has determined that these types of business were not the intended targets of the statutory prohibition. Such businesses generally have five or fewer employees and typically do not seek resources to relocate jobs to other areas.

D. *CDBG-assisted arms length transactions.* The exemption for businesses that buy equipment and inventory in arms length transactions is meant to protect assisted businesses that simply purchase equipment and inventory that are located in one area and move them to a new location. The job piracy prohibition targets businesses that move *existing* operations from one labor market area to another.

This proposed rule would apply to CDBG assistance to a business that: (1) Shuts down or downsizes a facility and sells the equipment in a non-arms length transaction (an example of a non-arm's length transaction is a firm selling equipment to a subsidiary); or

(2) Sells, in an arms length transaction, an interest in an existing business, product line, customer base or the entire stock-in-trade and goodwill of an existing business.

This proposed rule would not apply to assistance to a business that only purchases used equipment in an arms length transaction. HUD believes that the sale and purchase of equipment, inventories, or other business assets on the open market were not intended to be included under the business relocation provisions of new subsection 105(h).

The following examples illustrate the applicability of this proposed rule to the sale of business equipment and inventory:

Example 1: A city provides CDBG assistance to a business for the purchase of equipment. The business will purchase the equipment through a used equipment broker. The equipment is currently owned by a firm that is downsizing. Upon purchase of the equipment, the new owner will move the equipment to another State from where the equipment is currently located.

Example 2: A city provides CDBG assistance to a firm that intends to buy the product line of a business and to relocate the entire product line to another LMA.

In both cases, HUD would examine the following:

(1) Will the CDBG assistance directly assist in the relocation of the business?

(2) Will the relocation result in significant job loss?

Example 1: In the first example, the CDBG assistance did not trigger the relocation of the equipment, nor was the relocation of the equipment related to any loss of jobs. The current equipment owner's decision to downsize, regardless of another business' subsequent purchase of equipment and inventory, was the reason for the job loss in this example. The use of CDBG funds to purchase equipment in an arms-length transaction such as this would not be prohibited under this proposed rule.

Example 2: In this example, the CDBG assistance would directly assist the move of an operation from one LMA to another. The proposed rule would prohibit this assistance if the relocation of the product line is likely to result in significant job loss in the LMA from which the proposed relocation would occur.

HUD specifically invites comments on what forms of sale or transfer of a business' assets should be covered by the anti-pirating provisions of this rule.

V. Documentation Requirements for CDBG Recipients and Businesses

This proposed rule would require that for each CDBG assisted business covered by this proposed rule that the recipient's CDBG project file must document the following: whether or not the business has a plant, facility or operation in a LMA outside of the recipient's LMA; and if the business has one or more plants, facilities or operations located in other LMAs, the location and number of employees at each such plant, facility or operation. Prior to a decision to provide CDBG assistance to a business that has a plant, location or facility in other LMAs, the recipient shall document whether the number of workers employed by the business at each of the locations would constitute a significant job loss as proposed in this rule. If the recipient decides to commit CDBG assistance to a business (whether directly or indirectly), the grantee must require and obtain, as a condition for assistance, a certification from the assisted business that neither it, nor any of its subsidiaries, has plans to relocate jobs at the time the agreement is signed. The business must provide this certification to the grantee as a part of the agreement committing CDBG assistance to the business. Further, the agreement must provide that, in the event the CDBG assistance results in a business relocation subject to this proposed rule, the business will reimburse the CDBG recipient for any assistance (with interest) provided to, or expended on behalf of, the business.

The purpose of this certification is to prohibit businesses, especially those with similar facilities/operations in other LMAs, from using CDBG assistance to establish a new facility with the intent of subsequently relocating existing operations to the new facility. If the business plans to relocate jobs, then it would be required to certify as to the number of jobs at the current facility, and the number of those positions that would be relocated once the CDBG assisted facility was fully operational. If the number of jobs to be relocated exceeds the threshold for significant job loss, CDBG assistance could not be provided.

