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

WASHINGTON, DC

WHEN: July 11, 2000, at 9:00 a.m.

WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

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Presidential Documents

Title 3—

The President

Proclamation 7321 of June 9, 2000

Flag Day and National Flag Week, 2000

By the President of the United States of America

A Proclamation

Our long national journey has brought the United States safely to a new century and to a position of unprecedented leadership in the world. Throughout that journey, one symbol has endured as a badge of honor for every American and a beacon of hope for the oppressed: the flag of the United States.

For more than two centuries, "Old Glory" has challenged us to make real the highest ideals of the patriots and visionaries who chose it as our national symbol in the early days of our Republic. The flag of the United States has inspired us in battle, reassured us in times of peace, and comforted us at moments of great national grief. In its white stripes, we recognize the sanctity of the American ideals on which our Republic was founded: liberty, justice, equality, and the guarantee of individual rights. In its red stripes, we salute the generations of American patriots who have shed their blood to keep our flag flying over a free Nation. And in the cluster of white stars on an unchanging blue field, we read the story of America's remarkable evolution from 13 small colonies to 50 great States, with millions of citizens from every race, creed, and country united by the hopes and history we share as Americans.

To commemorate the adoption of our flag, the Congress, by joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as "Flag Day" and requested the President to issue an annual proclamation calling for a national observance and for the display of the flag of the United States on all Federal Government buildings. In a second joint resolution approved June 9, 1966 (80 Stat. 194), the Congress requested the President also to issue annually a proclamation designating the week during which June 14 falls as "National Flag Week" and calling upon all citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim June 14, 2000, as Flag Day and the week beginning June 11, 2000, as National Flag Week. I direct the appropriate officials to display the flag on all Federal Government buildings during that week, and I urge all Americans to observe Flag Day and National Flag Week by flying the Stars and Stripes from their homes and other suitable places.

I also call upon the people of the United States to observe with pride and all due ceremony those days from Flag Day through Independence Day, also set aside by the Congress (89 Stat. 211), as a time to honor our Nation, to celebrate our heritage in public gatherings and activities, and to recite publicly the Pledge of Allegiance to the Flag of the United States of America.

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

William J. Clinton

[FR Doc. 00–15169
Filed 6–13–00; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

Federal Register
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Wednesday, June 14, 2000

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Docket No. FV00–920–1 FR]

Kiwifruit Grown in California; Temporary Suspension of Inspection and Pack Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule continues the temporary suspensions of inspection and pack requirements prescribed under the California kiwifruit marketing order (order). The order regulates the handling of kiwifruit grown in California and is administered locally by the Kiwifruit Administrative Committee (Committee). This rule continues, for the 2000–2001 season, the suspension of the requirement that fruit must be reinspected if it has not been shipped by specified dates, and also continues the suspension of the minimum net weight requirements for kiwifruit tray packs. Both suspensions are scheduled to expire at the end of the 1999–2000 season. These suspensions are expected to reduce handler packing costs, increase grower returns, and enable handlers to compete more effectively in the marketplace.

EFFECTIVE DATE: This final rule becomes effective August 1, 2000. The suspension of §§ 920.302 (a)(4)(iii), and 920.155 expires on July 31, 2001.

FOR FURTHER INFORMATION CONTACT: Rose M. Aguayo, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 920, as amended (7 CFR part 920), regulating the handling of kiwifruit grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This final rule was reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This final rule continues the temporary suspensions of inspection and pack requirements prescribed under the order. This rule will continue, for the 2000–2001 season, the suspension of the requirement that fruit must be reinspected if it has not been shipped by specified dates, and the suspension of the minimum net weight requirements for kiwifruit tray packs. Both suspensions were scheduled to expire at the end of the 1999–2000 season (July 31, 2000). These suspensions are expected to reduce handler packing costs, increase grower returns. and enable handlers to compete more effectively in the marketplace. This rule was unanimously recommended by the Committee at its February 24, 2000, meeting and will be in effect through July 31, 2001.

Continued Suspension of Reinspection Requirement

Section 920.55 of the order requires that prior to handling any variety of California kiwifruit, such kiwifruit shall be inspected by the Federal or Federal-State Inspection Service (inspection service) and certified as meeting the applicable grade, size, quality, or maturity requirements in effect pursuant to § 920.52 or § 920.53.

Section 920.55(b) provides authority for the establishment, through the order's rules and regulations, of a period prior to shipment during which inspections must be performed.

Prior to its suspension for 1998–1999 season, § 920.155 of the order's rules and regulations specified that the certification of grade, size, quality, and maturity of kiwifruit pursuant to § 920.52 or § 920.53 during each fiscal year was valid until December 31 of such year or 21 days from the date of inspection, whichever is later. Any inspected kiwifruit shipped after the certification period lapsed was required to be reinspected and recertified before shipment.

Section 920.155 was suspended for the 1998–1999 season by a final rule published August 4, 1998 (63 FR 41390). The Committee recommended this suspension to lessen the expenses upon the many kiwifruit growers who had either lost money or merely recovered their production costs in recent years. It concluded that the cost of reinspecting kiwifruit was too high to justify requiring it in view of the limited benefit reinspection provided. The Committee also believed it was no longer necessary to have fruit

reinspected to provide consumers with a high quality product because storage and handling operations had improved in the industry.

During the 1998–1999 season, handlers voluntarily checked stored fruit prior to shipment to ensure that the condition of the fruit had not deteriorated. Suspension of the reinspection requirement enabled handlers to ship quality kiwifruit during the 1998–1999 season without the necessity for reinspection and recertification and the costs associated with such requirements. However, because the harvest started later than normal and more fruit was in-line inspected and shipped directly to buyers, less fruit was repacked and available for evaluation than anticipated.

Therefore, at its February 25, 1999, meeting, the Committee unanimously recommended suspending § 920.155 of the order for one more season. Section 920.155 was suspended for the 1999–2000 season by a final rule published on July 29, 1999 (64 FR 41010).

During the 1999–2000 season a severe frost reduced the crop size from the estimated 9 million tray equivalents to 6 million tray equivalents. A tray equivalent is equal to approximately 7 pounds of fruit. This significant crop reduction and the excellent quality of the fruit resulted in limited quantities of fruit remaining in cold storage for repacking and evaluation. The Committee wanted to fully evaluate the suspension of the reinspection requirement during a normal season. Therefore the Committee, at its February 24, 2000, meeting, unanimously recommended suspending § 920.155 for another season, the 2000–2001 season. This suspension will be in effect until July 31, 2001.

Continued Suspension of Minimum Net Weight Requirements for Trays

Under the terms of the order, fresh market shipments of kiwifruit grown in California are required to be inspected and meet grade, size, maturity, pack, and container requirements. Section 920.52 authorizes the establishment of minimum size, pack, and container requirements.

Section 920.302(a)(4) of the order's rules and regulations outlines pack requirements for fresh shipments of California kiwifruit.

Section 920.302(a)(4)(iii) specifies minimum net weight requirements for fruit of various sizes packed in containers with cell compartments, cardboard fillers, or molded trays.

Prior to the 1989–1990 season, there were no minimum tray weight requirements although 73.5 percent of the crop was packed in trays. During the 1989–1990 season, minimum tray weights were mandated, as there were many new packers involved in the kiwifruit packing process and stricter regulations were viewed as necessary to provide uniform container weights for each size. However, since that season the proportion of the crop packed in trays has steadily declined.

During the 1997–1998 season, only 15.5 percent of the crop was packed into molded trays, and less than 1 percent of this fruit was rejected for failure to meet minimum tray weights. As a consequence, the Committee believed that minimum tray weight requirements might no longer be necessary to maintain uniformity in the marketplace.

Prior to the 1998–1999 season handlers were required to meet the minimum net weight requirements as shown in the following chart:

Count designation of fruit	Minimum net weight of fruit (pounds)
34 or larger	7.5
35 to 37	7.25
38 to 40	6.875
41 to 43	6.75
44 and smaller	6.5

The Committee met on July 8, 1998, and unanimously recommended suspension of the minimum net weight requirements for kiwifruit packed in cell compartments, cardboard fillers, or molded trays for the 1998–1999 season. Section 920.302(a)(4)(iii) was suspended for the 1998–1999 season by an interim final rule which was published September 3, 1998 (63 FR 14861) and finalized July 29, 1999 (64 FR 41019).

Even though the fruit was shorter, more full-bodied, and heavier during the 1998–1999 season, handlers were able to reduce packing costs and to compete more effectively in the market. The industry continued to pack well-filled trays without having to spend the extra time weighing them. There was no reduction in the uniform appearance of fruit packed into trays. The consensus of the industry was that the absence of tray weights had no impact during the 1998–1999 season due to the exceptionally heavy weight of the fruit.

The Committee, at its February 25, 1999, meeting unanimously recommended suspending the minimum net weight requirements for the 1999–2000 season to evaluate the suspended requirements during a season when the fruit shape and density were normal. This suspension was implemented by a final rule published on July 29, 1999 (64 FR 41010) and will be in effect until July 31, 2000.

As previously mentioned, the 1999–2000 crop was approximately three million tray-equivalents shorter than estimated due to a severe frost during the spring of 1999. This shortage of fruit resulted in limited quantities of fruit available for evaluation. Because of the uncharacteristic fruit in the 1998–1999 season and the short crop in the 1999–2000 season, the Committee at its February 24, 2000, meeting, unanimously recommended continuing the suspension of § 920.302(a)(4)(iii) for another season, the 2000–2001 season. This suspension will be in effect until July 31, 2001, and is expected to result in reduced handler packing costs and increased grower returns, and to enable handlers to compete more effectively in the marketplace.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) considered the economic impact of this action on small entities. Accordingly, AMS prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 60 handlers of California kiwifruit subject to regulation under the marketing order and approximately 400 producers in the production area. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those whose annual receipts are less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. Fifty-nine handlers have annual receipts less than $5,000,000, excluding receipts from other sources. Three hundred ninety producers have annual sales less than $500,000, excluding receipts from any other sources. Therefore, a majority of the kiwifruit handlers and producers may be classified as small entities.

This rule continues the temporary suspensions of inspection and pack requirements prescribed under the order. This rule continues, for the 2000–2001 season, the suspension of the

requirement that fruit must be reinspected if it has not been shipped by specified dates, and the minimum net weight requirements for kiwifruit tray packs. Both suspensions were scheduled to expire at the end of the 1999–2000 season (July 31, 2000). Continuation of the suspensions is expected to reduce handler packing costs, increase grower returns, and enable handlers to compete more effectively in the marketplace. This rule was unanimously recommended by the Committee at its February 24, 2000, meeting and will be in effect through July 31, 2001.

Continued Suspension of Reinspection Requirement

Section 920.55 of the order requires that prior to handling any variety of California kiwifruit, such kiwifruit shall be inspected by the Federal or Federal-State Inspection Service (inspection service) and certified as meeting the applicable grade, size, quality, or maturity requirements in effect pursuant to § 920.52 or § 920.53.

Section 920.55(b) provides authority for the establishment, through the order's rules and regulations, of a period prior to shipment during which inspections must be performed.

Prior to its suspension for 1998–1999 season, § 920.155 of the order's rules and regulations specified that the certification of grade, size, quality, and maturity of kiwifruit pursuant to § 920.52 or § 920.53 during each fiscal year was valid until December 31 of such year or 21 days from the date of inspection, whichever is later. Any inspected kiwifruit shipped after the certification period lapsed was required to be reinspected and recertified before shipment.

Section 920.155 was suspended for the 1998–1999 season by a final rule published August 4, 1998 (63 FR 41390). The Committee recommended this suspension to lessen the expenses upon the many kiwifruit growers who had either lost money or merely recovered their production costs in recent years. It concluded that the cost of reinspecting kiwifruit was too high to justify requiring it in view of the limited benefit reinspection provided. The Committee also believed it was no longer necessary to have fruit reinspected to provide consumers with a high quality product because storage and handling operations had improved in the industry.

During the 1998–1999 season, handlers voluntarily checked stored fruit prior to shipment to ensure that the condition of the fruit had not deteriorated. Suspension of the reinspection requirement enabled handlers to ship quality kiwifruit during the 1998–1999 season without the necessity for reinspection and recertification and the costs associated with such requirements. However, because the harvest started later than normal and more fruit was in-line inspected and shipped directly to buyers, less fruit was repacked and available for evaluation than anticipated.

Therefore, at its February 25, 1999, meeting, the Committee unanimously recommended suspending § 920.155 of the order for one more season. Section 920.155 was suspended for the 1999–2000 season by a final rule published on July 29, 1999 (64 FR 41010).

During the 1999–2000 season a severe frost reduced the crop size from the estimated 9 million tray equivalents to 6 million tray equivalents. A tray equivalent is equal to approximately 7 pounds of fruit. This significant crop reduction and the excellent quality of the fruit resulted in limited quantities of fruit remaining in cold storage for repacking and evaluation. The Committee wanted to fully evaluate the suspension of the reinspection requirement during a normal season. Therefore the Committee, at its February 24, 2000, meeting, unanimously recommended suspending § 920.155 for another season, the 2000–2001 season. This suspension will be in effect until July 31, 2001.

Continued Suspension of Minimum Net Weight Requirements for Trays

Under the terms of the order, fresh market shipments of kiwifruit grown in California are required to be inspected and meet grade, size, maturity, pack, and container requirements Section 920.52 authorizes the establishment of minimum size, pack, and container requirements.

Section 920.302(a)(4) of the order?s rules and regulations outlines pack requirements for fresh shipments of California kiwifruit.

Section 920.302(a)(4)(iii) specifies minimum net weight requirements for fruit of various sizes packed in containers with cell compartments, cardboard fillers, or molded trays.

Prior to the 1989–1990 season, there were no minimum tray weight requirements although 73.5 percent of the crop was packed in trays. During the 1989–1990 season, minimum tray weights were mandated, as there were many new packers involved in the kiwifruit packing process and stricter regulations were viewed as necessary to provide uniform container weights for each size. However, since that season the proportion of the crop packed in trays has steadily declined.

During the 1997–1998 season, only 15.5 percent of the crop was packed into molded trays, and less than 1 percent of this fruit was rejected for failure to meet minimum tray weights. As a consequence, the Committee believed that minimum tray weight requirements might no longer be necessary to maintain uniformity in the marketplace.

Prior to the 1998–1999 season handlers were required to meet the minimum net weight requirements as shown in the following chart:

Count designation of fruit	Minimum net weight of fruit (pounds)
34 or larger	7.5
35 to 37	7.25
38 to 40	6.875
41 to 43	6.75
44 and smaller	6.5

The Committee met on July 8, 1998, and unanimously recommended suspension of the minimum net weight requirements for kiwifruit packed in cell compartments, cardboard fillers, or molded trays for the 1998–1999 season. Section 920.302(a)(4)(iii) was suspended for the 1998–1999 season by an interim final rule published September 3, 1998 (63 FR 14861).

Even though the fruit was shorter, more full-bodied, and heavier during the 1998–1999 season, handlers were able to reduce packing costs and to compete more effectively in the market. The industry continued to pack well-filled trays without having to spend the extra time weighing them. There was no reduction in the uniform appearance of fruit packed into trays. The consensus of the industry that season was that the absence of tray weights had no negative impact during the 1998–1999 season due to the exceptionally heavy weight of the fruit.

The Committee, at its February 25, 1999, meeting, unanimously recommended suspending the minimum net weight requirements for the 1999–2000 season in order to evaluate the suspended requirements during a season when the fruit shape and density were normal. This suspension was implemented by a final rule published on July 29, 1999 (64 FR 41010) and will be in effect until July 31, 2000.

As previously mentioned, the 1999–2000 crop was approximately three million tray-equivalents shorter than estimated due to a severe frost during the spring of 1999. This shortage of fruit resulted in limited quantities of fruit

available for evaluation. Because of the uncharacteristic fruit in the 1998–1999 season and the short crop in the 1999–2000 season the Committee wanted to suspend the minimum net weight requirement for another year of evaluation. Therefore, at its February 24, 2000, meeting, the Committee, once again, unanimously recommended continuing the suspension of § 920.302(a)(4)(iii) for another season, the 2000–2001 season. This suspension will be in effect until July 31, 2001, and is expected to reduce handler packing costs, increase grower returns, and enable handlers to compete more effectively in the marketplace.

These changes address the marketing and shipping needs of the kiwifruit industry and are in the interest of handlers, growers, buyers, and consumers. The impact of these changes is expected to be beneficial to all handlers and growers regardless of size.

The Committee discussed alternatives to this change, including indefinitely suspending these requirements. While the industry continues to believe that the suspensions have helped handlers reduce packing costs and compete more effectively in the marketplace, it is not yet ready to recommend permanent suspension for the 2000–2001 and future seasons. Both the 1998–1999 and 1999–2000 seasons were abnormal in some respects, and the Committee wanted to study the results of the suspensions during a normal season. Thus, the Committee unanimously agreed to suspend these requirements for the 2000–2001 season.

This rule relaxes inspection and pack requirements under the kiwifruit marketing order. Accordingly, this action will not impose any additional reporting or recordkeeping requirements on either small or large kiwifruit handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

As noted in the initial regulatory flexibility analysis, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

In addition, the Committee's meetings were widely publicized throughout the kiwifruit industry and all interested persons were invited to attend the meetings and participate in Committee deliberations. Like all Committee meetings, the February 24, 2000, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

A proposed rule concerning this action was published in the **Federal Register** on April 24, 2000 (65 FR 21668). Copies of the rule were mailed or sent via facsimile to all Committee members and kiwifruit handlers. Finally, the rule was made available through the Internet by the Office of the Federal Register. A 30-day comment period ending May 24, 2000, was provided to allow interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html*. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 920 is amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 920.155 [Suspended]

2. In part 920, § 920.155 is suspended in its entirety effective August 1, 2000, through July 31, 2001.

§ 920.302 [Suspended in part]

3. In § 920.302, paragraph (a)(4)(iii) is suspended effective August 1, 2000, through July 31, 2001.

Dated: June 8, 2000.

James R. Frazier,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–15015 Filed 6–13–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 98–095–3]

Pork and Pork Products from Mexico Transiting the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations for the importation of animal products to allow fresh (chilled or frozen) pork and pork products from the Mexican States of Baja California Sur, Campeche, Coahuila, Nuevo Leon, Quintana Roo, and Sinaloa to transit the United States, under certain conditions, for export to another country. We are taking this action because there has been no outbreak of hog cholera in any of these States since 1993, and we are confident that fresh (chilled or frozen) pork and pork products from each of the above States could transit the United States under seal with a negligible risk of introducing hog cholera.

EFFECTIVE DATE: July 14, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. Michael David, Senior Staff Veterinarian, Animals Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737; (301) 734–8364.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation of certain animals and animal products into the United States to prevent the introduction of certain animal diseases. Section 94.9 of the regulations prohibits the importation of pork and pork products into the United States from countries where hog cholera exists, unless the pork or pork products have been treated in one of several ways, all of which involve heating or curing and drying.

Because hog cholera exists in certain areas in Mexico, pork and pork products from most Mexican States must meet the requirements of § 94.9 to be imported into the United States. Section 94.20 provides an exception, allowing the importation of fresh (chilled or frozen) pork and pork products from the Mexican States of Sonora and Yucatan.

Under § 94.15, pork and pork products that are from certain Mexican States and that are not eligible for entry

into the United States in accordance with the regulations in § 94.9 or § 94.20 may transit the United States for immediate export if certain conditions are met. These provisions were added to the regulations in 1992, following a United States Department of Agriculture investigation of the hog cholera situation in Sonora, Mexico, and a determination that pork and pork products from Sonora could transit the United States, under certain conditions, with minimal risk of introducing hog cholera. Final rules published in the **Federal Register** in 1995, 1996, and 1997 extended the provisions to Chihuahua, Yucatan, and Baja California, respectively.

On July 19, 1999, we published in the **Federal Register** (64 FR 38599–38603, Docket No. 98–095–1) a proposed rule to allow fresh (chilled or frozen) pork and pork products from the Mexican States of Baja California Sur, Campeche, Coahuila, Nuevo Leon, Quintana Roo, Sinaloa, and Tamaulipas to transit the United States, under these same conditions, for export to another country. We then published another document in the **Federal Register** on September 15, 1999 (64 FR 50014–50015, Docket No. 98–095–2), that amended our proposal to clarify that the transit of pork be allowed via land border ports only. We extended the comment period on our original proposal to allow the public enough time to comment on the amendment as it related to the proposed rule. We received three comments on the proposed rule, all of which generally supported the rule. One of the commenters requested a change in the list of States, and one raised another issue. Their concerns are addressed below.

Comment: The Animal and Plant Health Inspection Service (APHIS) should remove the Mexican State of Tamaulipas from the list of States eligible to transit pork through the United States due to an outbreak of hog cholera in Tamaulipas in August of 1999.

Response: Mexico confirmed that an outbreak of hog cholera occurred in Tamaulipas in August of 1999 and has taken efforts to control and eradicate it in that State. Because of the outbreak, we are not including Tamaulipas in this final rule.

Comment: APHIS should describe how it plans to monitor for compliance with the pork transit regulations.

Response: We intend to monitor compliance with the transit restrictions for shipments of pork from Baja California Sur, Campeche, Coahuila, Nuevo Leon, Quintana Roo, and Sinaloa in the same manner we have monitored transiting shipments of pork from Baja California, Chihuahua, Sonora, and Yucatan in the past. When pork transiting the United States for export to another country arrives at the U.S.-Mexico border, APHIS inspectors check to make sure that the seal number on the container holding the pork and the seal number on the health certificate accompanying the shipment of pork match. If the original seal on the container has been broken, a second seal must be in place, and the reason(s) for breaking the original seal must be explained in detail on the certificate accompanying the pork. If the original seal is broken and a second seal and/or proper documentation do not accompany the pork, the container is refused entry into the United States. APHIS also conducts spot checks at the port of export in the United States to ensure that the seals remain intact during their movement through the United States.

Comment: APHIS should develop a procedure to allow additions to the list of Mexican States without having to go through rulemaking each time. This would speed up the response time to requests by Mexico to relieve restrictions.

Response: We make every effort to respond promptly to requests made by foreign governments to relieve restrictions; however, APHIS must do so in accordance with applicable laws and executive orders, including the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) and Executive Order 12866, among others.

Changes to the Proposed Rule

We stated in the preamble to our proposed rule that pork from Mexico that is eligible to transit the United States under § 94.15 must be processed and packaged in Tipo Inspección Federal (TIF) plants approved by the Mexican Government. TIF plants are subject to strict Federal supervision to ensure that international health standards are maintained. Our proposed rule did not include this requirement as a condition of transit. However, we believe it is important and are, therefore, adding it to § 94.15(b)(2) in this final rule.

Also, § 94.15 has required that the pork be moved in transit in leakproof containers sealed with serially numbered seals approved by APHIS. We are changing that requirement in this final rule to reflect that such containers must be sealed with serially numbered seals of the Government of Mexico. We are making this change because APHIS does not formally "approve" the seals used by Mexico. APHIS simply recognizes that the Mexican seals are acceptable for the purposes of this rule.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the changes discussed in this document.

Executive Order 12866 and Regulatory Flexibility Act

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

In accordance with 5 U.S.C. 604, we have performed a final regulatory flexibility analysis, which is set out below, regarding the economic effects of this rule on small entities.

This rule will allow fresh (chilled or frozen) pork and pork products from the Mexican States of Baja California Sur, Campeche, Coahuila, Nuevo Leon, Quintana Roo, and Sinaloa to transit the United States, under certain conditions, for export to another country. There appears to be little risk of hog cholera exposure from shipments of pork and pork products from these States transiting the United States. Assuming that proper risk management techniques continue to be applied in Mexico, and that accident and exposure risk are minimized by proper handling during transport, the risk of exposure to hog cholera from pork in transit from Mexico through the United States will be negligible.

This rule will have no direct effect on U.S. producers and consumers of pork because Mexican pork will only transit the United States and will not enter U.S. marketing channels. Neither the quantity or price of pork traded in U.S. domestic markets, nor U.S. consumer or producer surplus will be affected by this rule. Therefore, this rule will have no economic effects on small entities, except as discussed below.

Effects on Small Transport Firms

This rule could directly affect U.S. trucking companies in the border states of Texas and California. These companies may benefit from transporting an estimated 5,000 to 6,000 metric tons annually of Mexican pork and pork products from U.S. land border ports to U.S. maritime ports. Additional annual revenues generated by this rule would range from $2,000 to $3,000 for California transport firms (based on an additional 5 to 7 trips annually), and from $10,000 to $57,000 for Texas transport firms (based on an additional 15 to 18 trips annually). The

majority (98 percent) of trucking firms in Texas and California meet the Small Business Administration's definition of a small firm (less than $18.5 million in receipts annually). However, based on the limited number of trips and negligible amount of revenue generated by these trips, it is safe to conclude that this rule will not have a significant economic impact on a substantial number of small trucking firms.

Effects on U.S. Pork Exporters

The extent to which this rule will affect U.S. pork exporters is unclear, but, based on historical data on Mexican pork exports, it appears that the overall effect of the rule will be to increase the quantity of Mexican pork destined for the Japanese frozen pork market. According to Japanese import statistics, Japan imported 382,000 metric tons of frozen swine cuts valued at roughly $1.9 billion in 1997. Denmark, Taiwan, and the United States were the top three suppliers, but Mexico and Canada, who are relative newcomers to the Japanese frozen pork market, have gained market share in recent years. As discussed above, we estimate that an additional 5,000 to 6,000 metric tons of frozen pork from Mexico would transit the United States for Japan annually after the effective date of this rule. This is roughly 1.4 percent of the total quantity imported by Japan in 1997.

During the period 1996 through 1997, Mexican frozen pork exports to Japan increased from 12,953 metric tons (valued at $76 million) to 24,408 metric tons (valued at $122 million). During the same period, U.S. frozen pork exports to Japan decreased from 64,500 metric tons valued at $360 million to 48,000 metric tons valued at $244 million. Analysts cite price advantage and the willingness of Mexican packers to tailor pork cuts to Japanese specifications as key reasons for Mexico's increased market share in 1997.

Since this rule simply allows pork from additional Mexican States to transit the United States for immediate export, it is unclear whether this rule will result in increased volumes of Mexican exports to foreign regions (e.g., Japan), although it will likely result in increased volumes of pork transiting the United States. It is possible that the volume of Mexico's total pork exports will remain constant, though the volume of pork in transit through the United States will increase. This scenario will likely have a minimal economic effect on U.S. pork exporters, whether small or large. However, since we are unable to determine whether this rule will result in increased volumes of Mexican pork exports, we cannot determine the effect of this rule on U.S. pork exporters, whether small or large.

Trade Relations

This rule removes some restrictions on the importation of pork and pork products from Mexico and attempts to encourage a positive trading environment between the United States and Mexico and other regions where hog cholera is considered to exist by stimulating economic activity and providing export opportunities to foreign pork processing industries.

This rule contains information collection requirements that have been approved by the Office of Management and Budget (see "Paperwork Reduction Act," below).

Executive Order 12988

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

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0145.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 94.15, paragraph (b) introductory text and paragraph (b)(2) are revised to read as follows:

§ 94.15 Animal products and materials; movement and handling.

* * * * *

(b) Pork and pork products from Baja California, Baja California Sur, Campeche, Chihuahua, Coahuila, Nuevo Leon, Quintana Roo, Sinaloa, Sonora, and Yucatan, Mexico, that are not eligible for entry into the United States in accordance with this part may transit the United States via land border ports for immediate export if the following conditions are met:

* * * * *

(2) The pork or pork products are packaged at a Tipo Inspección Federal plant in Baja California, Baja California Sur, Campeche, Chihuahua, Coahuila, Nuevo Leon, Quintana Roo, Sinaloa, Sonora, or Yucatan, Mexico, in leakproof containers and sealed with serially numbered seals of the Government of Mexico, and the containers remain sealed during the entire time they are in transit across Mexico and the United States.

* * * * *

Done in Washington, DC, this 9th day of June 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–15012 Filed 6–13–00; 8:45 am]

BILLING CODE 3140–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 98–029–3]

Change in Disease Status of the Republic of South Africa Because of Foot-and-Mouth Disease and Rinderpest; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: We are correcting an error in the instructions for insertion of the regulatory text of the final rule published in the **Federal Register** on April 17, 2000 (65 FR 20333–20337, Docket No. 98–029–2), and effective on May 2, 2000.

EFFECTIVE DATE: June 14, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. Glen I. Garris, Supervisory Staff Officer, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (302) 734–4356.

SUPPLEMENTARY INFORMATION:

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 is corrected by making the following correcting amendments:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

§ 94.1 [Corrected]

2. In paragraph (a)(2), by adding in alphabetical order by region the words "Republic of South Africa except the foot-and-mouth disease controlled area (which extends from the Republic of South Africa's border with Mozambique approximately 30 to 90 kilometers into the Republic of South Africa to include Kruger National Park and surveillance and control zones around the park, and elsewhere extends, from east to west, approximately 10 to 20 kilometers into the Republic of South Africa along its borders with Mozambique, Swaziland, Zimbabwe, Botswana, and the southeast part of the border with Namibia),".

§ 94.11 [Corrected]

3. In paragraph (a), by adding in alphabetical order by region, in the first sentence, the words "Republic of South Africa except the foot-and-mouth disease controlled area (which extends from the Republic of South Africa's border with Mozambique approximately 30 to 90 kilometers into the Republic of South Africa to include Kruger National Park and surveillance and control zones around the park, and elsewhere extends, from east to west, approximately 10 to 20 kilometers into the Republic of South Africa along its borders with Mozambique, Swaziland, Zimbabwe, Botswana, and the southeast part of the border with Namibia),".

Done in Washington DC, this 9th day of June 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–15011 Filed 6–13–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–82–AD; Amendment 39–11781; AD 2000–12–03]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Eurocopter France Model AS332L2 helicopters. This AD requires inspecting for interference between the transmission flexible mounting plate (plate) and the forward and aft shims (shims), replacing shims and repairing the plate if interference is found, and inspecting the plate for a broken plate slat (slat) and repairing the plate if a broken slat is found or replacing the plate if slat damage beyond repair limits is found. This AD is prompted by the discovery that several helicopters were manufactured with shims that did not have cutouts to permit relative motion between the plate slats and the shims without interference. The actions specified by this AD are intended to prevent cracking of the plate slats, increased helicopter vibration, loss of transmission mounting integrity, and subsequent loss of control of the helicopter.

DATES: Effective July 19, 2000.

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

ADDRESSES: The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Uday Garadi, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0170, telephone (817) 222–5123, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD for Eurocopter France Model AS332L2 helicopters was published in the **Federal Register** on March 24, 2000 (65 FR 15880). That action proposed to require inspecting for interference between the plate, the forward shim, and the aft shim; replacing shims and repairing the plate if interference is found; and inspecting the plate for broken slats and repairing the plate if broken slats are found or replacing the plate if slat damage beyond repair limits is found.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 1 helicopter of U.S. registry will be affected by this AD, that it will take approximately 1 work hour to accomplish the inspections; 80 work hours to accomplish the shim replacements and the plate repair, if necessary, and installation of Eurocopter France MOD 0725946 and MOD 0726012. The average labor rate is $60 per work hour. Required parts will cost approximately $4,126 for a forward shim; $4,052 for an aft shim; and $53,022 for a plate. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $66,060 to accomplish the inspections and all the replacements and repair, if necessary, and installation of both MOD's.

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2000–12–03 Eurocopter France: Amendment 39–11781. Docket No. 99–SW–82–AD.

Applicability: Model AS332L2 helicopters, certificated in any category.

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

Compliance: Required within 50 hours time-in-service (TIS) or within 50 hours TIS after accumulating 1,000 hours TIS on the transmission flexible mounting plate (plate), whichever occurs last, unless accomplished previously.

To prevent cracking of the plate slats, increased helicopter vibration, loss of transmission mounting integrity, and subsequent loss of control of the helicopter, accomplish the following:

(a) Inspect for interference between the plate, part number (P/N) 332A38–0106–00, the forward shim, P/N 332A22307420, and the aft shim (shim), P/N 332A22307020, in accordance with paragraph 2.B.1 of the Accomplishment Instructions in Eurocopter AS 332 Service Bulletin No. 05.00.54, dated July 8, 1999 (SB). If interference is found, replace the shims and repair the plate in accordance with paragraph 2.B.3 of the Accomplishment Instructions in the SB before further flight.

(b) Visually inspect the plate for a broken slat. If a broken slat is found, replace the plate and the shims with an airworthy plate and shims in accordance with paragraph 2.B.3 of the SB before further flight. Replace the plate with an airworthy plate if slat damage beyond repair limits is found.

(c) Install Eurocopter France MOD 0725946 and Eurocopter France MOD 0726012 at the next major inspection or when the transmission is next removed, whichever occurs first. Installation of both MOD's is considered a terminating action for the requirements of this AD.

(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, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through a FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

(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 helicopter to a location where the requirements of this AD can be accomplished.

(f) The inspections and modification shall be done in accordance with paragraph 2.B.1 and 2.B.3 of the Accomplishment Instructions in Eurocopter AS 332 Service Bulletin No. 05.00.54, dated July 8, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on July 19, 2000.

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD No. 1999–329–015(A), dated August 11, 1999.

Issued in Fort Worth, Texas, on June 5, 2000.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–14790 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–95–AD; Amendment 39–11782; AD 2000–12–04]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, that currently requires an initial inspection of fastener holes on certain outer frames of the fuselage to detect fatigue cracking, and modification of the area by cold expanding the holes and installing oversized fasteners. This amendment requires revising the applicability to include additional airplanes; a high frequency eddy current inspection to detect fatigue cracking in the frames and frame feet at fuselage frames FR37 through FR41; and follow-on actions. This amendment also provides for an optional terminating action for the follow-on repetitive inspections. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent fatigue cracking of the fuselage frames and frame feet, and consequent reduced structural integrity of the fuselage.

DATES: Effective July 19, 2000.

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

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

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington

98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 97–11–01, amendment 39–10030 (62 FR 28324, May 23, 1997), which is applicable to certain Airbus Model A320 series airplanes, was published in the **Federal Register** on April 5, 2000 (65 FR 17824). The action proposed to require an HFEC inspection to detect fatigue cracking in the frames and frame feet of left and right fuselage frames FR37 through FR41; and follow-on actions. The action proposed to revise the applicability to include additional airplanes. The action also proposed to allow for an optional terminating action for the follow-on repetitive inspections.

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.

Support for the Proposal

One commenter concurs with the content of the proposed AD. Another commenter is not affected by the proposed AD and thus has no objection to its issuance.

Request To Allow Flight With Known Cracks

One commenter, an operator, requests that the proposed AD be revised to allow continued service with cracks of the frame footing or frame segment for 500 flight cycles, as allowed in Airbus Service Bulletin A320–53–1141, Revision 01, dated October 4, 1999. The commenter states that the proposed AD does not allow such relief, and this added restriction may impact its operations.

The FAA does not concur. It is the FAA's policy to require repair of known cracks prior to further flight (the FAA may make exceptions to this policy in certain cases of unusual need). This policy is based on the fact that such damaged airplanes do not conform to the FAA certificated type design and, therefore, are not airworthy until a properly approved repair is incorporated. While the FAA recognizes that repair deferrals may be necessary at times, the FAA policy is intended to minimize adverse human factors relating to the lack of reliability of long-term repetitive inspections, which may reduce the safety of the type certificated design if such repair deferrals are practiced routinely. Exceptions may be made to this policy in certain cases, if there is an unusual need for a temporary deferral, such as legitimate difficulty in acquiring parts to accomplish repairs. However, since the FAA is not aware of any unusual need for repair deferral in regard to this AD, no change is made to the final rule.

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 as proposed.

Cost Impact

There are approximately 198 airplanes of U.S. registry that will be affected by this AD.

The new HFEC inspection that is required by this new AD will take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the requirements of this AD on U.S. operators is estimated to be $23,760, or $120 per airplane, per inspection cycle.

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

Should an operator elect to accomplish the optional terminating action rather than continue the repetitive inspections, it would take between 297 and 316 work hours per airplane to accomplish the inspection and modification, at an average labor rate of $60 per work hour. Required parts would cost between $40 and $5,290 per airplane. Based on these figures, the cost impact of this optional terminating action is estimated to be between $17,860 and $24,250 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10030 (62 FR 28324, May 23, 1997), and by adding a new airworthiness directive (AD), amendment 39–11782, to read as follows:

2000–12–04 Airbus Industrie: Amendment 39–11782. Docket 99–NM–95–AD. Supersedes AD 97–11–01, Amendment 39–10030.

Applicability: Model A319, A320, and A321 series airplanes, certificated in any category; except those on which Airbus Modification 25896, 25592, or 25593, or Airbus Service Bulletin A320–53–1128, Revision 01, dated October 4, 1999, has been accomplished.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking of the fuselage frames and frame feet, and consequent reduced structural integrity of the fuselage, accomplish the following:

Inspection

(a) Perform a high frequency eddy current (HFEC) inspection to detect fatigue cracks in the frames and frame feet at fuselage frames FR37 through FR41, adjacent to stringer 23, at the time specified in paragraph (a)(1), (a)(2), or (a)(3), as applicable; in accordance with Airbus Service Bulletin A320–53–1141, Revision 01, dated October 4, 1999.

(1) For Configuration 01 airplanes, as identified in Airbus Service Bulletin A320–53–1141: Within 3,500 flight cycles after the effective date of this AD.

(2) For Configuration 02 airplanes, as identified in Airbus Service Bulletin A320–53–1141: Within 16,000 flight cycles after accomplishment of Airbus Service Bulletin A320–53–1025, Revision 1, dated November 24, 1994, or within 3,500 flight cycles after the effective date of this AD, whichever occurs later.

(3) For Configurations 03, 04, and 05 airplanes, as identified in Airbus Service Bulletin A320–53–1141: Prior to the accumulation of 20,000 total flight cycles, or within 3,500 flight cycles after the effective date of this AD, whichever occurs later.

Repetitive Inspections or Corrective Action(s)

(b) For Configuration 01 airplanes: If no crack is detected during the HFEC inspection required by paragraph (a) of this AD, accomplish the action specified in either paragraph (b)(1) or (b)(2) of this AD.

(1) Repeat the HFEC inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 3,500 flight cycles until accomplishment of paragraph (f) of this AD. Or

(2) Prior to further flight, modify each fastener hole of the outer frame flanges of left and right fuselage frames FR37 through FR41, adjacent to stringer 23, in accordance with Airbus Service Bulletin A320–53–1141, Revision 01, dated October 4, 1999. Within 16,000 flight cycles after accomplishment of this modification, and thereafter at intervals not to exceed 3,500 flight cycles, repeat the HFEC inspection required by paragraph (a) of this AD until accomplishment of paragraph (f) of this AD.

Note 2: Airbus Service Bulletin A320–53–1141, Revision 01, dated October 4, 1999, references Airbus Service Bulletin A320–53–1025, Revision 1, dated November 24, 1994, as an additional source of information for accomplishing the modification required by paragraph (b)(2) of this AD.

Note 3: Accomplishment of the modification in accordance with Airbus Service Bulletin A320–53–1125, dated August 5, 1994, prior to the effective date of this AD, is considered acceptable for compliance with the modification requirements of paragraph (b)(2) of this AD.

(c) For Configurations 02, 03, 04, and 05 airplanes: If no crack is detected during the inspection required by paragraph (a) of this AD, repeat the HFEC inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 3,500 flight cycles until accomplishment of paragraph (f) of this AD.

(d) If any crack less than 0.20 inches (5.0 mm) in length is detected during any HFEC inspection required by this AD, prior to further flight, accomplish the actions specified in either paragraph (d)(1) or (d)(2) of this AD.

(1) Repair in accordance with Airbus Service Bulletin A320–53–1141, Revision 01, dated October 4, 1999. Repeat the HFEC inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 3,500 flight cycles. Or

(2) Accomplish the actions specified in paragraph (f) of this AD.

(e) If any crack is 0.20 inches (5.0 mm) or greater in length, or if more than one crack per frame side is detected during any HFEC inspection required by this AD, prior to further flight, simultaneously accomplish the actions specified in paragraphs (e)(1) and (e)(2) of this AD.

(1) Replace the frame segment and/or frame foot with a new frame segment or frame foot in accordance with Airbus Service Bulletin A320–53–1141, Revision 01, dated October 4, 1999. And

(2) Accomplish the actions specified in paragraph (f) of this AD.

Optional Terminating Action

(f) Modification of the frames and frame feet area at fuselage frames FR37 through FR41 (including the rotating probe eddy current inspection to detect cracks, fastener hole repair, installation of doublers on each frame, cold working of specified fastener holes, installation of new fasteners in the cold-worked holes, and installation of new modified system brackets), as applicable, in accordance with Airbus Service Bulletin A320–53–1128, Revision 01, including Appendix 01, dated October 4, 1999, constitutes terminating action for the requirements of this AD.

Note 4: Accomplishment of the modification in accordance with Airbus Service Bulletin A320–53–1128, including Appendix 01, dated October 3, 1997, prior to the effective date of this AD, is considered acceptable for compliance with the modification requirements of paragraph (f) of this AD.

Alternative Methods of Compliance

(g) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Incorporation by Reference

(i) The actions shall be done in accordance with Airbus Service Bulletin A320–53–1141, Revision 01, dated October 4, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 6: The subject of this AD is addressed in French airworthiness directive 98–509–123(B), dated December 16, 1998.

(j) This amendment becomes effective on July 19, 2000.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–14791 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–06–AD; Amendment 39–11778; AD 2000–11–29]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 Series Airplanes; and Model F28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 series airplanes, and Model F28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 series airplanes, that requires a one-time functional test to verify correct installation of the shoulder harnesses of the pilot's and co-pilot's seats and, if necessary, replacement of the shoulder harness assembly with a new or serviceable shoulder harness assembly. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the shoulder harness, which could result in injury to the flight crew during

extremely turbulent flight conditions or during emergency landing or stopping conditions.

DATES: Effective July 19, 2000.

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

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Fokker Model F27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 series airplanes, and Model F28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 series airplanes was published in the **Federal Register** on February 17, 2000 (65 FR 8075). That action proposed to require a one-time functional test to verify correct installation of the shoulder harnesses of the pilot's and co-pilot's seats and replacement of an incorrectly installed shoulder harness assembly with a new or serviceable shoulder harness assembly.

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.

No Objection to the Proposal

One commenter, an operator, states that it has already accomplished the proposed testing, and therefore has no comments regarding the proposed rule.

Request for Revision to Applicability

One commenter, an operator, requests that the proposed AD be revised to limit the applicability to shoulder harnesses that have been repaired by agencies other than the original equipment manufacturer (OEM) of the harness. The commenter states that the failure described in the proposed AD was a one-time, isolated occurrence, and that the harness is used on multiple fleets, all of which have been operating without report from any operator of such malfunctions. The commenter also states that Pacific Scientific, the OEM, has assured the commenter that all new and repaired or remanufactured harnesses cannot disengage from the reel "without a catastrophic failure of the webbing." Since the commenter receives all harnesses in sealed bags in new condition, any tampering prior to installation that could cause failure of the harness would be detectable.

The FAA does not concur. The FAA acknowledges that the investigations that prompted the proposed AD revealed improper repairs of the shoulder harness assemblies accomplished by a maintenance company rather than the shoulder harness OEM. Further discussions with the Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, have revealed that only one maintenance company was involved, and that the faulty shoulder harnesses, of the 0108900 series, had been installed only on Fokker Model F27 and F28 series airplanes. However, the RLD also advises that it was not possible to trace all harness assemblies that had been repaired in the past by the maintenance company; therefore, it cannot be determined with any certainty how many other airplanes have these faulty harness assemblies installed.

The FAA notes that even if it could be determined definitively whether the installed shoulder harnesses have ever been repaired in the past by someone other than the shoulder harness OEM, which would require a review of complete maintenance records for each shoulder harness, such records may not be available for airplanes transferred from another operator. Additionally, the FAA considers that the time required for such a review would likely be greater than that for the one-time functional test of the harnesses specified in the proposed AD. No change is made to the final rule. However, under the provisions of paragraph (b) of the AD, the FAA may approve requests for an alternative method of compliance if substantiating data (such as verification that the shoulder harness maintenance records show that only OEM repairs were made) are submitted to justify use of that method.

Statement of Unsafe Condition

One commenter notes that the statement of the unsafe condition in the Summary, Discussion, and Compliance sections of the proposed AD deviates from the description provided in Dutch airworthiness directive BLA 1999–139(A), dated October 29, 1999. The commenter suggests that the statement should be revised as follows: "* * * which could result in injury to the flight crew during extremely turbulent flight conditions or during emergency landing/stop conditions." The commenter states that this wording gives a better defined description of the situations in which separation of the shoulder harness from the seat could occur.

The FAA acknowledges that the wording suggested by the commenter provides a slightly more precise description of the unsafe condition intended to be addressed by this AD. The Discussion section of the AD is not repeated in the final rule, but the FAA has revised the Summary and Compliance sections of the AD accordingly.

Type Certificate Holder

The same commenter requests that the Explanation of Relevant Service Information section of the AD be revised to refer to Fokker Services B.V., rather than the now defunct airplane manufacturer, as the current type certificate holder. The commenter advises that Fokker Services B.V is the issuer of the relevant service information. The FAA acknowledges the accuracy of this information; however, since this section is not repeated in the final rule, no change is made to the AD.

Other Change to the AD

Since issuance of the proposed AD, Fokker Services B.V. has issued Service Bulletin SBF27/25–65, Revision 1, dated March 1, 2000. The original issue of this service bulletin, dated October 14, 1999, is referenced in the proposed AD as the appropriate source of service information for Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes. The procedures in Revision 1 are essentially the same as those in the original, with certain information contained in the maintenance manual for accomplishment of the functional test added to the service bulletin. Paragraph (a)(2) of the AD has been revised to reference Revision 1 of the service bulletin, and a "NOTE" has been added to the AD to give credit to operators that may have accomplished the required actions in accordance with the original issue of the service bulletin.

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.

Cost Impact

The FAA estimates that 191 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required functional test, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $11,460, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–11–29 Fokker Services B.V.: Amendment 39–11778. Docket 2000–NM–06–AD.

Applicability: Model F27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 series airplanes; and Model F28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 series airplanes; certificated in any category; on which any Pacific Scientific Model 0108900 series flight crew shoulder harness assembly is installed.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the shoulder harness, which could result in injury to the flight crew during extremely turbulent flight conditions or during emergency landing or stopping conditions, accomplish the following:

Functional Test

(a) Within 6 months after the effective date of this AD, perform a one-time functional test to verify correct installation of the shoulder harnesses of the pilot's and co-pilot's seats, in accordance with paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD, as applicable. If any shoulder harness is incorrectly installed, prior to further flight, replace the shoulder harness assembly with a new or serviceable shoulder harness assembly, in accordance with paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD, as applicable.