HUD solicits public comments on the documentation required to be collected and maintained by the recipient and the proposed business certification and the penalties if a business fails to meet the certification.

VI. Findings and Certifications

Public Reporting Burden

The information collection requirements contained in this proposed rule have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The current OMB control number for the CDBG Entitlement program is 2506–0077. The current OMB control number for the CDBG States program is 2506–0085. These information collection numbers will be revised to include the information burden projected in this proposed rule.

The burden of the information collections in this proposed rule is estimated as follows:

Reporting and Recordkeeping Burden

Section reference	Number of parties	Number of responses per respondent	Estimated average time for requirement (in hours)	Estimated annual burden (in hours)
§ 570.200(e) and § 570.506(c) (Maintenance of Required Documentation):				
Local	337	1	.333	112
Federal	100	1	.5	50
§ 570.210(c) (Statement):				
Local	337	1	2	674
Federal	40	1	1	40
§ 570.482(h)(3) (Statement):				
Local	51	1	2	102
Federal	10	1	2	20
Total Local Reporting and Recordkeeping Burden (Hours)				888
Total Federal Reporting and Recordkeeping Burden (Hours)				110

In accordance with 5 CFR 1320.8(d)(1), HUD is soliciting comments from members of the public and affected agencies concerning this collection of information to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Interested persons are invited to submit comments regarding the information collection requirements in this proposal. Comments must be received within sixty (60) days from the date of this proposal. Comments must refer to the proposal by name and docket number (FR–4556) and must be sent to:

Joseph F. Lackey, Jr., HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503;
and

Sheila Jones, Reports Liaison Officer, Office of the Assistant Secretary for Community Planning and Development, Department of Housing & Urban Development, 451 7th Street, SW, Room 7232, Washington, DC 20410.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4223). The Finding of No Significant Impact is available for public inspection between the hours of 7:30 a.m. and 5:30 p.m. weekdays in the

Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule would not have a significant economic impact on a substantial number of small entities. There are no anti-competitive discriminatory aspects of the rule with regard to small entities and there are not any unusual procedures that would need to be complied with by small entities. Nevertheless, HUD is sensitive to the fact that the uniform application of requirements on entities of differing sizes often places a disproportionate burden on small businesses. HUD, therefore, is soliciting alternatives for compliance from small entities as to how these small entities might comply in a way that is less burdensome to them.

Federalism Impact

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule would not have federalism implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This proposed rule does not impose any Federal mandates on any State, local, or tribal governments or the private sector within the meaning of Unfunded Mandates Reform Act of 1995.

Regulatory Planning and Review

The Office of Management and Budget (OMB) reviewed this rule under Executive Order 12866, *Regulatory Planning and Review*. OMB determined that this rule is a "significant regulatory action" as defined in section 3(f) of the Order (although not an economically significant regulatory action under the Order). Any changes made to this rule as a result of that review are identified in the docket file, which is available for public inspection in the office of the Department's Rules Docket Clerk, Room 10276, 451 Seventh Street, SW, Washington, DC 20410–0500.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) program numbers for the programs in covered by this proposed rule are as follows:

- Community Development Block Grant entitlement program—14.218;
- State CDBG program—14.228;
- HUD Small Cities CDBG program—14.219;
- Economic Development Initiative & Brownfields Economic Development Initiative programs—14.246
- Section 108 Loan Guarantee program—14.248
- Insular Areas—14.225.

List of Subjects in 24 CFR Part 570

Administrative practice and procedure, American Samoa, Community development block grant, Grant programs—education, Grant programs—housing and community development, Guam Indians, Lead poisoning, Loan programs—housing and community development, Low and moderate income housing, New communities, Northern Mariana Islands, Pacific Islands Trust Territory, Pockets of poverty, Puerto Rico, Reporting and recordkeeping requirements, Small cities, Student aid, Virgin Islands.

Accordingly, for the reasons discussed in the preamble, HUD proposes to amend 24 CFR part 570 as follows:

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

1. The authority citation for part 570 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 5301–5320.

2. Revise the third sentence of § 570.200(e) to read as follows:

§ 570.200 General policies.