(1) For Model F27 Mark 050 series airplanes: Accomplish the actions in accordance with Fokker Service Bulletin SBF50–25–051, dated October 14, 1999.

(2) For Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes: Accomplish the actions in accordance with Fokker Service Bulletin SBF27/25–65, Revision 1, dated March 1, 2000.

(3) For Model F28 Mark 0070 and 0100 series airplanes: Accomplish the actions in accordance with Fokker Service Bulletin SBF100–25–088, dated October 14, 1999.

(4) For Model F28 Mark 1000, 2000, 3000, and 4000 series airplanes: Accomplish the actions in accordance with Fokker Service Bulletin SBF28/25–103, dated October 14, 1999.

Note 2: Accomplishment of the actions in accordance with Fokker Service Bulletin SBF27/25–65, dated October 14, 1999, is acceptable for compliance with the requirements of paragraph (a)(2) of the AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(d) The actions shall be done in accordance with Fokker Service Bulletin SBF50–25–051, dated October 14, 1999; Fokker Service Bulletin SBF27/25–65, Revision 1, dated March 1, 2000; Fokker Service Bulletin SBF100–25–088, dated October 14, 1999; or Fokker Service Bulletin SBF28/25–103, dated October 14, 1999; as applicable. Fokker Service Bulletin SBF27/25–65, Revision 1, dated March 1, 2000, contains the following list of effective pages:

Page number	Revision level shown on page	Date shown on page
1, 4–6	1	March 1, 2000.
2–3	Original	October 14, 1999.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Dutch airworthiness directive BLA 1999–139 (A), dated October 29, 1999.

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

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–14792 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AAL–18]

Revision of Class E Airspace; Unalaska, AK; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action corrects the error in the geographic description of a final rule that was published in the **Federal Register** on April 24, 2000 (65 FR 21644), Airspace Docket 99–AAL–18. The final rule revised the class E airspace at Unalaska, AK.

EFFECTIVE DATE: 0901 UTC, June 15, 2000.

FOR FURTHER INFORMATION CONTACT: Robert Durand, Operations Branch, AAL–531, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; email: Bob.Durand@faa.gov. Internet address: http://www.alaska.faa.gov/at.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 00–10015, Airspace Docket 99–AAL–18, published on April 24, 2000 (65 FR 21644), revised the Class E airspace area at Unalaska, AK. The coordinates for the Unalaska Airport are in error. The coordinates for the Unalaska Airport should read: lat. 53° 54′ 01″ N., long. 166° 32′ 37″ W. This action corrects this error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the error for the Class E airspace, Unalaska, AK, as published in the **Federal Register** April 24, 2000 (FR Document 00–10015), is corrected as follows:

1. On page 21645, Column 1, in the airspace description for Unalaska Airport, line 2, correct the coordinates to read "[lat. 53° 54′ 01″ N., long. 166° 32′ 37″ W.]".

Issued in Anchorage, AK, on June 6, 2000.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 00–14863 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–33]

Realignment of Jet Route; TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action realigns Jet Route 25 (J–25) in the vicinity of San Antonio, TX. Specifically, this action realigns J–25 between the Corpus Christi Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) and the San Antonio VORTAC. The FAA is taking this action to enhance the management of air traffic operations and allow for better utilization of navigable airspace in the San Antonio, TX, area. Additionally, this action corrects the legal description of J–25 by changing the originating point of the jet route and an incorrect radial.

EFFECTIVE DATE: 0901 UTC, August 10, 2000.

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

SUPPLEMENTARY INFORMATION:

Background

As a result of a recent airspace review, the FAA has determined that a segment of J–25, between the Corpus Christi VORTAC and the San Antonio VORTAC, requires realignment to allow for better utilization of the navigable airspace in the San Antonio, TX, area. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Except for editorial changes, and the correction to the originating point of J–25 from "Matamoras, Mexico" to the "INT of the United States/Mexican Border and Brownsville, TX, 221° radial" and the "San Antonio, TX, 174° radials" to the "San Antonio, TX, 166° radials," this amendment is the same as that proposed in the notice.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) realigns J–25 in the vicinity of San Antonio, TX. This action realigns the affected jet route between the Corpus Christi VORTAC and the San Antonio VORTAC. The FAA is taking this action to enhance the management of air traffic operations and allow for better utilization of navigable airspace in the San Antonio, TX, area. Additionally, this action corrects the legal description of J–25 by changing the originating point of the jet route and an incorrect radial.

Jet routes are published in Paragraph 2004 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The jet route listed in this document will be published subsequently in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

Paragraph 2004 Jet Routes

* * * * *

J–25 [Revised]

From the INT of the United States/Mexican Border and the Brownsville, TX, 221° radial via Brownsville; INT of the Brownsville 358° and the Corpus Christi, TX, 178° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, TX, 166° radials; San Antonio; Centex, TX; Waco, TX; Ranger, TX; Tulsa, OK; Kansas City, MO; Des Moines, IA; Mason City, IA; Gopher, MN; Brainerd, MN; to Winnipeg, MB, Canada. The airspace within Canada is excluded. The airspace within Mexico is excluded.

* * * * *

Issued in Washington, DC, on June 7, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–14909 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30071; Amdt. No. 1995]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally

current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on June 9, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN:§ 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective August 10, 2000

Holy Cross, AK, Holy Cross, GPS RWY 1, Orig
Holy Cross, AK, Holy Cross, GPS RWY 19, Orig
Kipnuk, AK, Kipnuk, GPS RWY 15, Orig
Scammon Bay, AK, Scammon Bay, GPS RWY 10, Orig
Scammon Bay, AK, Scammon Bay, GPS RWY 28, Orig
Unalaska, AK, Unalaska, GPS–E, Orig
Deland, FL, Deland Muni-Sidney H. Taylor Field, RADAR–1, Amdt 3
Augusta, GA, Augusta Regional At Bush Field, VOR/DME RWY 17, Amdt 2
Augusta, GA, Augusta Regional At Bush Field, NDB or GPS RWY 17, Amdt 15
Augusta, GA, Augusta Regional At Bush Field, NDB or GPS RWY 35, Amdt 28
Augusta, GA, Augusta Regional At Bush Field, ILS RWY 17, Amdt 7
Augusta, GA, Augusta Regional At Bush Field, ILS RWY 35, Amdt 26
Augusta, GA, Augusta Regional At Bush Field, RADAR–1, Amdt 7
Augusta, GA, Daniel Field, NDB/DME or GPS–C, Amdt 3
Augusta, GA, Daniel Field, NDB or GPS RWY 11, Amdt 3
Blakely, GA, Early County, RNAV RWY 5, Orig
Blakely, GA, Early County, RNAV RWY 23, Orig
Baltimore, MD, Baltimore-Washington Intl, ILS RWY 28, Amdt 14
College Park, MD, College Park, VOR/DME RNAV RWY 15, Amdt 2
Ely, MN, Ely Muni, VOR–A, Orig
Ely, MN, Ely Muni, VOR or GPS RWY 12, Amdt 6, CANCELLED
Ely, MN, Ely Muni, VOR/DME RWY 12, Amdt 5
Ely, MN, Ely Muni, VOR or GPS RWY 30, Amdt 6, CANCELLED
Ely, MN, Ely Muni, VOR/DME RWY 30, Amdt 5
Fairmont, MN, Fairmont Muni, COPTER ILS RWY 31, Orig
Atlantic City, NJ. Atlantic City Intl, RNAV RWY 22, Orig
Fulton, NY, Oswego County, ILS RWY 33, Orig
Niagara Falls, NY, Niagara Falls Intl, RNAV RWY 10L, Orig
Green Bay, WI, Austin Straubel Intl, LOC BC RWY 24, Amdt 18

Note: The following procedure which was published in TL 00–10 with an effective date of August 10, 2000 is hereby rescinded: Champaign/Urbana, IL, University of Illinois-Willard, GPS RWY 18, Orig-A.

[FR Doc. 00–14988 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30072; Amdt. No. 1996]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the Region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents. US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available

for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/T NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/T NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on June 9, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [AMENDED]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective Upon Publication

FDC date	State	City	Airport	FC Number	SIAP
05/24/00	ND.	MINOT	MINOT INTL	FDC 0/5527	VOR OR GPS RWY 8 AMDT 10...
05/25/00	SD.	WILLISTON	SLOULIN FIELD INTL	FDC 0/5548	VOR/DME OR GPS RWY 29, AMDT 3A... THIS REPLACES 0/4492.
05/26/00	IN.	INDIANAPOLIS	INDIANAPOLIS DOWNTOWN HELIPORT.	FDC 0/5592	COPTER VOR/DME 287, AMDT 1A...
05/26/00	PA.	ST. MARYS	ST. MARYS MUNI	FDC 0/5604	VOR/DME RNAV RWY 10 AMDT 5A...
05/31/00	IL.	QUINCY	QUINCY MUNI BALDWIN FIELD	FDC 0/5752	VOR OR GPS RWY 4, AMDT 11...
05/31/00	IL.	QUINCY	QUINCY MUNI BALDWIN FIELD	FDC 0/5753	VOR/DME OR GPS RWY 22, AMDT 7...
05/31/00	IL.	QUINCY	QUINCY MUNI BALDWIN FIELD	FDC 0/5754	LOC/DME BC RWY 22, AMDT 6...
05/31/00	MI.	BENTON HARBOR	SOUTHWEST MICHIGAN REGIONAL.	FDC 0/5764	NDB OR GPS RWY 27, AMDT 9A...
05/31/00	MI.	BENTON HARBOR	SOUTHWEST MICHIGAN REGIONAL.	FDC 0/5766	VOR RWY 27, AMDT 18...
05/31/00	MI.	BENTON HARBOR	SOUTHWEST MICHIGAN REGIONAL.	FDC 0/5767	LOC BC RWY 9, AMDT 9...
05/31/00	MI.	BENTON HARBOR	SOUTHWEST MICHIGAN REGIONAL.	FDC 0/5768	ILS RWY 27, AMDT 6D...

FDC date	State	City	Airport	FC Number	SIAP
05/31/00	MN.	MINNEAPOLIS	MINNEAPOLIS-ST PAUL INTL (WOLD-CHAMBERLAIN).	FDC 0/5719	ILS RWY 12R, AMDT 6B...
05/31/00	WY.	JACKSON	JACKSON HOLE	FDC 0/5723	ILS RWY 18, AMDT 6...
05/31/00	WY.	JACKSON	JACKSON HOLE	FDC 0/5759	VOR/DME OR GPS RWY 36, AMDT 4A...
05/31/00	WY.	JACKSON	JACKSON HOLE	FDC 0/5760	VOR OR GPS-A, AMDT 6B...
06/01/00	IL.	BLOOMINGTON	CENTRAL IL RGNL ARPT AT BLOOMINGTON-NORMAL.	FDC 0/5792	GPS RWY 11, ORIG...
06/01/00	IL.	CHAMPAIGN/URBANA	UNIVERSITY OF ILLINOIS-WILLARD.	FDC 0/5782	VOR/DME OR GPS RWY 22R, AMDT 7A...
06/01/00	IL.	CHAMPAIGN/URBANA	UNIVERSITY OF ILLINOIS-WILLARD.	FDC 0/5783	GPS RWY 36 ORIG...
06/01/00	IL.	CHAMPAIGN/URBANA	UNIVERSITY OF ILLINOIS-WILLARD.	FDC 0/5785	GPS RWY 18 ORIG...
06/01/00	MI.	SAGINAW	MBS INTL	FDC 0/5787	VOR OR GPS RWY 32, AMDT 9...
06/01/00	MI.	SAGINAW	MBS INTL	FDC 0/5788	VOR OR GPS RWY 14, AMDT 13...
06/02/00	OK.	LAWTON	LAWTON-FORT SILL REGIONAL	FDC 0/5846	ILS RWY 35, AMDT 7...
06/02/00	ST.	CHRISTIANSTED	HENRY E. ROHLSEN	FDC 0/5856	CROIX, VI. GPS RWY 9, ORIG...
06/05/00	MI.	BENTON HARBOR	SOUTHWEST MICHIGAN REGIONAL.	FDC 0/5890	VOR OR GPS RWY 9, AMDT 8...
06/05/00	MI.	MENOMINEE	MENOMINEE-MARINETTE TWIN COUNTY.	FDC 0/5919	GPS RWY 32, ORIG...
06/05/00	MI.	PELLSTON	PELLSTON REGIONAL AIRPORT OF EMMET COUNTY.	FDC 0/5907	VOR/DME OR GPS RWY 5, AMDT 11...
06/05/00	MI.	PELLSTON	PELLSTON REGIONAL AIRPORT OF EMMET COUNTY.	FDC 0/5908	VOR OR GPS RWY 23, AMDT 15...
06/05/00	OH.	LONDON	MADISON COUNTY	FDC 0/5916	NDB RWY 9, AMDT 8...
06/06/00	IL.	PEORIA	GREATER PEORIA REGIONAL	FDC 0/5933	ILS RWY 13, AMDT 6B...
06/06/00	IL.	PEORIA	GREATER PEORIA REGIONAL	FDC 0/5937	RADAR-1, AMDT 12B...
06/06/00	IL.	PEORIA	GREATER PEORIA REGIONAL	FDC 0/5950	VOR/DME OR TACAN RWY 31, AMDT 8A...
06/06/00	MO.	COLUMBIA	COLUMBIA REGIONAL	FDC 0/5997	LOC BC RWY 20, AMDT 11A...
06/06/00	MO.	COLUMBIA	COLUMBIA REGIONAL	FDC 0/5998	ILS RWY 2, AMDT 13...
06/06/00	WI.	MONROE	MONROE MUNI	FDC 0/5967	VOR/DME RNAV OR GPS RWY 12, AMDT 4...
06/06/00	WI.	MONROE	MONROE MUNI	FDC 0/6000	VOR/DME OR GPS RWY 30, AMDT 7...
06/07/00	IL.	PEORIA	GREATER PEORIA REGIONAL	FDC 0/6030	VOR OR TACAN OR GPS RWY 13, AMDT 23A...
06/07/00	IL.	PEORIA	GREATER PEORIA REGIONAL	FDC 0/6039	HI-VOR/DME OR TACAN RWY 31, ORIG...
06/07/00	UT.	CEDAR CITY	CEDAR CITY REGIONAL	FDC 0/6046	GPS RWY 20, ORIG...
06/07/00	UT.	CEDAR CITY	CEDAR CITY REGIONAL	FDC 0/6047	VOR RWY 20, AMDT 5A...
06/07/00	UT.	CEDAR CITY	CEDAR CITY REGIONAL	FDC 0/6083	ILS RWY 20, AMDT 2...
06/07/00	UT.	CEDAR CITY	CEDAR CITY REGIONAL	FDC 0/6084	NDB RWY 20, AMDT 1...
06/07/00	WI.	JANESVILLE	ROCK COUNTY	FDC 0/6032	ILS RWY 4, AMDT 11...
06/07/00	WI.	JANESVILLE	ROCK COUNTY	FDC 0/6041	VOR OR GPS RWY 4, AMDT 26...

[FR Doc. 00–14989 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100, 110 and 165

[CGD01–99–203]

RIN 2115–AA98, AA 84, AE46

Temporary Regulations: OPSAIL 2000, Port of New London, CT

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule. —

SUMMARY: The Coast Guard is establishing temporary regulations in Niantic Bay, Long Island Sound, the Thames River, and New London Harbor for OPSAIL 2000 Connecticut activities. This action is necessary to provide for the safety of life on navigable waters during OPSAIL 2000 Connecticut. This action is intended to restrict vessel traffic in portions of Niantic Bay, Long Island Sound, the Thames River, and New London Harbor.

DATES: This temporary rule is effective from 6 a.m., on July 11, 2000 until 5 p.m., on July 12, 2000.

ADDRESSES: Comments and related material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD01–99–203] and are available for inspection or copying at Coast Guard Group/Marine Safety Office Long Island Sound, 120 Woodward Ave., New Haven, CT 06512–3698, in the Readiness/Support Department.

FOR FURTHER INFORMATION CONTACT: Master Chief Kenneth G. Dolan, Group/MSO Long Island Sound, New Haven, Connecticut, (203) 468–4429.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On March 28, 2000 we published a notice of proposed rulemaking (NPRM) entitled "Temporary Regulations:

OPSAIL 2000, Port of New London, CT" in the **Federal Register** (65 FR 16358). We received 1 letter commenting on the proposed rule. No public hearing was requested, and none was held.

Background and Purpose

The temporary regulations are for OPSAIL 2000 Connecticut events in Niantic Bay, Long Island Sound and New London Harbor. These events will be held on July 11–12, 2000. The rule will provide for the safety of life and property on navigable waters.

Discussion of Comments and Changes

Only one letter was received by Group/MSO Long Island Sound concerning the lack of a plan in the rulemaking and the Marine Permit Application Transmittal Form and the Connecticut Coastal Consistency Review Form for minimization of water pollution from litter and sanitary wastes. The issues raised in the comment are outside the scope of this rulemaking. However, the issue of water pollution is being addressed in the marine permit process and the coastal zone management consistency certification process. Participants and spectators are reminded that it is a violation of federal law to dump plastic, trash or sewage within three nautical miles of shore. Marine waste pump-out facilities are available in the Niantic Bay/New London Harbor area and are listed in the State of Connecticut "Boater's Guide".

Some minor adjustments in the coordinates of Anchorage Area J and Anchorage I/Safety Zone 1 have been made.

Discussion of Temporary Rule

Operation Sail, Inc. is sponsoring a Parade of Tall Ships into New London Harbor. The Tall Ships and participating vessels will be at anchorage in Niantic Bay on July 11, 2000. On July 12, 2000, the Tall Ships and participating vessels will transit from Niantic Bay via Long Island Sound and the Thames River Federal Channel to the Port of New London. The Coast Guard expects a minimum of 5,000 spectator craft for this event. The temporary regulations create vessel movement controls, safety zones and temporary anchorage regulations. The regulations will be in effect at various times in Niantic Bay, Long Island Sound and New London Harbor during July 11 and 12, 2000. The vessel congestion due to the large number of participating and spectator vessels poses a significant threat to the safety of life and property. This temporary rulemaking is necessary to ensure the safety of life and property on the navigable waters of the United States.

Regulated Areas

The Coast Guard is establishing one temporary regulated area in Niantic Bay during July 11–12, 2000. This temporary Regulated Area A is needed to protect the maritime public and participating vessels from possible hazards to navigation associated with the overnight anchoring of a large number of Tall Ships and their departure prior to the beginning of the Parade of Tall Ships into New London Harbor on July 12, 2000.

Regulated Area A includes all waters of Niantic Bay located on Long Island Sound within the following boundaries: Beginning at a point 300 yards, bearing 203°(T from Wigwam Rock 41°18′53″N, 072°11′48″ W (NAD 1983), then to 41°18′53″ N, 072°10′38″ W (NAD 1983), then to 41°16′40″ N, 072°10′38″ W (NAD 1983), then to 41°16′40″ N, 072°11′48″ W (NAD 1983). This proposed area will be used as an anchorage area for vessels participating in the Parade of Tall Ships on July 12, 2000. This proposed regulated area is effective from 6 a.m., July 11, 2000 until 5 p.m., on July 12, 2000. Vessels transiting Regulated Area A must do so at no wake speed or at speeds not to exceed 6 knots, whichever is less. Vessels transiting Regulated Area A must not maneuver within 100 yards of a Tall Ship or other vessel participating in OPSAIL 2000, unless authorized by the Captain of the Port or the Captain of the Port's on-scene representative.

Anchorage Regulations

The Coast Guard is establishing temporary Anchorage Regulations for participating OPSAIL 2000 vessels and spectator craft. Current Anchorage Regulations in 33 CFR 110.147 will be temporarily suspended by this regulation and other Anchorage Grounds will be temporarily established.

The temporary anchorage regulations designate selected current or temporarily established Anchorage Grounds for spectator or OPSAIL 2000 participant vessel use only. They restrict all other vessels from using these anchorage grounds during various portions of the OPSAIL 2000 event. The anchorage grounds are needed to provide viewing areas for spectator vessels while maintaining a clear parade route for the participating OPSAIL vessels and to protect boaters and spectator vessels from the hazards associated with the Parade of Tall Ships.

The Coast Guard will temporarily suspend Anchorage Area C (see 33 CFR § 110.147(3)), and redesignate it as Anchorage Area G, exclusively for spectator vessels exceeding 50 feet in length, carrying passengers for the viewing of the Tall Ships parade. Anchorage Area G will be established from 7:30 a.m., until 5 p.m., on July 12, 2000. The Coast Guard will temporarily establish Anchorage Area H in Niantic Bay exclusively for the vessels participating in the Parade of Tall Ships. Anchorage Area H in Niantic Bay will be established from 6 a.m., on July 11, 2000 until 5 p.m., on July 12, 2000. Anchorage Area H is the same area designated as Regulated Area A. Therefore, within this area, vessels other than those participating in OPSAIL 2000 may not anchor and must transit at reduced speeds staying at least 100 yards away from any OPSAIL 2000 vessel. The Coast Guard will temporarily establish Anchorage Area I in the Thames River in the vicinity of the State Pier exclusively for vessels who have participated in the Parade of Tall Ships. Anchorage Area I will be established from 7:30 a.m., on July 12, 2000 until 5 p.m., on July 12, 2000. The Coast Guard will temporarily establish Anchorage Area J exclusively for spectator vessels exceeding 50 feet in length carrying passengers for the viewing of the Tall Ships parade. Anchorage Area J includes all waters of the Thames River southward of New London Harbor, on the east side of the Federal Channel within the following boundaries: Beginning at a point bearing 245°T, 480 yards from Eastern Point 41°19′03″N, 072°04′48″ W (NAD 1983), then to position 41°19′04″ N, 072°04′33″ W (NAD 1983), then to position 41°18′42″ N, 072°04′30″ W (NAD 1983), then to position 41°18′40″ N,072°04′45″ W (NAD 1983). Anchorage Area J will be established from 7:30 a.m., until 5 p.m., on July 12, 2000.

Safety Zones

The Coast Guard will establish two safety zones in the waters of Long Island Sound and New London Harbor. Safety Zone 1 includes all waters of the Thames River in New London Harbor, in the vicinity of the State Pier within the following boundaries: Beginning at a point located on the west shore line of the Thames River 25 yards below the Thames River Railroad Bridge, position 41°21′46″ N, 072°05′23″ W (NAD 1983), then to position 41°21′46″ N, 072°05′16″ W (NAD 1983), then south along the western limit of the Federal Channel to position 41°20′37″ N, 072°05′8.7″ W (NAD 1983), then to position 41°20′37″ N, 072°05′33″ W (NAD 1983), then along the shoreline to position 41°21′46″ N, 072°05′23″ W (NAD 1983). This safety

zone will be used as a mooring and turning area for the Parade of Tall Ships at the conclusion of the parade and is effective from 7:30 a.m., on July 12, 2000, until 5 p.m., on July 12, 2000. Safety Zone 1 consists of the same area as Anchorage I.