* * * * *

(e) * * * A written determination is required for any activity carried out under the authority of §§ 570.201(f), 570.201(i)(2), 570.201(p), 570.201(q), 570.202(b)(3), 570.206(f), 570.209, 570.210, and 570.309.

* * * * *

3. Add § 570.210 to read as follows:

§ 570.210 Prohibition on use of assistance for employment relocation activities.

(a) *Prohibition.* CDBG funds may not be used to directly assist a business, including a business expansion, in the relocation of a plant, facility, or operation from one labor market area (LMA) to another LMA if the relocation is likely to result in a significant loss of jobs in the LMA from which the relocation occurs.

(b) *Definitions.* The following definitions apply to this section:

(1) *Directly assist.* Directly assist means the provision of CDBG funds for activities pursuant to:

(i) § 570.203(b);

(ii) § 570.204(a)(2); or

(iii) §§ 570.201(a), 570.201(b), 570.201(c), 570.201(d), 570.201(l), 570.203(a), or § 570.204 when the grantee, subrecipient, or (in the case of an activity carried out pursuant to § 570.204) a Community Based Development Organization enters into an agreement with a business to undertake one or more of these activities as a condition of the business relocating a facility, plant, or operation to the grantee's LMA.

(2) *Labor market area (LMA).* An LMA is an area defined by the U.S. Bureau of Labor Statistics. An LMA is an economically integrated geographic area within which individuals can live and find employment within a reasonable distance or can readily change employment without changing their place of residence. Grantees must use employment data, as defined by the U.S. Bureau of Labor Statistics, for the LMA in which the affected business is currently located and from which current jobs may be lost.

(3) *Operation.* A business operation includes any equipment, employment opportunity, production capacity or product line of the business.

(4) *Significant loss of jobs.* A loss of jobs is significant if the number of jobs to be lost in the LMA in which the affected business is currently located is equal to or greater than one-tenth of one percent (.1%) of the total number of persons in the labor force. In all cases, however, a loss of 500 or more jobs constitutes a significant job loss.

(c) *Statement.*—(1) *General.* A written agreement with a for-profit entity that receives direct assistance covered by this section must include a statement as to whether the assisted activity will result in the relocation of any industrial or commercial plant, facility, or operation from one LMA to another.

(2) *Required information.* If applicable, the agreement shall identify the for-profit entity's:

(i) Current plant(s), facility(ies), and operation(s);

(ii) The number of jobs that currently exist at each plant, facility, and operation; and

(iii) The number of jobs that will exist at each plant, facility, and operation once the assisted facility is fully operational.

(3) *Reimbursement of assistance.* In the event that assistance results in a relocation prohibited under this section, the agreement shall provide for reimbursement to the recipient of any assistance (with interest) provided to, or expended on behalf of, the for-profit entity.

(d) *Assistance not covered by this section.* This section does not apply to:

(1) *Relocation assistance.* Relocation assistance required by the Uniform Assistance and Real Property Acquisition Policies Act (URA) of 1970, as amended (42 U.S.C. 4601–4655);

(2) *Microenterprises.* Assistance to microenterprises eligible under § 570.201(o);

(3) *Start-up businesses.* Assistance to a start-up business (*i.e.*, a business that does not have an operating history before receiving CDBG assistance); and

(4) *Arms-length transactions.* Assistance to a business that purchases business equipment, inventory, or other physical assets in an arms-length transaction, including the assets of an existing business, provided that the purchase does not result in the relocation of the sellers' business operation (including customer base or list, goodwill, product lines, or trade names) from one LMA to another LMA and produces a significant loss of jobs in the LMA from which the relocation occurs.

4. Add § 570.482(h) to read as follows:

§ 570.482 Eligible activities.

* * * * *

(h) *Prohibition on use of assistance for employment relocation activities*—(1) *Prohibition.* CDBG funds may not be used to directly assist a business, including a business expansion, in the relocation of a plant, facility, or operation from one labor market area (LMA) to another LMA if the relocation is likely to result in a significant loss of jobs in the LMA from which the relocation occurs.