Safety Zone 2 covers all waters of the Thames River within the following boundaries: Beginning at the east side of the Federal Channel at the Thames River Rail Road Bridge in the Port of New London, in position 41°21′47.0″ N, 072°05′14.0″W (NAD 1983), then southward along the east side of the Federal Channel to the New London Harbor Channel Lighted Buoy "2" (LLNR 21790) in approximate position 41°17′38″ N, 072°04′40″ W (NAD 1983), then to Bartlett Reef Lighted Bell Buoy "4" (LLNR 21065) in approximate position 41°15′38″ N, 072°08′22″ W (NAD 1983), then south to Bartlett Reef Lighted Buoy "1" (LLNR 21065) in approximate position 41°16′28″ N, 072°07′54″ W (NAD 1983), then to an area located, bearing 192°T, approximately 325 yards from Rapid Rock Buoy "R" (LLNR 21770) 41°17′07″ N, 072°06′09″ W (NAD 1983), then to position 41°18′04″ N, 072°04′50″ W, (NAD 1983), which meets the west side of the Federal Channel, then along the west side of the Federal Channel to the Thames River Railroad Bridge in the Port of New London, in the position 41°21′46″ N, 072°05′23″ W (NAD 1983). This area will be used for the parade route of Tall Ships and is effective from 7:30 a.m., on July 12, 2000, until 5 p.m., on July 12, 2000. No vessel may transit within Safety Zones 1 or 2 unless authorized by the Coast Guard Captain of the Port, Long Island Sound, or his on-scene representative.

Regulatory Evaluation

This temporary 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. It has not been reviewed by the Office of Management and Budget 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).

The Coast Guard expects 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.

Although this regulation prevents traffic from transiting a portion of Long Island Sound, Niantic Bay, and the Thames River during the events, the effect of this regulation will not be significant for the following reasons: The limited duration that the regulated areas will be in effect, mariners will be able to transit around these areas and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, facsimile, marine information broadcasts, local area committee meetings, and New London area newspapers. Mariners will be able to adjust their plans accordingly based on the extensive advance information. Additionally, these regulated areas have been narrowly tailored to impose the least impact on maritime interests yet provide the level of safety deemed necessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we considered whether this rule would have a significant economic impact on a substantial number of small entities. "Small entities" include 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.

For the reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This temporary rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit through Niantic Bay, portions of Long Island Sound and New London Harbor during various times from July 11–12, 2000. Although these regulations apply to a substantial portion of Niantic Bay and New London Harbor, designated areas for viewing the Parade of Sail have been established to allow for maximum use of the waterways by commercial tour boats that usually operate in the affected areas. Vessels, including commercial traffic, will be able to transit around the designated areas. At no time will the Port of New London be closed to commercial traffic. Before the effective period, the Coast Guard will make notifications to the public via mailings, facsimiles, the Local Notice to Mariners and use of the sponsors Internet site. In addition, the sponsoring organization, OPSAIL, Inc., is planning to publish information of the event in local newspapers, pamphlets, and television and radio broadcasts.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. No assistance was requested. 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 rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

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

Unfunded Mandates

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 temporary rule will not impose an unfunded mandate.

Taking of Private Property

This rule will 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 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 rule under E.O. 13405, 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

The Coast Guard considered the environmental impact of this temporary rule and concluded that, under figure 2–1, paragraphs 34(f and h), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects

33 CFR 100

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

33 CFR 110

Anchorage grounds.

33 CFR 165

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

Temporary Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Parts 100, 110 and 165 as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Add temporary § 100.35T01–203 to read as follows:

§ 100.35T01–203 Special Local Regulations: OPSAIL 2000 CT, Long Island Sound and the Thames River, Connecticut.

(a) *Regulated Area A Location.* All waters of Niantic Bay located on Long Island Sound within the following boundaries: beginning at a point 300 yards, bearing 203°T from Wigwam Rock 41°18′53″ N, 072°11′48″ W (NAD 1983), then to 41°18′53″ N, 072°10′38″ W (NAD 1983), then to 41°16′40″ N, 072°10′38″ W (NAD 1983), then to 41°16′40″ N, 072°11′48″ W (NAD 1983).

(b) *Special local regulations.* (1) Vessels transiting Area A must do so at no wake speed or at speeds not to exceed 6 knots, whichever is less.

(2) Vessels transiting Area A must not maneuver within 100 yards of a Tall Ship or an OPSAIL participating vessel unless they are specifically authorized to do so by Coast Guard Captain of the Port, Long Island Sound, or his on-scene representative.

(c) *Effective period.* This section is effective from 6 a.m., July 11, 2000 until 5 p.m., on July 12, 2000.

PART 110—ANCHORAGE REGULATIONS

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

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

4. From July 11, 2000 through July 12, 2000, § 110.147 is amended as follows:

a. Paragraph (a)(3) is temporarily suspended and new paragraphs (a)(7), (a)(8), (a)(9) and (a)(10) are temporarily added.

§ 110.147 New London Harbor, Conn.

(6) * * *

(7) *Anchorage Area G.* In the Thames River southward of New London Harbor, bounded by lines connecting a point bearing 100°, 450 yards from New London Harbor Light, a point bearing 270°, 575 yards from New London Ledge Light (latitude 41°;18′21″ N., longitude 72°04′41″ W.), and a point bearing 270°, 1450 yards from New London Ledge Light. From 7:30 a.m., on July 12, 2000 through 5 p.m., on July 12, 2000, this anchorage is designated for the exclusive use of spectator vessels exceeding 50 feet in length carrying passengers for the viewing of the Tall Ships parade

(8) *Anchorage Area H.* All waters of Niantic Bay located on Long Island Sound within the following boundaries: beginning at a point 300 yards, bearing 203Tfrom Wigwam Rock 41°18′53″N, 072°11′48″W (NAD 1983), then to 41°18′53″N, 072°10′38″W (NAD 1983), then to 41°16′40″N, 072°10′38″W (NAD 1983), then to 41°16′40″N, 072°11′48″W (NAD 1983). From 6 a.m., July 11, 2000 until 5 p.m., on July 12, 2000, this anchorage is designated exclusively for the use of vessels participating in the Parade of Tall Ships into New London Harbor on July 12, 2000.

(9) *Anchorage I.* All waters of the Thames River in New London Harbor, in the vicinity of the State Pier within the following boundaries: beginning at a point located on the west shore line of the Thames River 25 yards below the Thames River Railroad Bridge, position 41°21′46″N, 072°05′23″ W (NAD 1983), then to position 41°21′46″N, 072°05′16″ W (NAD 1983), then south along the western limit of the Federal Channel to position 41°20′37″N, 072°05′8.7″W (NAD 1983), then to position 41°20′37″N, 072°05′33″W (NAD 1983), then along the shoreline to position 41°21′46″N, 072°05′23″W (NAD 1983). From 7:30 a.m., on July 12, 2000 through 5 p.m. on July 12, 2000, this anchorage is designated for the exclusive use of vessels participating in the Parade of Tall Ships into New London Harbor.

(10) *Anchorage J.* All waters of the Thames River southward of New London Harbor, on the east side of the Federal Channel within the following boundaries: beginning at a point bearing 245°T, 480 yards from Eastern Point 41°19′03″N, 072°04′48″W (NAD 1983), then to position 41°19′04″N, 072°04′33″W (NAD 1983), then to position 41°18′42″N, 072°04′30″W (NAD 1983), then to position 41°18′40″N, 072°04′45″W (NAD 1983). This area is designated for the exclusive use of commercial vessels greater than 50 feet in length carrying passengers for the viewing of the Tall Ships parade from 7:30 a.m., on July 12, 2000, until 5 p.m., on July 12, 2000.

* * * * *

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

5. 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(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

6. Add temporary § 165.T01–203 to read as follows:

§ 165.T01–203 Safety Zones: OPSAIL 2000, Port of New London, Connecticut.

(a) The following areas are established as safety zones:

(1) *Safety Zone 1.* Includes all waters of the Thames River in New London Harbor, in the vicinity of the State Pier within the following boundaries: beginning at a point located on the west shore line of the Thames River 25 yards below the Thames River Railroad Bridge, position 41°21′46″N, 072°05′23″W (NAD 1983), then south along the western limit of the Federal Channel to position 41°20′37″N, 072°05′8.7″W (NAD 1983), then to position 41°20′37″N, 072°05′33″W (NAD 1983), then along the shoreline to position 41°21′46″N, 072°05′23″W (NAD 1983). This safety zone will be used as a mooring and turning area for the Parade of Tall Ships at the conclusion of the parade from 7:30 a.m., on July 12, 2000 until 5 p.m., on July 12, 2000.

(2) *Safety Zone 2.* Includes waters of the Thames River within the following boundaries: beginning at the east side of the Federal Channel at the Thames River Rail Road Bridge in the Port of

New London, in position 41°21′47.0″N, 072°05′14.0″W (NAD 1983), then southward along the east side of the Federal Channel to the New London Harbor Channel Lighted Buoy "2" (LLNR 21790) in approximate position 41°17′38″N, 072°04′40″W (NAD 1983), then to Bartlett Reef Lighted Bell Buoy "4" (LLNR 21065) in approximate position 41°15′38″N, 072°08′22″W (NAD 1983), then south to Bartlett Reef Lighted Buoy "1" (LLNR 21065) in approximate position 41°16′28″N, 072°07′54″W (NAD 1983), then to an area located, bearing 192°T, approximately 325 yards from Rapid Rock Buoy "R" (LLNR 21770) 41°17′07″N, 072°06′09″W (NAD 1983), then to position 41°18′04″N, 072°04′50″W, (NAD 1983), which meets the west side of the Federal Channel, then along the west side of the Federal Channel to the Thames River Railroad Bridge in the Port of New London, in the position 41°21′46″N, 072°05′23″W (NAD 1983). This safety zone will be used for the parade route of Tall Ships from 7:30 a.m., on July 12, 2000, until 5 p.m., on July 12, 2000.

(b) No vessel may transit within Safety Zone 1 or 2 without the express authorization of the Coast Guard Captain of the Port, Long Island Sound, or his on-scene representative. All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by siren, radio, flashing light, or other means, the operator of the vessel shall proceed as directed.

(c) This section is applicable from 7:30 a.m. on July 12, 2000, until 5 p.m. on July 12, 2000.

Dated: June 8, 2000.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 00–15009 Filed 6–9–00; 3:39 pm]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–00–014]

RIN 2115–AA97

Safety Zone: Lake Erie, Ottawa River, Washington Township, Ohio

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Ottawa River, in the state of Ohio. This zone restricts the entry of vessels into the area designated for the June 24, 2000 Summerfest fireworks display. This temporary safety zone is necessary to protect mariners in case of accidental misfire of fireworks mortar rounds.

DATES: This rule is effective from 2:30 P.M., to 11 P.M. June 24, 2000.

ADDRESSES: The U.S. Coast Guard Marine Safety Office in Toledo, Ohio maintains the public docket for this rule. Documents identified in this rule will be available for public copying and inspection between 9:30 A.M. and 2 P.M., Monday through Friday, except federal holidays. The Marine Safety Office is located at 420 Madison Ave, Suite 700, Toledo, Ohio 43604; (419) 259–6372.

FOR FURTHER INFORMATION CONTACT: Chief Marine Science Technician Michael Pearson, Asst. Chief of Port Operations, Marine Safety Office, 420 Madison Ave, Suite 700, Toledo, Ohio 43604; (419) 259–6372.

SUPPLEMENTARY INFORMATION: We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing an NPRM.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to public interest because immediate action is necessary to protect the maritime public and other persons from the hazards associated with fireworks displays.

Background and Purpose

This temporary rule is necessary to ensure the safety of the maritime community during setup, loading and firing operations of fireworks in conjunction with the City of Toledo Summerfest Fireworks. Entry into the safety zone without permission of the Captain of the port is prohibited. The Captain of the Port may be contacted via Coast Guard Station Toledo on VHF–FM Channel 16.

Regulatory Evaluation

This 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 this rule 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). This finding is based on the historical lack of vessel traffic at this time of year.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this 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 rule will not have a significant economic impact on a substantial number of small entities.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for less than one day when vessel traffic can pass safely around the safety zone.

Assistance for Small Entities

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), assistance to small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process is available upon request. 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 rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule 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 having first provided the funds to pay those costs. This rule will not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Vessels, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 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; and 33 CFR 1.05–1(g), 6.04–6, and 160.5; and 49 CFR 1.46.

2. A new temporary section 165.T09–014 is added to read as follows:

§ 165.T09–014 Safety zone: Lake Erie, Ottawa River, Ohio Washington Township, Ohio.

(a) *Location.* The following area is a temporary safety zone. The waters and adjacent shoreline inside a 420′ radius as extended from position 41 deg.43 min.21 sec. N by 083 deg.28 min.46 sec.W, off the southeast end of the Summit Street Bridge structure. Lake Erie, Ohio. All nautical positions are based on North American Datum of 1983.

(b) *Effective dates.* This regulation is effective between the hours of 2:30 P.M. TO 11 P.M., June 24, 2000, unless terminated earlier by the Captain of the Port.

(c) *Restrictions.* In accordance with the general regulations in section 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: June 1, 2000.

David L. Scott,

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

[FR Doc. 00–15055 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[UT–001–0029; FRL–6711–9]

Approval and Promulgation of Air Quality Implementation Plan for Utah: Transportation Control Measures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Utah State Implementation Plan (SIP) that incorporate a new transportation control measure (TCM) in Utah County. Approval of this TCM as part of the Utah SIP means that this measure will receive priority for funding, and that it may proceed in the event of a transportation conformity lapse. We are approving this SIP revision under sections 110(k) and 176 of the Clean Air Act. We give our rationale for approving this SIP revision in this document.

DATES: This rule is effective on August 14, 2000 without further notice, unless EPA receives adverse comment by July 14, 2000. If we receive adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following offices:

United States Environmental Protection Agency, Region VIII, Air and Radiation Program, 999 18th Street, Suite 500, Denver, Colorado 80202–2466; and,

United States Environmental Protection Agency, Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, DC 20460.

Copies of the State documents relevant to this action are available for public inspection at:

Utah Division of Air Quality, Department of Environmental Quality, 150 North 1950 West, Salt Lake City, Utah, 84114–4820.

FOR FURTHER INFORMATION CONTACT: Jeff Houk, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466. Telephone number: (303) 312–6446.

SUPPLEMENTARY INFORMATION: Throughout this document, wherever "we," "our," or "us" is used, we mean EPA.

I. What Is EPA Approving Today and Why?

We are approving revisions to the Utah SIP to incorporate a new TCM. Specifically, we are approving revisions to SIP Section XI, "Other Control Measures for Mobile Sources," and a new rule, R307–110–19, that incorporates this section of the SIP into State regulation. The specific TCM incorporated in Section XI is the construction of up to 700 park and ride spaces in Utah County by the year 2006. The SIP revision does not specify a location for these park and ride spaces, but refers to the Mountainland Association of Governments' "Utah Valley Area Park and Ride Lot Plan," which will guide implementation of this measure. Construction of these park and ride spaces is estimated to result in emission reductions of up to 737 pounds per day of carbon monoxide, 175 pounds per day of nitrogen oxides, 75 pounds per day of volatile organic compounds, and 116 pounds per day of particulate matter in the year 2010 (the

Park and Ride Lot Plan does not provide emission reduction estimates for the year 2006). The Park and Ride Lot Plan provides these emission reduction estimates for informational purposes; the State is not incorporating the emission reductions into Utah County's SIPs for carbon monoxide or particulate matter at this time. These park and ride facilities have been included in the transportation plan and transportation improvement program for Utah County.

EPA's transportation conformity rule, 40 CFR 93 subpart A, includes several requirements relating to TCMs (62 FR 43780, August 15, 1997). Section 93.113 of the rule requires that TCMs be funded and implemented on the schedule provided for in the SIP, and that other projects not interfere with the implementation of TCMs. As a result of EPA's approval of this TCM into the SIP, this TCM must be implemented on schedule in order for the Mountainland Association of Governments to be able to make a positive finding of conformity for its long range transportation plan and transportation improvement program. In addition, in the event of a conformity lapse, this TCM is eligible to proceed to construction pursuant to section 93.114(b) of the conformity rule.

II. Opportunity for Public Comments

The EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve this SIP revision if adverse comments are filed. This rule will be effective on August 14, 2000 without further notice unless we receive adverse comment by July 14, 2000. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

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. section 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. section 804(2). This rule will be effective August 14, 2000 unless EPA receives adverse written comments by July 14, 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 August 14, 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

Air pollution control, Carbon monoxide, Environmental protection, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Volatile organic compounds.

Dated: June 1, 2000.

Jack McGraw,

Acting Regional Administrator, Region VIII.

Chapter I, title 40, of the Code of Federal Regulations are 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 TT—Utah

2. Section 52.2320 is amended by adding paragraph (c)(44) to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(44) On February 29, 2000, the Governor of Utah submitted revisions to Section XI of the SIP that incorporate a new transportation control measure for Utah County into the SIP and State regulation.

(i) Incorporation by reference.

(A) UACR R307–110–19, Section XI, Other Control Measures for Mobile Sources, as adopted on February 9, 2000, effective February 10, 2000.

(B) Revisions to Section XI of the Utah SIP, Other Control Measures for Mobile Sources, adopted February 9, 2000, effective February 10, 2000.

[FR Doc. 00–14993 Filed 6–13–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 5b

RIN 0925–AA23

Privacy Act of 1974; Proposed Implementation

AGENCY: Office of the Secretary, HHS.

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services is exempting a new system of records, 09–25–0213, "Administration: Investigative Records, HHS/NIH/OM/OA/OMA," from certain requirements of the Privacy Act to protect records compiled in the course of an inquiry and/or investigation and to protect the identity of confidential sources who furnish information to the Government under an express promise that the identity of such source would be held in confidence.

DATES: This final rule is effective on July 14, 2000.

FOR FURTHER INFORMATION CONTACT: NIH Privacy Act Officer, 6011 Executive Boulevard, Room 601, Rockville, MD 20852, 301–496–2832 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: The Office of Management Assessment (OMA) assumes the lead responsibility on cases received through the DHHS Office of Inspector General (OIG) hotline that are referred to NIH for action. OMA serves as NIH's central liaison on matters involving the Office of Audit Services, OIG; General Accounting Office; Federal Bureau of Investigation; congressional staff members; etc., related to management controls and audits. OMA also has overall responsibility for all matters related to management controls to prevent fraud, waste, abuse, and conflict of interest or the appearance of these, including the development and implementation of policy and the Annual Management Control Plan and the development of management oversight activity that focuses on early identification and prevention of such occurrences.

To perform these responsibilities, OMA compiles and maintains administrative and investigative records related to alleged or suspected violations of statutes, regulations, and policies governing the conduct of Federal employees, recipients of Federal funding, and others who transact, or seek to transact business with the NIH.

These records contain information related to complaints of incidents, inquiries and investigative findings, administrative and other matters involving complainants, suspects and witnesses, and court dispositions.

The administrative and investigation records are located in the OMA and constitute a "system of records" as defined by the Privacy Act.

Under the Privacy Act, individuals have a right of access to information pertaining to them which is contained in a system of records. At the same time, the Act permits certain types of systems to be exempt from some of the Privacy Act requirements. Subsection (k)(2) allows agency heads to exempt a system of records containing investigatory material compiled for enforcement purposes. This exemption is qualified in that if the material results in denial of any right, privilege, or benefit to an individual to which that individual would be entitled by Federal law, the individual must be granted access to the material, unless the access would reveal the identity of a source who furnished information to the Government under an express promise of confidentiality. In addition, paragraph (k)(5) permits an agency to exempt material from the individual access, notification, and correction and amendment provisions of the Act where investigatory material is compiled for the purpose of determining suitability, eligibility, or qualification for federal employment or federal contracts if release of the material would cause the identity of a confidential source to be revealed.

Because the administrative and investigative records are compiled by a distinct component of the agency whose principal function is investigations which compile material for law enforcement purposes, the specific exemption (k)(2) requirements are met and the exemption is justified. Investigatory materials are compiled for the purpose of determining suitability, eligibility, or qualification for federal employment or federal contracts in the course of investigations that result from a direct allegation or from suspected violations of statutes, regulations and policies uncovered during an administrative management control review or audit. Investigatory material compiled for the purpose of determining whether applicants are suitable, eligible or qualified justifies the need to invoke the paragraph (k)(5) exemption.

The system contains sensitive investigative records. The release of these records to the subject of the investigation could have a chilling effect on the willingness of informants to provide information freely, not only because of fear of retribution, but because they might hesitate to provide any information other than that of which they are entirely certain. Disclosure could impede ongoing investigations and violate the privacy rights of individuals other than the subject of the investigation, thereby diminishing the ability of OMA to conduct a thorough and accurate investigation. Disclosure of information from these records might also reveal to the subjects of the investigation that their actions are being scrutinized, allowing them the opportunity to prevent detection of illegal activities. Finally, disclosure of information from the records might reveal investigative techniques and thereby jeopardize the integrity of the investigation.

Sources may be reluctant to provide sensitive information unless they can be assured that their identities will not be revealed. These exemptions ensure that: (1) Efforts to obtain accurate and objective information will not be hindered; (2) investigative records will not be disclosed inappropriately; and (3) identities of confidential sources and OMA investigators will be protected. Accordingly, NIH in collaboration with the Department is exempting this system under paragraphs (k)(2) and (k)(5) of the Privacy Act from the notification, access, correction, and amendment provisions of the Privacy Act [paragraphs (c)(3), (d)(1)–(4), (e)(4)(G) and (H) and (f)].

The Department of Health and Human Services announced its intentions to exempt this system in a notice of proposed rulemaking (NPRM) published in the **Federal Register** on July 9, 1999 (64 FR 37081). No comments were received. Consequently the amendment is the same as that proposed in the NPRM.

Regulatory Impact Statement

Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, requires the Department to prepare an analysis for any rule that meets one of the E.O. 12866 criteria for a significant regulatory action; that is, that may—

Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

In addition, the Department prepares a regulatory flexibility analysis, in accordance with the Regulatory Flexibility Act (5 U.S.C. chapter 6), if the rule is expected to have a significant impact on a substantial number of small entities.

Because the amendment affects only NIH OMA investigatory records, a small subset of Agency records, we do not believe this rule is economically significant nor do we believe that it will have a significant impact on a substantial number of small entities. The rule is not expected to have any significant impact on OMA operations and does not impose any new information collection requirements under the Paperwork Reduction Act. In addition, this rule is not inconsistent with the actions of any other agency.

For these same reasons, the Secretary certifies this rule will not have a significant economic impact on a substantial number of small entities, and that a Regulatory Flexibility Analysis, as defined under the Regulatory Flexibility Act, is not required.

List of Subjects in 45 CFR Part 5b

Privacy.

Dated: December 27, 1999.

Harold Varmus,

Director, National Institutes of Health.

Approved: March 30, 2000.

Donna E. Shalala,

Secretary.

For the reasons set out in the preamble, 45 CFR Part 5b is proposed to be amended as set forth below:

PART 5b—PRIVACY ACT REGULATIONS

1. The authority citation for part 5b continues to read:

Authority: 5 U.S.C. 301, 5 U.S.C. 552a.

2. Section 5b.11 is amended in paragraph (b)(2)(vii) by designating the undesignated paragraph after the colon as paragraph (b)(2)(vii)(A) and republishing it and by adding paragraph (b)(2)(vii)(B) to read as follows:

§ 5b.11 Exempt systems.

* * * * *

(b) * * *

(2) * * *

(vii) Pursuant to subsections (k)(2) and (k)(5) of the Act:

(A) Public Health Service Records Related to Investigations of Scientific Misconduct, HHS/OASH/ORI.

(B) Administration: Investigative Records, HHS/NIH/OM/OA/OMA.

* * * * *

[FR Doc. 00–14800 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–M

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1501, 1509, 1532 and 1552

[FRL–6712–2]

Acquisition Regulation

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is issuing this rule to amend Agency administrative procedures related to the: processing of individual FAR deviations, redelegation of Agency contract ratification authority, debarment, suspension and ineligibility of contractors, and reduction or suspension of contract payments upon finding of fraud.

DATES: This rule is effective on September 12, 2000 without further notice, unless EPA receives adverse comments by July 14, 2000. If we receive adverse comments, we will, before the rule's effective date, publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Adverse comments may be submitted to Larry Wyborski, US Environmental Protection Agency, Office of Acquisition Management (3802R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460 or electronically at: wyborski.larry@epamail.epa.gov

FOR FURTHER INFORMATION CONTACT: Larry Wyborski, U.S. Environmental Protection Agency, Office of Acquisition Management (3802R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564–4369, wyborski.larry@epamail.epa.gov

SUPPLEMENTARY INFORMATION:

A. *Background Information*

This rule revises Subpart 1501.4 to delete a requirement that the Head of the Contracting Activity (HCA) furnish copies of individual Federal Acquisition Regulation (FAR) deviations to the FAR Secretariat, consistent with a prior change to the FAR.

Subpart 1501.6 is revised to clarify how contract ratification authority is authorized in the absence of the duly authorized ratifying official.

Subpart 1509.4 is updated for consistency with: (1) The Federal Acquisition Regulation and (2) an Agency Memorandum of Understanding on the respective roles of the EPA offices involved in processing actions for debarment or suspension of contractors.

In addition, Federal Acquisition Regulation 32.006 references Agency procedures for reducing or suspending contractor payments based on a finding of fraud and EPAAR 1532.006 is being added to set forth Agency procedures for reducing or suspending contractor payments based on a finding of fraud.

B. Executive Order 12866

This is not a significant regulatory action for purposes of Executive Order 12866; therefore, no review is required at the Office of Information and Regulatory Affairs, within the Office of Management and Budget (OMB).

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements for the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*)

D. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the Agency certifies that the rule will not have a significant impact on a substantial

number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impact of this rule on small entities, small entity is defined as: (1) A small business that meets the definition of a small business found in the Small Business Act and codified at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's direct final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any *adverse* economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact of the proposed rule on small entities." 5 U.S.C. Sections 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. This direct final rule does not have a significant impact on a substantial number of small entities. The requirements under the rule impose no reporting, record-keeping, or compliance costs on small entities.

E. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) Public Law 104–4, establishes requirements for Federal agencies to assess their regulatory actions on State, local and Tribal governments and the private sector. This direct final rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector in any one year. Any private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

F. Executive Order 13045

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks (6 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be economically significant as defined under Executive Order 12866; and (2) concerns an environmental health or safety risk that EPA has reason to believe may have disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not a significant rule as defined by E.O. 12866, and because it does not involve decisions on environmental health or safety risks.

G. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian Tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay for the direct compliance costs incurred by the Tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

This rule does not significantly or uniquely affect the communities of Indian Tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

H. National Technology Transfer and Advancement Act of 1995

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rule does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

I. Executive Order 13132

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" are defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Under Section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This direct final rule does not have federalism implications. It will not have 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, as specified in Executive Order 13132. The rule amends the EPA Acquisition Regulation relating to internal agency procedures addressing: (1) Processing of individual FAR deviations, (2) redelegation of

agency contract ratification authority, (3) debarment, suspension and ineligibility of contractors, and (4) reduction or suspension of contract payments upon finding of fraud. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

J. Submission to Congress and the General Accounting Office

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 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).

Authority: The provisions of this regulation are issued under 5 U.S.C. 301; section 205(c), 63 Stat. 390, as amended 40 U.S.C. 486(c).

List of Subjects in 48 CFR Parts 1501, 1509, 1532 and 1552

Government procurement.

Therefore, 48 CFR Chapter 15 is amended as set forth below:

1. The authority citation for parts 1501, 1509, 1532 and 1552 continues to read as follows:

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

2. Section 1501.403 is revised to read as follows:

1501.403 Individual deviations.

Requests for individual deviations from the FAR and the EPAAR shall be submitted to the Head of the Contracting Activity (HCA) for approval. Requests submitted shall cite the specific part of the FAR or EPAAR from which it is desired to deviate, shall set forth the nature of the deviation(s), and shall give the reasons for the action requested.

3. Section 1501.602–3(b) is revised to read as follows:

1501.602–3 Ratifications of unauthorized commitments.

* * * * *

(b) *Ratification Approval.* The Chief of the Contracting Office (CCO) is delegated authority to be the ratifying official. In order to act as the ratifying official, a CCO or an acting CCO must have delegated contracting officer authority. A CCO or acting CCO cannot approve a ratification if he/she acted as the contracting officer in preparing the determination and findings required under paragraph (c)(3) of this section.

* * * * *

4. Subpart 1509.4 is revised to read as follows:

Subpart 1509.4—Debarment, Suspension and Ineligibility

1509.403 Definitions.

The "Debarring Official" and the "Suspending Official" as defined in FAR 9.403 is a designated individual located in the Office of Grants and Debarment. This Agency official is authorized to make the determinations and provide the notifications required under FAR subpart 9.4 or this subpart, except for the determinations required by FAR 9.405–1(a) which are to be made by the Head of the Contracting Activity. All compelling reason determinations to be made by the Debarring or Suspending Official under FAR subpart 9.4 or this subpart will be made only after coordination and consultation with the Head of the Contracting Activity. See also 40 CFR part 32.

1509.406 Debarment.

1509.406–3 Procedures.

(a) *Investigation and referral.*—(1) Contracting officer responsibility. (i) When contracting personnel discover information which indicates that a cause for debarment may exist, they shall promptly report such information to the cognizant Chief of the Contracting Office (CCO). Purchasing agents in simplified acquisition activities which do not come under the direct cognizance of a CCO shall report such information by memorandum, through their immediate supervisor, and addressed to the cognizant CCO responsible for their office's contract acquisitions.

(ii) Contracting officers shall review "The List of Parties Excluded from Federal Procurement and Nonprocurement Programs" to ensure that the Agency does not solicit offers from, award contracts to, or consent to subcontracts with listed contractors.

(2) *Chief of the Contracting Office responsibility.* When the Chief of the Contracting Office determines that sufficient information is available to indicate that a cause for debarment may exist, such information shall be promptly reported by memorandum to the HCA. The memorandum provides the Chief of the Contracting Office's assessment of the information, any investigative report or audit, and any additional information he/she has discovered.

(3) *HCA responsibility.* Upon receipt of a report of a suspected debarment situation, the HCA shall take the following actions:

(i) Notify the Director, Suspension and Debarment Division, that investigation of a potential debarment has been initiated.

(ii) Review the reported information.

(iii) Investigate as necessary to verify or develop additional information.

(iv) Refer the matter through the Suspension and Debarment Division to the Debarring Official for consideration of debarment; request that the Suspension and Debarment Division evaluate the information and, if appropriate, refer the matter to the Debarring Official for consideration of debarment; or recommend to the Suspension and Debarment Division that the matter be closed without further action because the facts do not warrant debarment.

(v) Obtain legal counsel's opinion on referrals or recommendations made to the Debarring Official.

(vi) Notify EPA Contracting Officers of those Contractors who are ineligible for solicitation, award, or subcontracting but who do not appear on the GSA Consolidated List; e.g., those who are ineligible based on a settlement reached by the Debarring Official under which the Contractor has agreed to voluntarily exclude itself from participation in Government contracting/subcontracting for a specified period or because of a Notice of Proposal to Debar.

(4) *Any official.* When information is discovered which may indicate potential criminal or civil fraud activity, such information must be referred promptly to the EPA Office of Inspector General.

(5) *Debarring Official's responsibility.* The Debarring Official shall:

(i) Review referrals from the HCA together with the HCA's recommendations, if any, and determine whether further consideration by the Debarring Official is warranted and take such actions as are required by FAR subpart 9.4;

(ii) Obtain the HCA's recommendation prior to reaching a voluntary exclusion settlement with a Contractor in lieu of debarment;

(iii) Promptly notify the HCA of Contractors with whom a settlement in lieu of debarment has been reached

under which the Contractor voluntarily excludes itself from or restricts its participation in Government contracting/subcontracting for a specified period; and of Contractors who have received a Notice of Proposal to Debar.

(b) [Reserved]

1509.407 Suspension.

1509.407–3 Procedures.

The procedures prescribed in 1509.406–3(a) shall be followed under conditions which appear to warrant suspension of a Contractor.

5. Section 1532.006 is added preceding subpart 1532.1 is added to read as follows:

1532.006 Reduction or suspension of contract payments upon finding of fraud.

1532.006–1 General.

(a)–(b) [Reserved]

(c) Agency responsibilities and determinations under FAR 32.006 are, consistent with FAR 32.006–1(c), delegated to the Head of the Contracting Activity, if that individual is not below Level IV of the Executive Schedule. If the Head of the Contracting Activity is below Level IV of the Executive Schedule, then Agency responsibilities and determinations under FAR 32.006 are delegated to the Assistant Administrator for Administration and Resources Management.

1532.006–2 Definitions.

The Remedy Coordination Official for EPA is the Assistant Inspector General for Investigations.

1532.006–3 Responsibilities.

(a) EPA shall use the procedures in FAR 32.006–4 when determining whether to reduce or suspend further payments to a contractor when there is a report from the Remedy Coordination Official finding substantial evidence that the contractor's request for advance, partial or progress payments is based on fraud and recommending that the Agency reduce or suspend such payments to the contractor.

(b) [Reserved]

6. Section 1552.209–74 is amended as follows:

a. In paragraph (h) of the clause, remove "(g)" and add in its place "(h)";

b. In Alternate I paragraph (h), remove "(g)" and add in its place "(h)";

c. In Alternate II paragraph (h), remove "(g)" and add in its place "(h)";

d. In Alternate III paragraph (e), remove "(d)" and add in its place "(e)".

e. In Alternate IV paragraph (h), remove "(g)" and add in its place "(h)".

f. In Alternate VI paragraph (i) remove "(h)" and add in its place "(i)".

Dated: May 12, 2000.

Betty L. Bailey,

Director, Office of Acquisition Management.

[FR Doc. 00–14635 Filed 6–13–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622 and 640

[Docket No. 990621165–0151–02; I.D. 022599A]

RIN 0648–AL43

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Essential Fish Habitat for Species in the South Atlantic; Amendment 4 to the Fishery Management Plan for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region (Coral FMP)

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 4 to the Coral FMP. This final rule increases the size of the Oculina Bank Habitat Area of Particular Concern (HAPC) and incorporates two adjacent areas within the Oculina Bank HAPC. Within these areas, fishing with bottom longline, bottom trawl, dredge, pot, or trap is prohibited. Furthermore, fishing vessels may not anchor, use an anchor and chain, or use a grapple and chain in these areas. This final rule also implements regulatory changes to reflect the South Atlantic Fishery Management Council's (Council's) proposed framework procedure for all its fishery management plans (FMPs) that allows for timely modification of definitions of essential fish habitat (EFH) and establishment or modification of EFH–HAPCs and Coral HAPCs. The intended effect is to protect, conserve, and enhance EFH.

DATES: This final rule is effective July 14, 2000.

ADDRESSES: Copies of the final regulatory flexibility analysis (FRFA) prepared by NMFS may be obtained from the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Michael Barnette, 727–570–5305, fax 727–570–5583, e-mail Michael.Barnette@noaa.gov.

SUPPLEMENTARY INFORMATION: The fisheries for shrimp, red drum, snapper-grouper, coastal migratory pelagics, golden crab, spiny lobster, and coral, coral reefs, and live/hard bottom habitat of the South Atlantic are managed under the Council's FMPs, as approved and implemented by NMFS. These FMPs were prepared solely by the Council, except for the FMPs for coastal migratory pelagics and spiny lobster that were prepared jointly by the Council and the Gulf of Mexico Fishery Management Council. These FMPs are implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622, except for the FMP for spiny lobster that is implemented by regulations at 50 CFR part 640.

On March 5, 1999, NMFS announced the availability of the Comprehensive Amendment Addressing Essential Fish Habitat in Fishery Management Plans of the South Atlantic Region (EFH Amendment) and requested comments on the EFH Amendment (64 FR 10612). Amendment 4 to the Coral FMP was included within the EFH Amendment. On June 3, 1999, NMFS approved the EFH Amendment. On July 9, 1999, NMFS published a proposed rule to implement the measures in Amendment 4 and requested comments on the rule (64 FR 37082). On November 2, 1999, NMFS published a supplement to the proposed rule due to the inadvertent omission of information from the initial regulatory flexibility analysis (IRFA) summary in the proposed rule classification section, and requested comments on this supplemental information (64 FR 59152). The background and rationale for the measures in the EFH Amendment and proposed rule are contained in the preamble to the proposed rule and are not repeated here.

Comments and Responses

Thirteen comments and one group comment were received on the EFH Amendment, the proposed rule, and the supplement to the proposed rule. A summary of public comments and NMFS' responses follows.

Comment 1: One commenter and a group comment asserted that the Council's economic assessment in the EFH Amendment failed to evaluate the impacts on the bottom longline fishery for shark, golden tilefish, and grouper, a necessary exercise when implementing the EFH Amendment's management measures (Actions 3A (expanded Oculina HAPC) and 3B (two satellite Oculina HAPCs)). Therefore, they believe these actions are in

violation of national standard 8 (conservation and management measures shall take into account the importance of fishery resources to fishing communities by providing for sustained community participation and minimizing adverse economic impacts).

Response: NMFS agrees that the Council's economic assessment in the EFH Amendment does not address potential economic impacts to the bottom longline fishery. However, NMFS disagrees that these actions are in violation of national standard 8. Prior to initiating Secretarial review of the EFH Amendment, NMFS reviewed the available data (summarized in the IRFA and FRFA) and it reveals substantial catches of shark, golden tilefish, and grouper by bottom longline gear from statistical grids that encompass the Oculina Bank HAPC. The statistical grids are larger than the Oculina Bank HAPC and, therefore, precise catches of shark, golden tilefish, and grouper originating from within the HAPC are unknown. However, the bottom longline fishery could potentially be adversely affected by the expanded and satellite Oculina HAPCs.

Comment 2: One commenter and a group comment commented that large portions of the proposed expansion of the Oculina Bank HAPC do not include areas identified as *Oculina* EFH and, thus, are in violation of national standard 2 (conservation and management measures shall be based on the best scientific information available). The commenters maintain that the proposed expansion consists of large areas of flat mud bottom devoid of *Oculina* coral, and that the proposed actions will not provide any *Oculina* coral protection.

Response: NMFS recognizes that the proposed expansion of the Oculina Bank HAPC includes habitat areas aside from *Oculina* coral communities, but disagrees that it is in violation of national standard 2. When delineating the boundaries for the expanded Oculina Bank HAPC, the Council used the best available information to identify vulnerable *Oculina* coral communities. However, the Council included habitat areas other than *Oculina* coral to address enforcement concerns and regulatory consistency issues to achieve the desired conservation goals. The expansion includes areas adjacent to the *Oculina* coral communities, such as flat mud bottom, to provide a buffer from accidental incursions. Furthermore, it was necessary for the expanded area to be large enough to allow for effective enforcement; the expanded HAPC allows enforcement to more easily identify an incursion and prevent potential damage to coral habitat. The expansion also provides regulatory consistency between the rock shrimp and calico scallop industries by establishing identical prohibited areas for the two fleets; presently, the calico scallop fleet is permitted to fish in areas closed to the rock shrimp fleet. Therefore, the Council used the best available information in expanding the Oculina Bank HAPC. However, relevant enforcement and regulatory issues that may have jeopardized the effectiveness of the expanded Oculina Bank HAPC also influenced the proposed boundaries.

Comment 3: Two commenters requested an extension of the Notice of Availability comment period past May 4, 1999, based on their belief that the necessary documents were not available for distribution or review. Furthermore, they claim that the internet web sites that provide access to online versions of the documents were constantly malfunctioning.

Response: NMFS disagrees with this comment. Copies of the EFH Amendment and the associated Habitat Plan were available during the subject comment period as reflected by numerous other comments received from other groups. Although the Council's supply of documents was temporarily depleted, there was sufficient time for the public to receive the documents and review and comment within the statutory 60-day comment period. Furthermore, the EFH Amendment was available on the Council internet web site throughout the comment period. Claims that the internet web site was malfunctioning are unsubstantiated.

Comment 4: Four commenters supported the conservation and management efforts of the Habitat Plan and the EFH Amendment, including the proposed measures to expand the Oculina Bank HAPC to protect EFH. However, all groups noted that EFH and EFH–HAPC identification should be improved to be species specific in subsequent amendments to FMPs.

Response: NMFS agrees with these comments and believes the Council provided an exceptional source document on EFH in its Habitat Plan and is well on its way to improve EFH information.

Comment 5: Two commenters stated that the Council has not identified and minimized all fishing gear impacts. Additionally, one commenter claimed that few if any management measures have been implemented to protect EFH from the effects of a number of gears, providing the example of bottom trawls. The commenter contended that while bottom trawls are prohibited in and around the Oculina Bank HAPC, they are allowed elsewhere in the South Atlantic exclusive economic zone (EEZ) where there is a potential to damage other hard bottom habitat areas.

Response: NMFS disagrees with this comment. NMFS believes that the Council has done an adequate job minimizing fishing gear impacts to the extent practicable, as is required by the Magnuson-Stevens Act. Furthermore, NMFS disagrees with the comment that the Council allows bottom trawls in areas of hard bottom habitat elsewhere in the South Atlantic EEZ. Amendment 1 to the Fishery Management Plan for the Snapper Grouper Fishery in the South Atlantic Region (September 1988) prohibited the use of bottom tending (roller-rig) trawls in the snapper grouper fishery to prevent damage to sensitive hard and live bottom habitat.

Comment 6: One commenter stated that the EFH Amendment exceeds Congressional intent and is overly broad. They claimed that the Council's broad EFH description implies that EFH is not unique and that it detracts from the benefits of the EFH designation process. Furthermore, the commenter stated that an overly broad range of non-fishing activities are identified as potential threats to EFH without adequate justification. The commenter also stated that the proposed rule, in particular the amended framework procedures, reflects the same problems.

Response: NMFS disagrees with this comment. The Magnuson-Stevens Act defines EFH as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. Therefore, the geographic scope of EFH must be sufficiently broad to encompass the biological requirements of the species. As for the comment regarding non-fishing activities, one of the stated purposes of the Sustainable Fisheries Act of 1996, which amended the Magnuson-Stevens Act, is to promote the protection of EFH through the review of projects, including non-fishing activities, conducted under Federal permits, licenses, or other authorities that have the potential to affect EFH adversely. NMFS' EFH-related recommendations to Federal agencies on non-fishing activities are advisory in nature. Federal agencies will be required to consult only on those activities that may adversely affect EFH, based on an assessment of the particular activity at issue.

The amended framework procedures under the EFH Amendment are procedural in nature and do not have immediate substantive impacts. These

amended framework procedures of the Councils' FMP simply allow the Council and NMFS to undertake a more timely modification of EFH definitions and establishment or modification of existing EFH–HAPCs and coral HAPCs without requiring an amendment to the appropriate FMP. This framework procedure will involve assessment of all expected biological and socioeconomic impacts of the proposed action and an opportunity for public comment prior to final agency action.

Comment 7: One commenter commented that the EFH Amendment and Habitat Plan do not comply with the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), and the Paperwork Reduction Act (PRA).

Response: NMFS disagrees with this comment and believes that all requirements of these statutes were fully met. The Council prepared draft and final supplemental environmental impact statements (DSEIS and FSEIS) for the EFH Amendment; both the DSEIS and FSEIS contained all elements required by NEPA, the Council on Environmental Quality's regulations implementing NEPA (40 CFR Parts 1500–1508), and NOAA's Administrative Order 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act). All proper NEPA procedures were followed and the DSEIS and FSEIS were filed with the Environmental Protection Agency (EPA) for publication of notices of availability for public comment. EPA published a notice of the availability of the DSEIS on July 17, 1998 (63 FR 38643). EPA published a notice of availability of the FSEIS on April 9, 1999 (68 FR 17362). EPA cited no inadequacies of the DSEIS or FSEIS. Specific NEPA-related discussions of alternatives and expected environmental impacts and other NEPA analysis elements are contained in the EFH Amendment's Sections 1.0, 2.0, 3.0, 4.0, 8.0, and 9.0 and in the cover sheet (viii), table of contents (pages i–v), and summary of NEPA elements (page x).

Section 4.8 of the EFH Amendment contains the Council's discussion intended to meet RFA requirements; additional discussion and information regarding impacts on small entities, as required by RFA, is provided in Sections 4.2.7.5 and 4.2.7.6. Also, NMFS determined, in conjunction with publication of the proposed rule for the EFH Amendment, that this action would have significant impacts on a substantial number of small entities and prepared an initial regulatory flexibility analysis (IRFA) as required by the RFA. NMFS announced the availability of the IRFA for public comment in the proposed rule (64 FR 37082; July 9, 1999) and in a supplement to the proposed rule (64 FR 59152). This final rule announces the availability of the FRFA as prepared by NMFS.

The Council did not propose any measures under the EFH Amendment that will involve increased paperwork or consideration under the PRA. The EFH Amendment provides for a voluntary vessel monitoring system (VMS) to be established as soon as possible for the rock shrimp fishery that would involve a collection-of-information requirement. NMFS approved this provision in approving the EFH Amendment. Since the voluntary VMS would involve only 2–3 vessels, this collection is not subject to the PRA.

Comment 8: One commenter commented that the Habitat Plan fails to show any connection between silviculture activities and EFH, and it overemphasizes the importance of silviculture as a nonpoint source of water quality problems.

Response: While the Habitat Plan does not illustrate any specific examples of direct EFH degradation or adverse impact, studies cited within the Habitat Plan indicate that there is a potential for adverse impacts on EFH from silviculture or from activities related to silviculture. The Council intended the Habitat Plan to provide a wide spectrum of background information to aid in management, conservation, and enhancement of EFH. Therefore, NMFS supports the Council's inclusion of this pertinent material.

Comment 9: One commenter requested an extension of the comment period for the supplement to the proposed rule due to its inability to respond during the allotted time.

Response: NMFS is unable to extend the comment period due to Magnuson-Stevens Act time requirements for issuing final rules to implement approved fishery management plan amendments.

Comment 10: One commenter supported the proposed rule to expand the Oculina Bank HAPC and the establishment of the framework procedures in all fishery management plans.

Response: NMFS agrees with this comment.

Comment 11: One commenter commented that the expansion of the Oculina Bank HAPC would include areas of flat, mud bottom. The commenter states that this inclusion would not protect *Oculina* coral but would negatively impact bottom longline fisheries for tilefish, grouper, and shark. The commenter proposed a revised expanded area that was believed to offer better protection for *Oculina* coral while minimizing adverse economic impacts on longline fishermen.

Response: NMFS acknowledges that areas of flat, mud bottom are included in the Oculina Bank HAPC expansion. The rationale for including these areas is to facilitate enforcement and to implement regulations consistent with the South Atlantic Shrimp FMP. While the revised boundaries proposed by the commenter would isolate *Oculina* coral, it would create enforcement problems. Therefore, NMFS disagrees with this comment.

Comment 12: One commenter requested that further details of the socioeconomic impacts on affected fisheries be documented, especially the cumulative impacts of a number of federal regulatory actions for highly migratory species, snapper/grouper species, and tilefish.