(2) *Definitions.* The following definitions apply to the paragraph:

(i) *Directly assist.* Directly assist means the provision of CDBG funds to a business pursuant to section 105(a)(15) or (17) of the Housing and Community Development Act of 1974, as amended. Direct assistance also includes assistance under section 105(a)(1), (2), (4), (7) and (14), of the Housing and Community Development Act of 1974, as amended, when the grantee enters into an agreement with a business to undertake one or more of these activities as a condition of the business relocating a facility, plant, or operation to the grantee's LMA.

(ii) *Labor market area (LMA).* An LMA is an area defined by the U.S. Bureau of Labor Statistics. An LMA is an economically integrated geographic area within which individuals can live and find employment within a reasonable distance or can readily change employment without changing their place of residence. Grantees must use employment data, as defined by the Bureau of Labor Statistics, for the LMA in which the affected business is currently located and from which current jobs may be lost.

(iii) *Operation.* A business operation includes any equipment, employment opportunity, production capacity or product line of the business.

(iv) *Significant loss of jobs.* A loss of jobs is significant if the number of jobs to be lost in the LMA in which the affected business is currently located is equal to or greater than one-tenth of one percent (.1%) of the total number of persons in the labor force. In all cases, however, a loss of 500 or more jobs constitutes a significant job loss.

(3) *Statement*—(i) *General.* A written agreement with a for-profit entity that receives direct assistance covered by this paragraph must include a statement as to whether the assisted activity will result in the relocation of any industrial or commercial plant, facility, or operation from one LMA to another.

(ii) *Required information.* If applicable, the agreement shall identify the for-profit entity's:

(A) Current plant(s), facility(ies), and operation(s);

(B) The number of jobs that currently exist at each plant, facility, and operation; and

(C) The number of jobs that will exist at each plant, facility, and operation once the assisted facility is fully operational.

(iii) *Reimbursement of assistance.* In the event that assistance results in a relocation prohibited under this paragraph, the agreement shall provide for reimbursement to the recipient of any assistance (with interest) provided to, or expended on behalf of, the for-profit entity.

(4) *Assistance not covered by this paragraph.* This paragraph does not apply to:

(i) *Relocation assistance.* Relocation assistance required by the Uniform Assistance and Real Property Acquisition Policies Act (URA) of 1970, as amended (42 U.S.C. 4601–4655);

(ii) *Microenterprises.* Assistance to microenterprises eligible under § 570.201(o);

(iii) *Start-up businesses.* Assistance to a start-up business (*i.e.*, a business that does not have an operating history before receiving CDBG assistance); and

(iv) *Arms-length transactions.* Assistance to a business that purchases business equipment, inventory, or other physical assets in an arms-length transaction, including the assets of an existing business, provided that the purchase does not result in the relocation of the sellers' business operation (including customer base or list, goodwill, product lines, or trade names) from one LMA to another LMA and produces a significant loss of jobs in the LMA from which the relocation occurs.

5. Revise § 570.506(c) to read as follows:

§ 570.506 Records to be maintained.

* * * * *

(c) Records that demonstrate that the recipient has made the determinations required as a condition of eligibility of certain activities, as prescribed in §§ 570.201(f), 570.201(i)(2), 570.201(p), 570.201(q), 570.202(b)(3), 570.206(f), 570.209, 570.210, and 570.309.

* * * * *

Dated: September 29, 2000.

Cardell Cooper,

Assistant Secretary for Community Planning and Development.