Response: To the extent practicable, NMFS recognizes and considers cumulative impacts resulting from the implementation of a series of management measures that affect the fishery in question. The analysis of the potential impacts of this particular action was conducted based on the status quo. Since the status quo takes all previous management actions into account, any analysis of the impacts of additional regulations implicitly incorporates impacts of previous management actions. Further details of this analysis are found in the Regulatory Impact Review, the IRFA, and the FRFA written to accompany this rulemaking process. Thus, NMFS made a good faith effort to assess the impacts, including cumulative impacts, of the proposed actions on all affected entities.

Classification

The Administrator, Southeast Region, NMFS, determined that the EFH Amendment is necessary for the conservation and management of the Council's FMPs and it is consistent with the Magnuson-Stevens Act and other applicable law.

This final rule has been determined to be not significant for purposes of E.O. 12866.

NMFS prepared a FRFA for this final rule implementing Amendment 4 to the Coral FMP. The FRFA was based on the IRFA and public comments that were received on the IRFA. A summary of the FRFA follows:

Except for EFH Amendment Actions 3A (expanded Oculina HAPC) and 3B (two satellite Oculina HAPCs), the

amendment does not contain measures that would result in immediate economic effects. Actions 3A and 3B would enlarge the existing Oculina Bank HAPC and prohibit fishing with bottom tending gear. The Council originally determined that these regulations would affect trawling for calico scallops to some degree, but concluded that there would not be a significant impact and did not prepare an IRFA. NMFS subsequently gathered additional information on the potential impacts and prepared an IRFA. During the public comment period on the proposed rule, fishermen commented that their catches of shark, grouper, and tilefish would also be affected. In response to these comments, NMFS looked at its catch data for shark, grouper, and tilefish. The data indicated the possibility that these fishermen may also be affected by the rule.

The rule responds to the Magnuson-Stevens Act requirements to identify EFH and to minimize any fishing related damage to EFH. The overall objective of the rule is to protect, conserve, and enhance EFH.

NMFS received a number of comments on the possible economic effects of the rule. One commenter stated that the economic assessment failed to include any evaluation of the bottom longline fisheries for shark, golden tilefish, and grouper. NMFS agrees that the Council's EFH Amendment did not address those potential economic impacts. However, prior to initiation of Secretarial review of the EFH Amendment, NMFS determined that substantial catches of shark, golden tilefish, and grouper may be affected, resulting in adverse economic impacts.

Another commenter stated that the EFH Amendment did not comply with NEPA, RFA, and the PRA. NMFS disagrees with this comment. The combined Council and NMFS efforts addressed all relevant requirements of NEPA (including preparation of a DSEIS and FSEIS) and RFA (including preparation of an IRFA and FRFA). The Council did not propose any measures under the EFH Amendment that will involve increased paperwork or consideration under the PRA.

Another commenter indicated that the expansion of the Oculina Bank HAPC includes areas of flat, mud bottom and would negatively impact bottom longline fisheries for tilefish, grouper, and shark. NMFS acknowledges that areas of flat, mud bottom are included, but incorporating these areas into the closed area would facilitate enforcement and result in regulations consistent with the South Atlantic Shrimp FMP.

One commenter suggested that further details of the socioeconomic impact to affected fisheries should have been documented, especially the collective impacts of Federal actions taken over a period of time. To the extent practicable, NMFS recognizes and considers cumulative impacts resulting from the implementation of a series of management measures that affect the fishery in question. The analysis of the potential impacts of this particular action was conducted based on the status quo. Since the status quo takes all previous management actions into account, any analysis of the impacts of additional regulations implicitly incorporates impacts of previous management actions. Further details of this analysis are found in the Regulatory Impact Review, the IRFA, and the FRFA written to accompany this rulemaking process. Thus, NMFS made a good faith effort to assess the impacts, including cumulative impacts, of the proposed actions on all affected entities.

Consideration of the public comments did not result in changes to the rule.

The rule would apply to a total of 45–60 small business entities that engage in the harvest of calico scallops, sharks, tilefish, and grouper. The scallop fishermen utilize shrimp trawling vessels with modified gear and generate annual gross revenues of approximately $52,000 per vessel. Fishermen targeting sharks, tilefish, and grouper utilize fishing craft in the 30- to 49-ft (9.1- to 14.9-m) category, take trips that average 7 to 10 days, incur variable annual expenses of $3,683, generate annual gross revenues ranging from $5,954 to $7,145 per trip, and realize annual returns to the owner, captain and crew that range from $34,000 to $51,000.

No additional reporting, recordkeeping, or other compliance requirements by small entities are contained in the rule.

The Council considered two alternatives in addition to the proposed alterative (Actions 3A and 3B). The status quo obviously would have no impact on small business entities, and was rejected because it would not meet the objective of providing additional protection for EFH. The other alternative considered and rejected by the Council would expand the Oculina Bank HAPC by an area larger than in the preferred alternative. This option was rejected because it would result in the closure of a major portion of the known historic fishing grounds for calico scallops; the resulting negative economic impacts were deemed to be greater than the benefits that would accrue from the additional protection for EFH. Accordingly, the Council chose the alternative that would meet the objective of providing additional protection for EFH while attempting to minimize the economic impact on small entities.

Copies of the FRFA are available (see **ADDRESSES**).

List of Subjects

50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

50 CFR Part 640

Fisheries, Fishing, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: June 2, 2000.

Bruce C. Morehead,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 622 and 640 are amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.35, paragraph (g) is removed and paragraph (c) is revised to read as follows:

§ 622.35 South Atlantic EEZ seasonal and/or area closures.

* * * * *

(c) *Oculina Bank*—(1) *HAPC.* The Oculina Bank HAPC encompasses an area bounded on the north by 28°30' N. lat., on the south by 27°30' N. lat., on the east by the 100-fathom (183-m) contour, as shown on the latest edition of NOAA chart 11460, and on the west by 80°00' W. long.; and two adjacent areas: the first bounded on the north by 28°30' N. lat., on the south by 28°29' N. lat., on the east by 80°00' W. long., and on the west by 80°03' W. long.; and the second bounded on the north by 28°17' N. lat., on the south by 28°16' N. lat., on the east by 80°00 W. long., and on the west by 80°03' W. long. In the Oculina Bank HAPC, no person may:

(i) Use a bottom longline, bottom trawl, dredge, pot, or trap.

(ii) If aboard a fishing vessel, anchor, use an anchor and chain, or use a grapple and chain.

(iii) Fish for rock shrimp or possess rock shrimp in or from the area on board a fishing vessel.

(2) *Experimental closed area.* Within the Oculina Bank HAPC, the experimental closed area is bounded on

the north by 27°53' N. lat., on the south by 27°30' N. lat., on the east by 79°56' W. long., and on the west by 80°00' W. long. No person may fish for South Atlantic snapper-grouper in the experimental closed area, and no person may retain South Atlantic snapper-grouper in or from the area. In the experimental closed area, any South Atlantic snapper-grouper taken incidentally by hook-and-line gear must be released immediately by cutting the line without removing the fish from the water.

* * * * *

3. In § 622.48, the introductory text and paragraphs (c), (f), (g), and (h) are revised; and paragraphs (k) and (l) are added to read as follows:

* * * * *

§ 622.48 Adjustment of management measures.

In accordance with the framework procedures of the applicable FMPs, the RA may establish or modify the following items:

* * * * *

(c) *Coastal migratory pelagic fish.* For a species or species group: Age-structured analyses, target date for rebuilding an overfished species, MSY (or proxy), stock biomass achieved by fishing at MSY (B_{MSY}) (or proxy), maximum fishing mortality threshold (MFMT), minimum stock size threshold (MSST), OY, TAC, quota (including a quota of zero), bag limit (including a bag limit of zero), size limits, vessel trip limits, closed seasons or areas and reopenings, gear restrictions (ranging from regulation to complete prohibition), reallocation of the commercial/recreational allocation of Atlantic group Spanish mackerel, permit requirements, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

* * * * *

(f) *South Atlantic snapper-grouper and wreckfish.* For species or species groups: Biomass levels, age-structured analyses, target dates for rebuilding overfished species, MSY, ABC, TAC, quotas, trip limits, bag limits, minimum sizes, gear restrictions (ranging from regulation to complete prohibition), seasonal or area closures, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

(g) *South Atlantic golden crab.* Biomass levels, age-structured analyses, MSY, ABC, TAC, quotas (including quotas equal to zero), trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, time frame for recovery of golden crab if overfished, fishing year (adjustment not to exceed 2 months), observer requirements, authority for the RA to close the fishery when a quota is reached or is projected to be reached, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

(h) *South Atlantic shrimp.* Biomass levels, age-structured analyses, BRD certification criteria, BRD specifications, BRD testing protocol, certified BRDs, nets required to use BRDs, times and locations when the use of BRDs is required, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

* * * * *

(k) *Atlantic coast red drum.* Definitions of essential fish habitat and essential fish habitat HAPCs or Coral HAPCs.

(l) *South Atlantic coral, coral reefs, and live/hard bottom habitats.* Definitions of essential fish habitat and essential fish habitat HAPCs or Coral HAPCs.

PART 640—SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

4. The authority citation for part 640 continues to read as follows:

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

5. Section 640.25 is revised to read as follows:

§ 640.25 Adjustment of management measures.

In accordance with the framework procedure of the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic, the RA may establish or modify the following items: definitions of essential fish habitat, Essential Fish Habitat-Habitat Areas of Particular Concern, Coral-Habitat Areas of Particular Concern, biomass levels, age-structured analyses, limits on the number of traps fished by each vessel, construction characteristics of traps, specification of gear and vessel identification requirements, specification of allowable or prohibited gear in a directed fishery, specification of bycatch levels in non-directed fisheries, changes to soak or removal periods and requirements for traps, recreational bag and possession limits, changes in fishing seasons, limitations on use, possession, and handling of undersized lobsters, and changes in minimum size.

[FR Doc. 00–14528 Filed 6–13–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 99122347–9347–01; I.D. 060500A]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Mothership Sector

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces closure of the 2000 mothership fishery for Pacific whiting (whiting) at 4:00 p.m. local time (l.t.) June 9, 2000, because the allocation for the mothership sector is projected to be reached by that time. This action is intended to keep the harvest of whiting at the 2000 allocation levels.

DATES: Effective from 4:00 p.m. l.t. June 9, 2000, until the start of the 2001 primary season for the mothership sector, unless modified, superseded or rescinded; such action will be published in the **Federal Register**. Comments will be accepted through June 29, 2000.

ADDRESSES: Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; or Rodney R. McInnis, Acting Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: Katherine King at 206-526-6145 or Becky Renko at 206–526–6110.

SUPPLEMENTARY INFORMATION: This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. On January 4, 2000 (65 FR 221), the levels of allowable biological catch (ABC), the optimum yield (OY) and the commercial OY (the OY minus the tribal allocation)for U.S. harvests of whiting were announced in the **Federal Register**. For 2000 the whiting ABC and OY are 232,000 mt (mt) and the commercial OY is 199,500 mt. Regulations at 50 CFR 660.323(a)(4) divide the commercial OY into separate allocations for the catcher/processor, mothership, and shore-based sectors of the whiting fishery. The 2000

allocations, which are based on the 2000 commercial OY, are 67,830 mt (34 percent) for the catcher/processor sector, 47,880 mt (24 percent) for the mothership sector, and 83,790 mt (42 percent) for the shoreside sector.

When each sector's allocation is reached, the primary season for that sector is ended. The catcher/processor sector is composed of vessels that harvest and process whiting. The mothership sector is composed of motherships, and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest, whiting. The shoreside sector is composed of vessels that harvest whiting for delivery to shoreside processors. The regulations at 50 CFR 600.323 (a)(3)(i) describe the primary season for vessels delivering to motherships as the period(s) when at-sea processing is allowed and the fishery is open for the mothership sector.

NMFS Action

This action announces achievement of the allocation for the mothership sector only. The best available information on June 8, 2000, indicated that the 47,880-mt mothership allocation would be reached by 4:00 p.m., June 9, 2000, at which time the primary season for the mothership sector ends and further at-sea processing and receipt of whiting by a mothership, or taking and retaining, possessing, or landing of whiting by a catcher boat in the mothership sector, are prohibited. For the reasons stated here, and in accordance with the regulations at 50 CFR 660.323(a)(4)(iii)(B), NMFS herein announces that effective at 4:00 p.m., June 9, 2000—(1) further receiving or at-sea processing of whiting by a mothership is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a mothership may continue to process whiting that was on board before at-sea processing was prohibited, and (2) whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the mothership sector.

Classification

This action is authorized by the regulations implementing the FMP. The determination to take this action is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the office of the Regional Administrator (see **ADDRESSES**) during business hours. This action is taken under the authority of 50 CFR 660.323(a)(4)(iii)(B) and is exempt from review under E.O. 12866.

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

Dated: June 9, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–14995 Filed 6–9–00; 1:38 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 115
Wednesday, June 14, 2000

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 56 and 70

[Docket No. PY–00–002]

RIN 0581–AB89

Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to increase the fees and charges for Federal voluntary egg, poultry, and rabbit grading. These fees and charges need to be increased to cover the increase in salaries of Federal employees, salary increases of State employees cooperatively utilized in administering the programs, and other increased Agency costs.

DATES: Comments must be received on or before July 14, 2000.

ADDRESSES: Send written comments to Elizabeth S. Crosby, Acting Chief, Standardization Branch, Poultry Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0259, room 3944-South, 1400 Independence Avenue, SW, Washington, DC 20250–0259. Comments may be faxed to (202) 690–0941.

State that your comments refer to Docket No. PY–00–002 and note the date and page number of this issue of the **Federal Register**.

Comments received may be inspected at the above location between 8:00 a.m. and 4:30 p.m., Eastern Time, Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Rex A. Barnes, Chief, Grading Branch, (202) 720–3271.

SUPPLEMENTARY INFORMATION:

Background and Proposed Changes

The Agricultural Marketing Act (AMA) of 1946 (7 U.S.C. 1621 *et seq.*) authorizes official voluntary grading and certification on a user-fee basis of eggs, poultry, and rabbits. The AMA provides that reasonable fees be collected from users of the program services to cover, as nearly as practicable, the costs of services rendered.

The AMS regularly reviews these programs to determine if fees are adequate and if costs are reasonable. This action would amend the schedule for fees and charges for grading services rendered to the egg, poultry, and rabbit industries to reflect the costs currently associated with them.

A recent review of the current fee schedule, effective October 1, 1999, revealed that anticipated revenue will not adequately cover increasing program costs. Without a fee increase, FY 2001 revenues for grading services are projected at $23.7 million, costs are projected at $24.9 million, and trust fund balances would be $11.3 million. With a fee increase, FY 2001 revenues are projected at $24.3 million, costs are projected at $24.9 million, and trust fund balances would be $11.9 million.

Employee salaries and benefits account for approximately 81 percent of the total operating budget. A general and locality salary increase for Federal employees, ranging from 4.76 to 5.31 percent, depending on locality, became effective in January 2000 and has materially affected program costs. Another general and locality salary increase estimated at 3.7 percent is expected in January 2001. Also, from October 1999 through September 2001, salaries and fringe benefits of federally licensed State employees will have increased by about 6.7 percent.

The impact of these cost increases was determined for resident, nonresident, and fee services. To offset projected cost increases, the hourly resident and nonresident rate would be increased by approximately 4 percent and the fee rate would be increased by approximately 6 percent. The hourly rate for resident and nonresident service covers graders' salaries and benefits. The hourly rate for fee service covers graders' salaries and benefits, plus the cost of travel and supervision. The hourly rate for an appeal grading or review of a grader's decision covers the time required to perform such service. Due to changes in the number of Poultry Program offices and the resulting reduction in costs, administrative charges that cover the cost of supervision for resident and nonresident service would remain unchanged as shown in the table below.

The following table compares current fees and charges with proposed fees and charges for egg, poultry, and rabbit grading as found in 7 CFR parts 56 and 70:

Service	Current	Proposed
Resident Service (egg, poultry, rabbit grading)		
Inauguration of service	310	310
Hourly charges:		
Regular hours	28.80	29.96
Administrative charges—Poultry grading:		
Per pound of poultry	.00035	.00035
Minimum per month	225	225
Maximum per month	2,625	2,625
Administrative charges—Shell egg grading:		
Per 30-dozen case of shell eggs	.044	.044
Minimum per month	225	225
Maximum per month	2,625	2,625
Administrative charges—Rabbit grading		
Based on 25% of grader's salary.		

Service	Current	Proposed
Minimum per month	260	260
Nonresident Service (egg, poultry grading)		
Hourly charges:		
Regular hours	28.00	29.96
Administrative charges:		
Based on 25% of grader's salary.		
Minimum per month	260	260
Fee and Appeal Service (egg, poultry, rabbit grading)		
Hourly charges:		
Regular hours	48.40	51.32
Weekend and holiday hours	55.76	59.12

Executive Order 12866

This action has been determined to be not significant for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility

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

There are about 400 users of Poultry Programs' grading services. These official plants can pack eggs, poultry, and rabbits in packages bearing the USDA grade shield when AMS graders are present to certify that the products meet the grade requirements as labeled. Many of these users are small entities under the criteria established by the Small Business Administration (13 CFR 121.201). These entities are under no obligation to use grading services as authorized under the Agricultural Marketing Act of 1946.

The AMS regularly reviews its user fee financed programs to determine if the fees are adequate. The most recent review determined that the existing fee schedule will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance. Without a fee increase, FY 2001 revenues for grading services are projected at $23.7 million, costs are projected at $24.9 million, and trust fund balances would be $11.3 million. With a fee increase, FY 2001 revenues are projected at $24.3 million, costs are projected at $24.9 million, and trust fund balances would be $11.9 million.

This action would raise the fees charged to users of grading services. The AMS estimates that overall, this rule would yield an additional $0.5 million during FY 2001. The hourly rate for resident and nonresident service would increase by approximately 4 percent and the fee rate would increase by approximately 6 percent. The impact of these rate changes in a poultry plant would range from less than 0.002 to 0.02 cents per pound of poultry handled. In a shell egg plant, the range would be less than 0.009 to 0.09 cents per dozen eggs handled.

Civil Justice Reform

This action has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Paperwork Reduction

The information collection requirements that appear in the sections to be amended by this action have been previously approved by OMB and assigned OMB Control Numbers under the Paperwork Reduction Act (44 U.S.C. Chapter 35) as follows: ?56.52(a)(4)—No. 0581–0128; and ?70.77(a)(4)—No. 0581–0127.

A thirty-day comment period is provided for interested persons to comment on this proposed rule. This period is appropriate in order to implement, as early as possible in fiscal year 2001, any fee changes adopted as a result of this rulemaking action.

List of Subjects

7 CFR Part 56

Eggs and egg products, Food grades and standards, Food labeling, Reporting and recordkeeping requirements.

7 CFR Part 70

Food grades and standards, Food labeling, Poultry and poultry products, Rabbits and rabbit products, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, it is proposed that Title 7, Code of Federal Regulations, parts 56 and 70 be amended as follows:

PART 56—GRADING OF SHELL EGGS

1. The authority citation for part 56 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

2. Section 56.46 is revised to read as follows:

§ 56.46 On a fee basis.

(a) Unless otherwise provided in this part, the fees to be charged and collected for any service performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in this section.

(b) Fees for grading services will be based on the time required to perform the services. The hourly charge shall be $51.32 and shall include the time actually required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $59.12 per hour. Information on legal holidays is available from the Supervisor.

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS

3. The authority citation for part 70 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

4. Section 70.71 is revised to read as follows:

§ 70.71 On a fee basis.

(a) Unless otherwise provided in this part, the fees to be charged and collected for any service performed, in accordance with this part, on a fee basis

shall be based on the applicable rates specified in this section.

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether ready-to-cook poultry, ready-to-cook rabbits, or specified poultry food products are involved. The hourly charge shall be $51.32 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $59.12 per hour. Information on legal holidays is available from the Supervisor.

Dated: June 8, 2000.

Kathleen A. Merrigan,

Administrator, Agricultural Marketing Service.

[FR Doc. 00–15013 Filed 6–13–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

[Docket No. FV00–982–2 PR]

Hazelnuts Grown in Oregon and Washington; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would increase the assessment rate established for the Hazelnut Marketing Board (Board) for the 2000–2001 and subsequent marketing years from $0.004 to $0.005 per pound of hazelnuts handled. The Board locally administers the marketing order, which regulates the handling of hazelnuts grown in Oregon and Washington. Authorization to assess hazelnut handlers enables the Board to incur expenses that are reasonable and necessary to administer the program. The marketing year begins July 1 and ends June 30. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by July 14, 2000.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698, or E-mail: moab.docketclerk@usda.gov. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: http://www.ams.usda.gov/fv/moab.html.

FOR FURTHER INFORMATION CONTACT: Teresa L. Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, Oregon 97204; telephone: (503) 326–2724, Fax: (503) 326–7440; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 115 and Order No. 982, both as amended (7 CFR part 982), regulating the handling of hazelnuts grown in Oregon and Washington, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, hazelnut handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable hazelnuts beginning on July 1, 2000, and continue until amended, suspended, or terminated. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule would increase the assessment rate established for the Board for the 2000–2001 and subsequent marketing years from $0.004 to $0.005 per pound of hazelnuts handled.

The order provides authority for the Board, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of hazelnuts. They are familiar with the Board's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate and budget were recommended by a mail vote. The recommendation will be discussed and reconfirmed at the Board's next scheduled public meeting. Thus, all directly affected persons will have an opportunity to participate and provide input.

For the 1997–98 and subsequent marketing years, the Board recommended, and the Department approved, an assessment rate that would continue in effect from marketing year to marketing year unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Board or other information available to the Secretary.

The Board, in a mail vote completed at the end of April 2000, unanimously recommended 2000–2001 expenditures of $596,293 and an assessment rate of $0.005 per pound of hazelnuts. In comparison, last year's budgeted expenditures were $568,457. The assessment rate of $0.005 is $0.001 higher than the rate currently in effect. At the current rate of $0.004 per pound and an estimated 2000–2001 hazelnut

production of 50,000,000 pounds, the Board believes that the projected reserve on June 30, 2001, would not be adequate to administer the program. The increased assessment rate is expected to result in an operating reserve of $150,147 at the end of the 2000–2001 marketing year.

The major expenditures recommended by the Board for the 2000–2001 marketing year include $39,613 for personal services (salaries and benefits), $7,416 for rent, $5,000 for compliance, $23,000 for the crop estimate, $275,000 for promotion, and $182,364 for an emergency fund. Budgeted expenses for these items in 1999–2000 were $51,385, $7,308, $5,000, $21,000, $275,000, and $182,364, respectively. The Board would consider using emergency funds for authorized activities when it is reasonably certain that its estimate of assessable hazelnuts is reached. It would not be able to make this determination until December 2000, the month in which the hazelnut harvest and deliveries to handlers usually are completed.

The Board based its recommended assessment rate increase on the 2000–2001 crop estimate, the 2000–2001 marketing year expenditures estimate, as well as the current and projected balance of the operating reserve. Hazelnut shipments for the 2000–2001 marketing year are estimated at 50,000,000 pounds, which should provide $250,000 in assessment income. Income derived from handler assessments, along with interest income ($13,000) and funds from the Board's authorized reserve ($333,293), would be adequate to cover budgeted expenses. Funds in the reserve (currently $483,440) would be kept within the maximum permitted by the order (approximately one marketing year's operational expenses). Excess funds may be maintained and used by the Board until December 1 following the end of a marketing year (§ 982.62(b)). The Board shall refund to each handler upon request, or credit to the handler's account with the Board, the handler's share of such excess prior to January 1.

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Board or other available information.