[FR Doc. 00–27191 Filed 10–23–00; 8:45 am]

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 1143/P.L. 106–309
Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000 (Oct. 17, 2000; 114 Stat. 1078)

H.R. 4365/P.L. 106–310
Children's Health Act of 2000 (Oct. 17, 2000; 114 Stat. 1101)

H.R. 5362/P.L. 106–311
To increase the amount of fees charged to employers who are petitioners for the employment of H-1B nonimmigrant workers, and for other purposes. (Oct. 17, 2000; 114 Stat. 1247)

S. 1198/P.L. 106–312
Truth in Regulating Act of 2000 (Oct. 17, 2000; 114 Stat. 1248)

S. 2045/P.L. 106–313
To amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens. (Oct. 17, 2000; 114 Stat. 1251)

S. 2272/P.L. 106–314
Strengthening Abuse and Neglect Courts Act of 2000 (Oct. 17, 2000; 114 Stat. 1266)

Last List October 18, 2000

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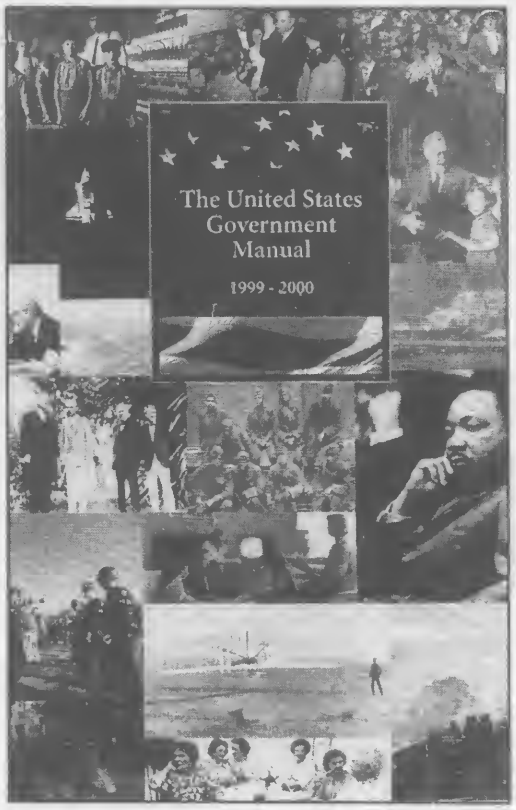

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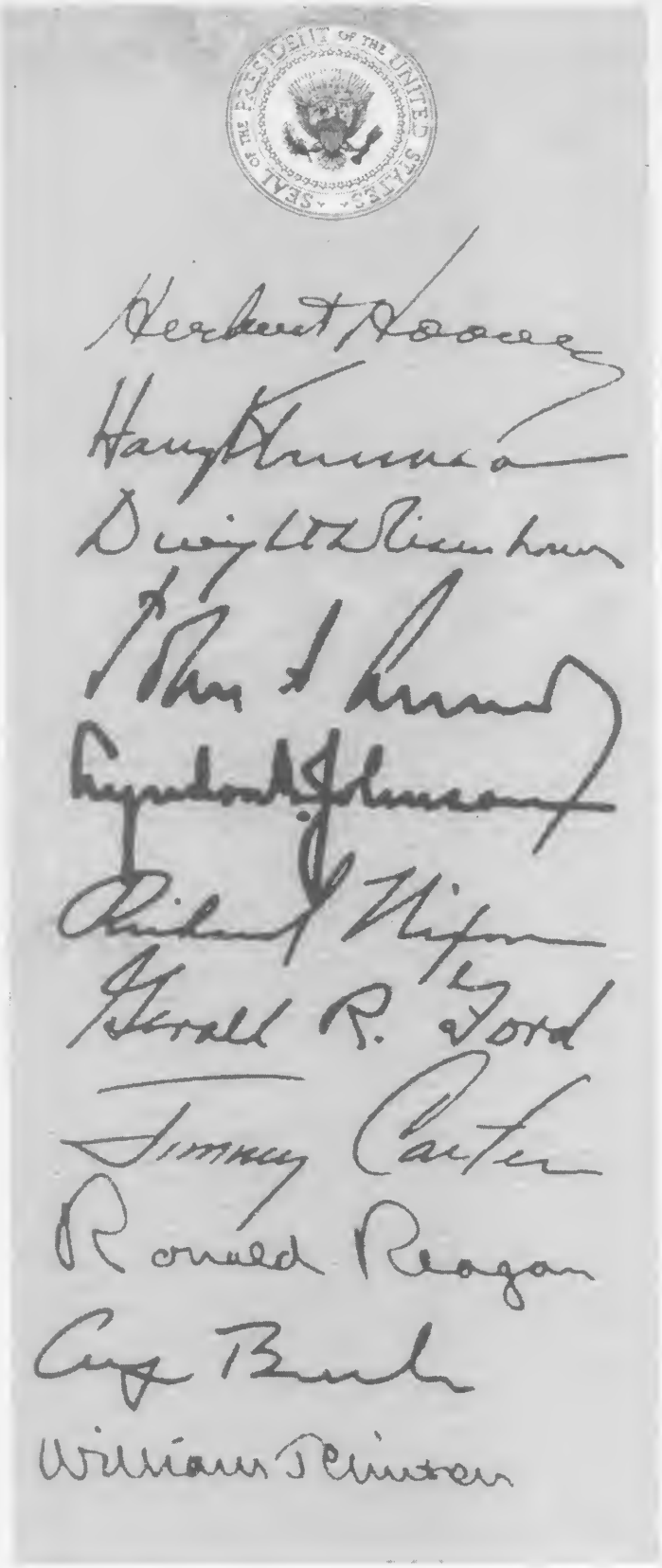