Although this assessment rate would be in effect for an indefinite period, the Board would continue to conduct a mail vote prior to or during each marketing year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. Any mail votes would be discussed and reconfirmed at a public meeting. The dates and times of Board meetings are available from the Board or the Department. Board meetings are open to the public and interested persons may express their views at these meetings. The Department would evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Board's 2000–2001 budget and those for subsequent marketing years would be reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, the AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 800 producers of hazelnuts in the production area and approximately 22 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. Currently, about 86 percent of hazelnut handlers could be considered small businesses under SBA's definition, excluding receipts from other sources. It is estimated that virtually all hazelnut producers have annual receipts of less than $500,000, excluding receipts from other sources. Thus, the majority of handlers and producers of hazelnuts may be classified as small entities.

This rule would increase the assessment rate established for the Board and collected from handlers for the 2000–2001 and subsequent marketing years from $0.004 to $0.005 per pound of hazelnuts. The Board, in a mail vote completed at the end of April 2000, unanimously recommended 2000–2001 expenditures of $596,293 and an assessment rate of $0.005 per pound. The proposed assessment rate of $0.005 per pound is $0.001 higher than the $0.004 per pound rate currently in effect. The quantity of assessable hazelnuts for the 2000–2001 marketing year is estimated at 50,000,000 pounds. Income derived from handler assessments, along with interest income and funds from the Board's authorized reserve, would be adequate to cover budgeted expenses.

The major expenditures recommended by the Board for the 2000–2001 marketing year include $39,613 for personal services (salaries and benefits), $7,416 for rent, $5,000 for compliance, $23,000 for the crop estimate, $275,000 for promotion, and $182,364 for an emergency fund. Budgeted expenses for these items in 1999–2000 were $51,385, $7,308, $5,000, $21,000, $275,000, and $182,364, respectively. As mentioned earlier, the Board would not make any decision on using emergency funds until December 2000, at the earliest.

The Board based its recommended assessment rate increase on the 2000–2001 crop estimate, the 2000–2001 marketing year expenditures estimate, as well as the current and projected balance of the operating reserve. Hazelnut shipments for the 2000–2001 marketing year are estimated at 50,000,000 pounds, which should provide $250,000 in assessment income. Income derived from handler assessments, along with interest income ($13,000) and funds from the Board's authorized reserve ($333,293), would be adequate to cover budgeted expenses. Funds in the reserve (currently $483,440) would be kept within the maximum permitted by the order (approximately one marketing year's operational expenses). Excess funds may be maintained and used by the Board until December 1 following the end of a marketing year (§ 982.62(b)). The Board is required to refund or credit, upon request, each handler's share of the excess prior to January 1.

The Board reviewed and unanimously recommended 2000–2001 expenditures of $596,293. With the 2000–2001 marketing year assessable hazelnut crop estimated at 50,000,000 pounds, or 26,000,000 pounds less than for 1999–2000, the Board recommended the assessment rate increase to prevent its operating reserve from going lower than $150,000. The Board believes that a reserve less than this is too low. Prior to arriving at this budget, the Board considered information from various sources, such as the Proration Committee, the Budget Committee, and the Marketing and Promotion Committee. Alternative expenditure levels were discussed by these groups,

based upon the relative value of various research, marketing, and promotion projects to the hazelnut industry.

A review of historical information and preliminary information pertaining to the upcoming marketing year indicates that the grower price for the 2000–2001 marketing year could range between $0.32 and $0.49 per pound of hazelnuts. Therefore, the estimated assessment revenue for the 2000–2001 marketing year as a percentage of total grower revenue could range between 1.02 and 1.56 percent.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the marketing order. In addition, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large hazelnut handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html*. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The 2000–2001 marketing year begins on July 1, 2000, and the marketing order requires that the rate of assessment for each marketing year apply to all assessable hazelnuts handled during such marketing year; (2) the Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; and (3) handlers are aware of this action which was unanimously recommended by the Board in a mail vote and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 982

Filberts, Hazelnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 982 is proposed to be amended as follows:

PART 982—HAZELNUTS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR part 982 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 982.340 is revised to read as follows:

§ 982.340 Assessment rate.

On and after July 1, 2000, an assessment rate of $0.005 per pound is established for Oregon and Washington hazelnuts.

Dated: June 8, 2000.

James R. Frazier,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–15014 Filed 6–13–00; 8:45 am]

BILLING CODE 3410–02–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 748

Guidelines for Safeguarding Member Information

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of proposed rulemaking and request for comment.

SUMMARY: The NCUA Board is proposing a modification to the security program requirements to include security of member information. Further, the NCUA Board is requesting comment on proposed Guidelines for safeguarding member information published to implement certain provisions of the Gramm-Leach-Bliley Act (the GLB Act or Act).

The GLB Act requires the NCUA Board to establish appropriate standards for federally-insured credit unions relating to administrative, technical, and physical safeguards for member records and information. These safeguards are intended to: insure the security and confidentiality of member records and information; protect against any anticipated threats or hazards to the security or integrity of such records; and protect against unauthorized access to or use of such records or information that could result in substantial harm or inconvenience to any member.

DATES: NCUA must receive comments not later than August 14, 2000.

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

FOR FURTHER INFORMATION CONTACT: Matthew Biliouris, Information Systems Officer, or Jodee Jackson, Compliance Officer, Office of Examination and Insurance, at the above address or telephone (703) 518–6360.

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

I. Background

On November 12, 1999, President Clinton signed the GLB Act (Pub. L. 106–102) into law. Section 501, entitled Protection of Nonpublic Personal Information, requires the NCUA Board, the federal banking agencies, including the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision, the Securities and Exchange Commission, state insurance authorities, and the Federal Trade Commission (collectively, the "Agencies") to establish appropriate standards for the financial institutions subject to their respective jurisdictions relating to the administrative, technical, and physical safeguards for customer records and information. These safeguards are intended to: (1) Insure the security and confidentiality of customer records and information; (2) protect against any anticipated threats or hazards to the security or integrity of such records; and (3) protect against unauthorized access to or use of such records or information that would result in substantial harm or inconvenience to any customer.

Section 505(b) of the GLB Act provides that these standards are to be implemented by the NCUA and the federal banking agencies in the same manner, to the extent practicable, as standards pursuant to section 39(a) of the Federal Deposit Insurance Act (FDIA). Section 39(a) of the FDIA

requires the federal banking agencies to establish operational and managerial standards for insured depository institutions relative to, among other things, internal controls, information systems, and internal audit systems, as well as such other operational and managerial standards as determined to be appropriate. 12 U.S.C. 1831p(a). Section 39 of the FDIA provides for standards to be prescribed by guideline or by rule. 12 U.S.C. 1831p(d)(1). The FDIA also provides that, if an institution fails to comply with a standard issued as a rule, the institution must submit a compliance plan within particular time frames while, if an institution fails to comply with a standard issued as a guideline, the agency has the discretion as to whether to require an institution to submit a compliance plan. 12 U.S.C. 1831p(e)(1). Section 39 of the FDIA does not apply to the NCUA, and the Federal Credit Union Act does not contain a similar, regulatory framework for the issuance and enforcement of standards. In preparation of NCUA's proposed regulation and appendix with guidelines, NCUA staff has worked with an interagency group that has included representatives from the federal banking agencies. The NCUA Board's understanding is that the federal banking agencies intend to issue proposed standards by guidelines that will be published as an appendix to their safety and soundness standards.

The NCUA Board has determined that it can best meet the congressional directive to prescribe standards through an amendment to NCUA's existing regulation governing security programs in federally-insured credit unions. The proposed regulation will require that federally-insured credit unions establish a security program addressing the safeguards required by the GLB Act. The Board also proposes to publish an appendix to the regulation that will set out guidelines, the text of which is substantively identical to the guidelines anticipated from the federal banking agencies. The guidelines are intended to outline industry best practices and assist credit unions to develop meaningful and effective security programs to ensure their compliance with the safeguards contained in the regulation.

Currently, NCUA regulations require that federally-insured credit unions have a written security program designed to protect each credit union from robberies, burglaries, embezzlement, and assist in the identification of persons who attempt such crimes. Expanding the environment of protection to include threats or hazards to member information systems is a natural fit within a comprehensive security program. To evaluate compliance, the NCUA will expand its review of credit union security programs and annual certifications. This review will take place during safety and soundness examinations for federal credit unions and within the established oversight procedures for state-chartered, federally-insured credit unions. If a credit union fails to establish a security program meeting the regulatory objectives, the NCUA Board could take a variety of administrative actions. The Board could use its cease and desist authority, including its authority to require affirmative action to correct deficiencies in a credit union's security program. 12 U.S.C. 1786(e) and (f). In addition, the Board could employ its authority to impose civil money penalties. 12 U.S.C. 1786(k). A finding that a credit union is in violation of the requirements of proposed § 748.0(b)(2) would typically result only if a credit union fails to establish a written policy or its written policy is insufficient to reasonably address the objectives set out in the proposed regulation.

The proposed Guidelines apply to "nonpublic personal information" of "members" as those terms are defined in 12 CFR part 716, the Privacy Rule. Under Section 503(b)(3) of the GLB Act and part 716, credit unions will be required to disclose their policies and practices with respect to protecting the confidentiality, security, and integrity of nonpublic personal information as part of the initial and annual notices to their members. Defining terms consistently should facilitate the ability of credit unions to develop their privacy notices in light of the guidelines set forth here. NCUA derived key components of the proposed Guidelines from security-related supervisory guidance developed with the federal banking agencies through the Federal Financial Institutions Examination Council (FFIEC).

The NCUA Board requests comment on all aspects of the proposed amendment of § 748.0 and the guidelines, as well as comment on the specific provisions and issues highlighted in the section-by-section analysis below.

II. Section-by-Section Analysis

The discussion that follows applies to the proposed rule Part 748.

The security program in § 748.0(b) previously addressed only those threats due to acts such as robberies, burglaries, larcenies, and embezzlement. In the emerging electronic marketplace, the threats to members, credit unions, and the information they share to have a productive, technologically competitive, financial relationship, have increased. The security programs to ensure protections against these emerging crimes and harmful actions must keep pace. Congress directed in Section 501(b) of the GLB Act that the Agencies establish standards to ensure financial institutions protect the security and confidentiality of the nonpublic personal information of its customers.

To meet this directive, the proposed rule revises paragraph (b) of § 748.0 to require that a credit union's security program include protections to ensure the security and confidentiality of member records, protect against anticipated threats or hazards to the security or integrity of such records, and protect against unauthorized access to or use of such records that could result in substantial harm or inconvenience to a member. This modification expands the security program objectives to include the emerging threats and hazards to members, credit unions, and the information they share to have a financial relationship.

The proposed rule would have an effective date of November 13, 2000; however, compliance would not be required until July 1, 2001. This is consistent with Part 716, the Privacy Rule, and the other Agencies. NCUA intends to maintain its 90-day compliance period for newly-chartered or insured credit unions found in § 748.0(a). This section requires that each credit union establish its written security program within 90 days from the date of insurance. While the GLB Act, and the other Agencies regulations are silent as to compliance for newly chartered or insured institutions, NCUA believes it is reasonable to continue to provide this compliance time frame for such credit unions.

The discussion that follows applies to the NCUA's proposed Guidelines.

Appendix A to Part 748—Guidelines for Safeguarding Member Information

I. Introduction

Proposed paragraph I. sets forth the general purpose of the proposed Guidelines, which is to provide guidance to each credit union in establishing and implementing administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of member information. This paragraph also sets forth the statutory authority for the proposed Guidelines, sections 501 and 505(b) of the GLB Act. 15 U.S.C. 6801 & 6805(b).

I.A. Scope

Paragraph I.A. describes the scope of the proposed Guidelines. The proposed Guidelines can apply to all federally-insured credit unions.

I.B. Definitions

Paragraph I.B. sets forth the definitions of various terms for purposes of the proposed Guidelines.

I.B.1. In General. Paragraph I.B.1. provides that terms used in the proposed Guidelines have the same meanings as set forth in 12 CFR part 716, except to the extent that the definition of the term is modified in the proposed Guidelines or where the context requires otherwise.

I.B.2. Member information. Proposed paragraph I.B.2. defines member information. Member information includes any records, data, files, or other information about a member containing nonpublic personal information, as defined in 12 CFR 716.3(q). This includes records in paper, electronic, or any other form that are within the control of a credit union or that are maintained by any service provider on behalf of a credit union. Although the GLB Act uses both the terms "records" and "information," for the sake of simplicity, in the proposed Guidelines the term "records" encompasses all member information.

Section 501(b) refers to safeguarding the security and confidentiality of "customer" information. The term "customer" is also used in other sections of Title V of the GLB Act. The NCUA Board has used the term "member" in place of the term "customer" in implementing these sections of the GLB Act in Part 716. The term "member" includes individuals who are not actually members, but are entitled to the same privacy protections under Part 716 as members. Examples of individuals that fall within the definition of member in Part 716 are nonmember joint account holders, nonmembers establishing an account at a low-income designated credit union, and nonmembers holding an account in a state-chartered credit union under state law. The term "member" does not cover business members, or consumers who have not established an ongoing relationship with the credit union (*e.g.*, those consumers that merely use an ATM or purchase travelers checks). See 12 CFR 716.3(n) and (o).

The NCUA Board proposes defining "member" for purposes of the Guidelines consistently with Part 716 to facilitate the ability of a credit union to develop the privacy notices and to make disclosures required under Section 503(b)(3). However, the NCUA Board is considering whether the scope of the Guidelines should address records for all consumers, the credit union's business account holders, or all of a credit union's records. The NCUA Board solicits comment on whether a broader definition will change the information security program that a credit union would implement, or, whether, as a practical matter, credit unions will respond to the Guidelines by implementing an information security program for all types of records under their control rather than segregating "member" records for special treatment.

I.B.3. Member. Proposed paragraph I.B.3. defines member to include any member of a credit union as defined in 12 CFR 716.3(n). A member is a consumer who has established a continuing relationship with a credit union under which the credit union provides one or more financial products or services to the member to be used primarily for personal, family or household purposes.

I.B.4. Service provider. Proposed paragraph I.B.4. defines a service provider as any person or entity that maintains or processes member information on behalf of a credit union, or is otherwise granted access to member information through its provision of services to a credit union.

I.B.5. Member information system. Proposed paragraph I.B.5. defines member information system to be electronic or physical methods used to access, collect, store, use, transmit, and protect member information.

II. Standards for Safeguarding Member Information

II.A. Information Security Program

The proposed Guidelines describe NCUA's expectations for the creation, implementation, and maintenance of an information security program. The proposed Guidelines first describe the oversight role of the board of directors in this process and management's continuing duty to evaluate and report to the credit union's board on the overall status of the program. The proposed Guidelines proceed to describe a four-step information security program that: (1) Identifies and assesses the risks that may threaten member information; (2) develops a written plan containing policies and procedures to manage and control these risks; (3) implements and tests the plan; and (4) adjusts the plan on a continuing basis to account for changes in technology, the sensitivity of member information, and internal or external threats to information security.

Lastly, the proposed Guidelines describe responsibilities for overseeing outsourcing arrangements.

Proposed paragraph II.A. sets forth the general requirement in section 501 of the GLB Act that each credit union have a comprehensive information security program. This program is to include administrative, technical, and physical safeguards appropriate to the size and complexity of the credit union and the nature and scope of its activities.

II.B. Objectives

Proposed paragraph II.B. describes the objectives for an information security program. They are to ensure the security and confidentiality of member information, protect against any anticipated threats or hazards to the security or integrity of such information, and protect against unauthorized access to or use of member information that could either: (1) Result in substantial harm or inconvenience to any member; or (2) present a safety and soundness risk to the credit union.

Unauthorized access to or use of member information does not include access to or use of member information with the member's consent. The NCUA Board requests comment on whether there are additional or alternative objectives that should be included in the Guidelines.

III. Development and Implementation of Information Security Program

III.A. Involve the Board of Directors and Management

Proposed paragraph III.A. describes the involvement of the board and management in the development and implementation of an information security program. This paragraph specifies these board responsibilities: (1) Approve the credit union's written information security policy and program; and (2) oversee efforts to develop, implement, and maintain an effective information security program, including the regular review of management reports.

The proposed Guidelines set forth three responsibilities for management as part of its implementation of the credit union's information security program. The first provision recognizes the need for an ongoing assessment of changes in technology and their impact on the credit union, as appropriate. On a regular basis, management has a responsibility to evaluate the impact on the credit union's security program of changing business arrangements (*e.g.* alliances, joint ventures, or outsourcing arrangements), and changes to member information systems.

The second provision describes management's responsibility to document compliance with these Guidelines.

The third responsibility of management is to keep the credit union's board of directors informed of the current status of the credit union's information security program. On a regular basis, management should report to the board on the overall status of the information security program, including material matters related to: risk assessment; risk management and control decisions; results of testing; attempted or actual security breaches or violations and responsive actions taken by management; and any recommendations for improvements to the information security program.

The NCUA Board invites comment as to whether the Guidelines should provide that in some instances the credit union's board of directors should designate an Information Security Officer or other responsible individual who would have the authority, subject to the board's approval, to develop and administer the credit union's information security program. The NCUA Board also invites comment on what best practices or business models would be most appropriate for the assignment of these tasks, depending upon the size and complexity of the credit union.

The NCUA Board invites comment regarding the appropriate frequency of reports to the credit union's board of directors. Should the Guidelines specify best practices for reporting intervals-monthly, quarterly, or annually? How often should management report to the credit union's board of directors regarding the credit union's information security program and why are these intervals appropriate?

III.B. Assess Risk

Proposed paragraph III.B. describes the risk assessment process that should be developed as part of the information security program. First, as described in paragraph III.B.1, a

credit union should identify and assess risks that may threaten the security, confidentiality, or integrity of member information, whether in storage, processing, or transit. The risk assessment should be made in light of a credit union's operations and technology. A credit union should determine the sensitivity of member information to be protected as part of this analysis.

Next, as described in paragraph III.B.2, a credit union should conduct an assessment of the sufficiency of existing policies, procedures, member information systems, and other arrangements intended to control the risks identified under III.B.1.

Finally, as described in paragraph III.B.3, a credit union should monitor, evaluate, and adjust, their risk assessments, taking into consideration any technological or other changes or the sensitivity of the information.

III.C. Manage and Control Risk

Proposed paragraph III.C describes the elements of a comprehensive risk management plan designed to control identified risks and to achieve the overall objective of ensuring the security and confidentiality of member information. Paragraph 1 identifies the factors a credit union should consider in evaluating the adequacy of its policies and procedures to effectively manage these risks commensurate with the sensitivity of the information as well as the complexity and scope of the credit union and its activities. Specifically, a credit union should consider whether its risk management program includes appropriate:

(a) Access rights to member information;

(b) Access controls on member information systems, including controls to authenticate and grant access only to authorized individuals and companies;

(c) Access restrictions at locations containing member information, such as buildings, computer facilities, and records storage facilities;

(d) Encryption of electronic member information, including, while in transit or in storage on networks or systems to which unauthorized individuals may have access;

(e) Procedures to confirm that member information system modifications are consistent with the credit union's information security program;

(f) Dual control procedures, segregation of duties, and employee background checks for employees with responsibilities for or access to member information;

(g) Contract provisions and oversight mechanisms to protect the security of member information maintained or processed by service providers;

(h) Monitoring systems and procedures to detect actual and attempted attacks on or intrusions into member information systems;

(i) Response programs that specify actions to be taken when unauthorized access to member information systems is suspected or detected;

(j) Protection against destruction of member information due to potential physical hazards, such as fire and water damage; and

(k) Response programs to preserve the integrity and security of member information in the event of computer or other technological failure, including, where appropriate, reconstructing lost or damaged member information.

The NCUA Board intends that these elements accommodate credit unions with varying operations and risk management structures. The NCUA Board invites comment on the degree of detail that should be included in the Guidelines regarding the risk management program, which elements should be specified in the Guidelines, and any other components of a risk management program that should be included.

Paragraph 2 refers to staff training. The information security program should include a training component designed to teach employees to recognize and respond to fraudulent attempts to obtain member information and report any attempts to regulatory and law enforcement agencies.

Paragraph 3 refers to testing procedures. An information security program should include regular testing of systems to confirm the credit union, and its service providers. control identified risks and achieve the objectives to ensure the security and confidentiality of member information. The NCUA Board invites comment on whether the Guidelines should address specific types of security tests, such as penetration tests or intrusion detections tests. Should there be a degree of independence in connection with the testing of information security systems and the review of test results. Should the tests or reviews of tests be conducted by persons who are not employees or volunteers of the credit union? If employees, or volunteers such as members of the credit union's supervisory committee, what measures, if any, are appropriate to assure their independence?

Paragraph 4 describes the need for an ongoing process of monitoring, evaluation, and adjustment of the information security program in light of any relevant changes in technology, the sensitivity of member information, and internal or external threats to information security.

III.D. Oversee Outsourcing Arrangements

Proposed paragraph III.D addresses outsourcing. A credit union should exercise appropriate due diligence in managing and monitoring its outsourcing arrangements to confirm that its service providers have implemented an effective information security program to protect member information and member information systems consistent with these Guidelines.

The NCUA Board welcomes comments on the appropriate treatment of outsourcing arrangements. For example, which "best practices" most effectively monitor service provider compliance with security precautions? Do service providers accommodate requests for specific contract provisions regarding information security? To the extent that service providers do not accommodate these requests, how does a credit union implement an effective information security program? Should these Guidelines contain specific contract provisions for service provider performance standards in connection with the security of member information?

III. Regulatory Procedures

A. Paperwork Reduction Act

The NCUA Board has determined that the proposed information security plan requirements are covered under the Paperwork Reduction Act. NCUA is submitting a copy of this proposed rule to the Office of Management and Budget (OMB) for its review.

The proposed amendment would require federally-insured credit unions to develop a written information security plan to protect the security, confidentiality, or integrity of member information systems. The Board estimates it will take an average of 40 hours for a credit union to comply with the information security plan requirement. The Board also estimates that 10,525 credit unions will have to develop this plan so the total initial paperwork burden is estimated to be approximately 421,000 hours. The estimate of annual burden of review and changes is 15 hours for 10,500 credit unions, totaling 157,500.

The Paperwork Reduction Act of 1995 and OMB regulations require that the public be provided an opportunity to comment on the paperwork requirements, including an agency's estimate of the burden of the paperwork requirements. The NCUA Board invites comment on: (1) Whether the paperwork requirements are necessary; (2) the accuracy of NCUA's estimate on the burden of the paperwork requirements; (3) ways to enhance the quality, utility, and clarity of the paperwork requirements; and (4) ways to minimize the burden of the paperwork requirements. Comments should be sent to: OMB Reports Management Branch, New Executive Office Building, Room 10202, Washington, DC 20503; Attention: Alex T. Hunt, Desk Officer for NCUA. Please send NCUA a copy of any comments you submit to OMB.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612) (RFA) requires an agency to publish an initial regulatory flexibility analysis with this proposed rule except to the extent provided in the RFA, whenever the agency is required to publish a general notice of proposed rulemaking for a proposed rule. The Board cannot at this time determine whether the proposed rule would have significant economic impact on a substantial number of small entities as defined by the RFA. Therefore, pursuant to subsections 603(b) and (c) of the RFA, the Board provides the following initial regulatory flexibility analysis.