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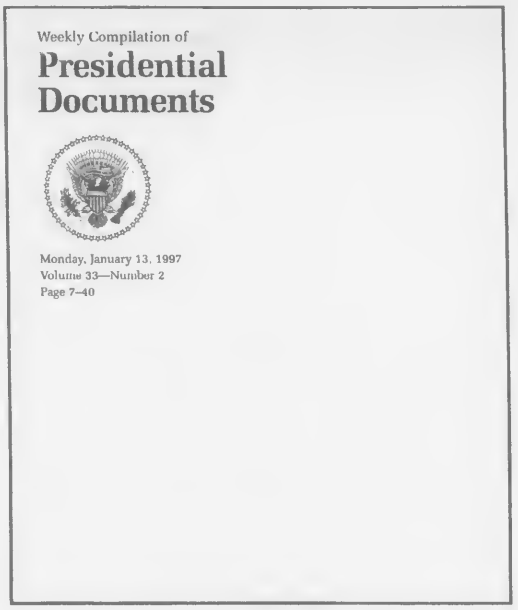

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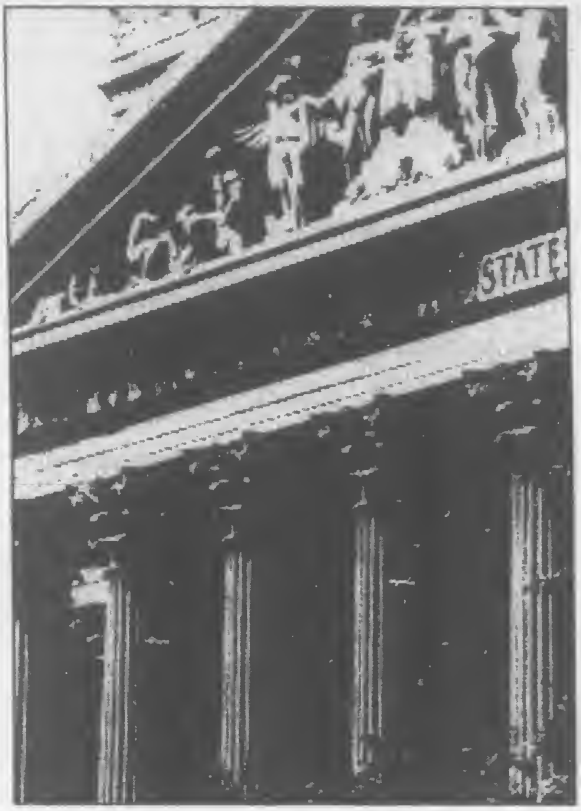

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