1. Reasons for Proposed Rule

The NCUA is requesting comment on the proposed interagency Guidelines published pursuant to section 501 of the GLB Act. Section 501 requires the Agencies to publish standards for financial institutions relating to administrative, technical, and physical standards to: (1) Insure the security and confidentiality of customer records and information; (2) protect against any anticipated threats or hazards to the security or integrity of such records; and (3) protect against unauthorized access to or use of such records or information which could result in substantial harm or inconvenience to any customer. Since these requirements are expressly mandated by the GLB Act, it is the view of the Board that the GLB Act's requirements account for most, if not all, of the economic impact of the proposed Guidelines.

2. Statement of Objectives and Legal Basis

The SUPPLEMENTARY INFORMATION section above contains this information. The legal basis for the proposed rule is the GLB Act.

3. Estimate of Small Credit Unions to Which the Rule Applies

The proposed rule would apply to all federally insured credit unions. Small credit unions are those with less than $1,000,000 in assets of which there are approximately 1,624.

4. Projected Reporting, Recordkeeping and Other Compliance Requirements

The information collection requirements imposed by the proposed rule are discussed above in the section on the Paperwork Reduction Act.

5. General Requirements

The statute and the proposed rule require a credit union to develop an information security program to safeguard member information. Development of such a program involves assessing risks to member information, establishing policies, procedures, and training to control risks, testing the program's effectiveness, and managing and monitoring service providers. The NCUA believes that the establishment of information security programs is a sound business practice for a credit union and is already addressed by existing supervisory procedures. However, some credit unions may need to establish or enhance information security programs, but the cost of doing so is not known. The NCUA seeks any information or comment on the costs of establishing information security programs.

6. Identification of Duplicative, Overlapping, or Conflicting Federal Rules

The NCUA is unable to identify any statutes or rules which would overlap or conflict with the requirement to develop and implement an information security program. The NCUA seeks comment and information about any such statutes or rules, as well as any other state, local, or industry rules or policies that require a credit union to implement business practices that would comply with the requirements of the proposed rule.

7. Discussion of Significant Alternatives

As previously noted, the proposed rule's requirements are expressly mandated by the GLB Act. The proposed rule attempts to clarify the statutory requirements for all credit unions. The proposed rule also provides substantial flexibility so that any credit union, regardless of size, may adopt an information security program tailored to its individual needs. The NCUA welcomes comment on any significant alternatives, consistent with the GLB Act, that would minimize the impact on small credit unions.

C. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This proposed rule, if adopted, 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. NCUA has determined the proposed rule and appendix does not constitute a policy that has federalism implications for purposes of the executive order.

D. Treasury and General Government Appropriations Act, 1999

NCUA has determined that the proposed rule and appendix will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

IV. Agency Regulatory Goal

NCUA's goal is clear, understandable regulations that impose minimal regulatory burden. NCUA requests comments on whether the proposed rule and appendix are understandable and minimally intrusive if implemented as proposed. NCUA invites comments on how to make this proposal easier to understand. For example:

(1) Has NCUA organized the material to suit your needs? If not, how could this material be better organized?

(2) Are the provisions in the Guidelines clearly stated? If not, how could the Guidelines be more clearly stated?

(3) Do the Guidelines contain technical language or jargon that is not clear? If so, which language requires clarification?

(4) Would a different format (grouping and order of sections, use of headings, paragraphing) make the Guidelines easier to understand? If so, what changes to the format would make the Guidelines easier to understand?

(5) What else could NCUA do to make the Guidelines easier to understand?

List of Subjects in 12 CFR Part 748

Credit unions, Crime, Currency, Reporting and recordkeeping requirements, Security measures.

By the National Credit Union Administration Board on June 6, 2000.

Becky Baker,

Secretary of the Board.

For the reasons set forth in the preamble, the NCUA Board proposes to amend 12 CFR 748 as follows:

PART 748—SECURITY PROGRAM, REPORT OF CRIME AND CATASTROPHIC ACT AND BANK SECRECY ACT COMPLIANCE

1. The authority citation for Part 748 is revised to read as follows:

Authority: 12 U.S.C. 1766(a), 1786(Q); 15 U.S.C. 6801 and 6805(b); 31 U.S.C. 5311.

2. Heading for Part 748 is revised to read as set forth above.

3. In § 748.0 revise paragraph (b) to read as follows:

§ 748.0 Security program.

* * * * *

(b) The security program will be designed to:

(1) Protect each credit union office from robberies, burglaries, larcenies, and embezzlement;

(2) Ensure the security and confidentiality of member records, protect against anticipated threats or hazards to the security or integrity of such records, and protect against unauthorized access to or use of such records that could result in substantial harm or serious inconvenience to a member;

(3) Assist in the identification of persons who commit or attempt such actions and crimes; and

(4) Prevent destruction of vital records, as defined in the *Accounting Manual for Federal Credit Unions.*

4. Add Appendix A to read as follows:

Appendix A to Part 748—Guidelines for Safeguarding Member Information

I. Introduction

The Guidelines for Safeguarding Member Information (Guidelines) set forth standards pursuant to sections 501 and 505(b), codified at 15 U.S.C. 6801 and 6805(b), of the Gramm-Leach-Bliley Act. These Guidelines provide guidance standards for developing and implementing administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of member information.

A. Scope. The Guidelines apply to member information maintained by or on behalf of federally-insured credit unions. Such entities are referred to in this appendix as "the credit union."

B. Definitions. For purposes of the Guidelines, the following definitions apply:

1. *In general.* For purposes of the Guidelines, except as modified in the Guidelines or unless the context otherwise requires, the terms used have the same meanings as set forth in 12 CFR part 716.

2. *Member information* means any records, data, files, or other information containing nonpublic personal information, as defined in 12 CFR 716.3(q), about a member, whether in paper, electronic or other form, that are maintained by or on behalf of the credit union.

3. *Member* means any member of the credit union as defined in 12 CFR 716.3(n).

4. *Service provider* means any person or entity that maintains or processes member information on behalf of the credit union, or is otherwise granted access to member information through its provision of services to the credit union.

5. *Member information systems* means the electronic or physical methods used to access, collect, store, use, transmit and protect member information.

II. Guidelines for Safeguarding Member Information

A. *Information Security Program.* A comprehensive information security program includes administrative, technical, and physical safeguards appropriate to the size and complexity of the credit union and the nature and scope of its activities.

B. *Objectives.* An information security program: ensures the security and confidentiality of member information; protects against any anticipated threats or hazards to the security or integrity of such information; and protects against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any member or risk to the safety and soundness of the credit union. Protecting confidentiality includes honoring members' requests to opt out of disclosures to non-affiliated third parties, as described in 12 CFR 716.1(a)(3).

III. Development and Implementation of Member Information Security Program

A. Involve the Board of Directors and Management.

1. The board of directors of each credit union:

a. Approves the credit union's written information security policy and program; and

b. Oversees efforts to develop, implement, and maintain an effective information security program.

2. In conjunction with responsibilities to implement the credit union's information security program, management should regularly:

a. Evaluate the impact on the credit union's security program of changing business arrangements, such as alliances and, outsourcing arrangements, and changes to member information systems;

b. Document its compliance with these Guidelines; and

c. Report to the board of directors on the overall status of the information security program, including material matters related to: risk assessment; risk management and control decisions; results of testing; attempted or actual security breaches or violations and responsive actions taken by management; and any recommendations for improvements in the information security program.

B. Assess Risk. To achieve the objectives of its information security program, credit unions should:

1. Identify and assess the risks that may threaten the security, confidentiality, or integrity of member information systems. As part of the risk assessment, a credit union should determine the sensitivity of member information and the internal or external threats to the credit union's member information systems;

2. Assess the sufficiency of policies, procedures, member information systems, and other arrangements in place to control risks identified in this appendix; and

3. Monitor, evaluate, and adjust its risk assessment in light of any relevant changes to technology, the sensitivity of member information, and internal or external threats to information security.

C. Manage and Control Risk. As part of a comprehensive risk management plan, each credit union should:

1. Establish written policies and procedures that are adequate to control the identified risks and achieve the overall objectives of the credit union's information security program. Policies and procedures should be commensurate with the sensitivity of the information as well as the complexity and scope of the credit union and its activities. In establishing the policies and procedures, each credit union should consider appropriate:

a. Access rights to member information;

b. Access controls on member information systems, including controls to authenticate and grant access only to authorized individuals and companies;

c. Access restrictions at locations containing member information, such as buildings, computer facilities, and records storage facilities;

d. Encryption of electronic customer information, including, while in transit or in storage on networks or systems to which unauthorized individuals may have access;

e. Procedures to confirm that member information system modifications are consistent with the credit union's information security program;

f. Dual control procedures, segregation of duties, and employee background checks for employees with responsibilities for or access to member information;

g. Contract provisions and oversight mechanisms to protect the security of member information maintained or processed by service providers;

h. Monitoring systems and procedures to detect actual and attempted attacks on or intrusions into member information systems;

i. Response programs that specify actions to be taken when unauthorized access to member information systems is suspected or detected;

j. Protection against destruction of member information due to potential physical hazards, such as fire and water damage; and

k. Response programs to preserve the integrity and security of member information in the event of computer or other technological failure, including, where appropriate, reconstructing lost or damaged member information.

2. Train staff to recognize, respond to, and, where appropriate, report to regulatory and law enforcement agencies, any unauthorized or fraudulent attempts to obtain member information.

3. Regularly test the key controls, systems and procedures of the information security program to confirm that they control the risks and achieve the overall objectives of the credit union's information security program. The frequency and nature of such tests should be determined by the risk assessment, and adjusted as necessary to reflect changes in internal and external conditions. Tests should be conducted, where appropriate, by independent third parties or staff independent of those that develop or maintain the security programs. Test results should be reviewed by independent third parties or staff independent of those whom conducted the test.

4. Monitor, evaluate, and adjust, as appropriate, the information security program in light of any relevant changes in technology, the sensitivity of its member information, and internal or external threats to information security.

D. Oversee Outsourcing Arrangements. The credit union continues to be responsible for safeguarding member information even when

it gives a service provider access to that information. The credit union should exercise appropriate due diligence in managing and monitoring its outsourcing arrangements to confirm that its service providers have implemented an effective information security program to protect member information and member information systems consistent with these Guidelines.

[FR Doc. 00–14783 Filed 6–13–00; 8:45 am]
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SMALL BUSINESS ADMINISTRATION

13 CFR Parts 121 and 123

Pre-Disaster Mitigation Loans

AGENCY: Small Business Administration (SBA).

ACTION: Proposed rule.

SUMMARY: With this rule SBA proposes to amend its Pre-Disaster Mitigation Loan Program (program) regulations. This rule proposes amendments that will clarify program requirements and procedures. The Pre-Disaster Mitigation Loan Program is a pilot program that was authorized by Congress in 1999. It allows SBA to make low interest, fixed rate loans to small businesses for the purpose of implementing mitigation measures to protect their property from disaster related damage. The Pre-Disaster Mitigation Loan Program was developed in support of Project Impact, a formal mitigation program established by the Federal Emergency Management Agency (FEMA).

DATES: Submit comments on or before July 14, 2000.

ADDRESSES: Written comments should be sent to Bernard Kulik, Associate Administrator, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Bernard Kulik, Associate Administrator, Office of Disaster Assistance, 202–205–6734.

SUPPLEMENTARY INFORMATION: SBA proposes to amend its regulations dealing with the Pre-Disaster Mitigation Loan Program (program). This proposed rule would clarify the application and loan approval processes and will make plain language edits to support the Administration's efforts to communicate clearly with the public.

The Pre-Disaster Mitigation Loan Program is a pilot program authorized by Congress at a level of 15 million dollars for each of 5 fiscal years from 2000 through 2004. The program allows SBA to make low interest, fixed rate loans to small businesses for the purpose of implementing mitigation measures that will protect the small business from disaster related damage. The Pre-Disaster Mitigation Loan Program was developed in support of Project Impact, a formal mitigation program established by FEMA. These initiatives encourage preparedness rather than rely solely on a response and recovery approach to emergency management.

Compliance With Executive Orders 12866, 12988, and 13132, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

SBA has determined that this proposed rule is a significant rule within the meaning of Executive Order 12866. However, it is not likely to have an annual economic effect of $100 million or more, result in a major increase in costs or prices, or have a significant adverse effect on competition or the U.S. economy.

SBA has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612. Given that Congress has limited the funding level for this pilot program, the program can only serve a limited number of small businesses. With a maximum loan amount of $50,000, the number of small businesses affected under this program would be 300. Even if the loan amounts did not reach the maximum level, and amounted to only $25,000 per loan, the number of small businesses affected would only be 600. This is not substantial, in view of the fact that there are some 13–16 million small businesses across the country.

For the purposes of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA has submitted the Pre-Disaster Mitigation Small Business Loan Application (application) to the Office of Management and Budget (OMB) for review. SBA is requesting that OMB approve or disapprove of this collection of information within 30 days of submission. This application will allow small businesses to apply for pre-disaster mitigation loans and will provide SBA with the information necessary to evaluate applicants. The application will request such information as name, address, location and type of mitigation project, type of business, management information, organization type, and financial information to permit SBA to determine repayment ability. The applicant will have to complete an application each time it applies for a pre-disaster mitigation loan. SBA estimates that the time necessary to complete an application for the Pre-Disaster Mitigation Loan Program will average 2 hours.

SBA is seeking comments on: (a) Whether the information SBA proposes to collect on the application is necessary for the proper performance of this program, (b) the accuracy of the burden estimate (time estimated to complete the application), (c) ways to minimize the burden estimate, and (d) ways to enhance the quality of the information being collected. Please send comments regarding this proposed collection to Bernard Kulik, Associate Administrator, Office of Disaster Assistance, 409 3rd Street, SW., Washington, DC 20416, and to David Rostker, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.

For purposes of Executive Order 13132, SBA has determined that this proposed rule has no federalism implications.

For purposes of Executive Order 12988, SBA certifies that this proposed rule is drafted, to the extent practicable, to be in accordance with the standards set forth in section 3 of that Order.

List of Subjects

13 CFR Part 121

Government procurement, Government property, Grant programs—business, Loan programs—business, Small businesses.

13 CFR Part 123

Disaster assistance, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, SBA proposes to amend 13 CFR parts 121 and 123 as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

1. The authority citation for part 121 is revised to read as follows:

Authority: 15 U.S.C. 632(a), 634(b)(6), 636(b), 636(c), 637(a), 644(c); 42 U.S.C. 13556; and Sec. 601 *et. seq.*, Pub. L. 105–135, 111 Stat. 2592.

2. In § 121.302, remove the last sentence of paragraph (c) and add two new sentences in its place to read as follows:

§ 121.302 When does SBA determine the size status of an applicant?

* * * * *

(c) * * * For pre-disaster mitigation loans, size status is determined as of the date SBA accepts a complete Pre-

Disaster Mitigation Small Business Loan Application for processing. Refer to § 123.408 of this chapter to find out what SBA considers to be a complete Pre-Disaster Mitigation Small Business Loan Application.

* * * * *

PART 123—DISASTER LOAN PROGRAM

1. The authority citation for part 123 is revised to read as follows:

Authority: 15 U.S.C. 634(b)(6), 636(b), and 636(c).

2. Designate the undesignated center headings, Overview, Home Disaster Loans, Physical Disaster Business Loans, Economic Injury Disaster Loans, and Pre-Disaster Mitigation Loans and the sections under each as Subparts A, B, C, D, and E respectively.

Subpart A—Overview

3. Redesignate § 123.107 as § 123.21, and transfer it to newly designated Subpart A, and revise it as follows:

§ 123.21 What is a mitigation measure?

A mitigation measure is something done for the purpose of protecting real and personal property against disaster related damage. You may implement mitigation measures after a disaster occurs, to protect against recurring disaster related damage, or before a disaster occurs (pre-disaster), to protect against future disaster related damage. Sections 123.400 through 123.413 specifically address pre-disaster mitigation. Examples of mitigation measures include retaining walls, sea walls, grading and contouring land, elevating flood prone structures, relocating utilities, retrofitting structures to protect against high winds, earthquakes, flood, wildfires, or other natural disasters.

4. Add § 123.22 to Subpart A to read as follows:

§ 123.22 How much can your business borrow for mitigation?

For mitigation measures implemented after a disaster has occurred your business can borrow the lesser of the cost of mitigation measure, or 20 percent of the amount of your approved physical disaster loan to repair or replace your damaged primary residence, personal property, and business property. To find out how much your business can borrow for pre-disaster mitigation measures, see § 123.405.

5. Add § 123.23 to Subpart A to read as follows:

§ 123.23 Can you request a loan increase to use for mitigation measures?

Yes, you can request a loan increase to use for mitigation measures by sending SBA a written request before the final disbursement of your original disaster loan. The written request must detail the nature and expected cost of the mitigation measure. If you send a written request for a loan increase after the final disbursement of your original disaster loan, SBA will only accept this request if, as a part of the request, you demonstrate that the request was late because of substantial reasons beyond your control.

6. Revise newly designated Subpart E to read as follows:

Subpart E—Pre-Disaster Mitigation Loans

Sec.

Subpart E—Pre-Disaster Mitigation Loans

§ 123.400 What is the Pre-Disaster Mitigation Loan Program?

The Pre-Disaster Mitigation Loan Program allows SBA to make low interest, fixed rate loans to small businesses for the purpose of implementing mitigation measures to protect their commercial real property (building) or leasehold improvements from disaster related damage. This program supports Project Impact, a formal mitigation program established by the Federal Emergency Management Agency (FEMA). This pilot program is authorized for 5 fiscal years (October—September), from 2000 through 2004, and has approved only limited program funding. Therefore, approved loan requests are funded on a first come, first serve basis up to the limit of program funds available (see § 123.411).

§ 123.401 What types of mitigation measures can your business include in an application for a pre-disaster mitigation loan?

To be included in a pre-disaster mitigation loan application, each of your business' mitigation measures must satisfy the following criteria:

(a) The mitigation measure, as described in the application, must serve the purpose of protecting your commercial real property (building) or leasehold improvements from damage that may be caused by future disasters, and

(b) The mitigation measure must conform with the priorities and goals of the Project Impact community in which the business subject to the measure is located. To show that this factor is satisfied your business must submit to SBA, as a part of your complete application, a letter from your business' local Project Impact coordinator confirming this fact. Contact your regional FEMA office for a list of Project Impact coordinators or visit the FEMA Website at www.fema.gov.

§ 123.402 Can your business include its relocation as a mitigation measure in an application for a pre-disaster mitigation loan?

Yes, you may request a pre-disaster mitigation loan for the relocation of your business if: (a) Your commercial real property (building) is located in a SFHA (Special Flood Hazard Area), and (b) your business relocates outside the SFHA but remains in the same Project Impact community. Contact your regional FEMA office for a listing of Project Impact Communities and SFHAs or visit the FEMA Website at www.fema.gov.

§ 123.403 When is your business eligible to apply for a pre-disaster mitigation loan?

To be eligible to apply for a pre-disaster mitigation loan your business must meet each of the following criteria:

(a) Your business, which is the subject of the pre-disaster mitigation measure, must be located in a Project Impact community. Each State, the District of Columbia, Puerto Rico, and the Virgin Islands have at least one Project Impact

community. Contact your regional FEMA office to find out the locations of Project Impact communities or visit the FEMA Website at www.fema.gov.

(b) If your business is proposing a mitigation measure that protects against a flood hazard, the location of your business which is the subject of the mitigation measure must be located in a Special Flood Hazard Area (SFHA). Contact your FEMA regional office to find out the locations of SFHAs or visit the FEMA Website at www.fema.gov.

(c) As of the date your business submits a complete Pre-Disaster Mitigation Small Business Loan Application to SBA (see § 123.408 for what SBA considers to be a complete application), your business, along with its affiliates, must be a small business concern as defined in part 121 of this chapter. The definition of small business concern encompasses sole proprietorships, partnerships, corporations, limited liability companies, and other legal entities recognized under State law.

(d) Your business, which is the subject of the mitigation measure, must have operated as a business in its present location for at least one year before submitting its application.

(e) Your business, along with its affiliates and owners, must not have the financial resources to fund the proposed mitigation measures without undue hardship. SBA makes this determination based on the information your business submits as a part of its application.

(f) If your business is owning and leasing out real property, the mitigation measures must be for protection of a building leased primarily for commercial rather than residential purposes (SBA will determine this based upon a comparative square footage basis).

§ 123.404 When is your business ineligible to apply for a pre-disaster mitigation loan?

Your business is ineligible to apply for a pre-disaster mitigation loan if your business (including its affiliates) satisfies any of the following conditions:

(a) Any of your business' principal owners is presently incarcerated, or on probation or parole following conviction of a serious criminal offense, or has been indicted for a felony or a crime of moral turpitude;

(b) Your business' only interest in the business property is in the form of a security interest, mortgage, or deed of trust;

(c) The building, which is the subject of the mitigation measure, was newly constructed or substantially improved on or after February 9, 1989, and (without significant business justification) is located seaward of mean high tide or entirely in or over water;

(d) Your business is an agricultural enterprise. Agricultural enterprise means a business primarily engaged (see § 121.107) in the production of food and fiber, ranching and raising of livestock, aquaculture and all other farming and agriculture-related industries. Sometimes a business is engaged in both agricultural and non-agricultural business activities. If the primary business activity of your business is not an agricultural enterprise, it may apply for a pre-disaster mitigation loan, but loan proceeds may not be used, directly or indirectly, for the benefit of the agricultural enterprises;

(e) Your business is engaged in any illegal activity;

(f) Your business is a government owned entity (except for a business owned or controlled by a Native American tribe);

(g) Your business presents live performances of a prurient sexual nature or derives directly or indirectly more than de minimis gross revenue through the sale of products or services, or the presentation of any depictions or displays, of a prurient sexual nature;

(h) Your business engages in lending, multi-level sales distribution, speculation, or investment (except for real estate investment with property held for commercial rental);

(i) Your business is a non-profit or charitable concern;

(j) Your business is a consumer or marketing cooperative;

(k) Your business derives more than one-third of its gross annual revenue from legal gambling activities;

(l) Your business is a loan packager that earns more than one-third of its gross annual revenue from packaging SBA loans;

(m) Your business principally engages in teaching, instructing, counseling, or indoctrinating religion or religious beliefs, whether in a religious or secular setting; or

(n) Your business is primarily engaged in political or lobbying activities.

§ 123.405 How much can your business borrow with a pre-disaster mitigation loan?

Your business, together with its affiliates, may borrow up to $50,000 each fiscal year. This loan amount may be used to fund only those projects that were a part of your business' approved loan request. SBA will consider mitigation measures costing more than $50,000 per year if your business can identify, as a part of its Pre-Disaster Mitigation Small Business Loan Application, sources that will fund the cost above $50,000.

§ 123.406 What is the interest rate on a pre-disaster mitigation loan?

The interest rate on a pre-disaster mitigation loan will be fixed at 4 percent per annum or less. The exact interest rate will be stated in the **Federal Register** notice announcing each filing period (see § 123.407).

§ 123.407 When does your business apply for a pre-disaster mitigation loan and where does your business get an application?

At the beginning of each of 5 fiscal years (October through September) commencing in fiscal year 2000, SBA will publish a notice in the **Federal Register** announcing the availability of pre-disaster mitigation loans. The notice will designate a 30-day application filing period with a specific opening date and filing deadline, as well as the locations for obtaining and filing loan applications. In addition to the **Federal Register**, SBA will use FEMA, and will issue press releases to the local media to inform potential loan applicants where to obtain loan applications. SBA will not accept any applications after the filing deadline; however, SBA may announce additional application periods each year depending on the availability of program funds.

§ 123.408 How does your business apply for a pre-disaster mitigation loan?

To apply for a pre-disaster mitigation loan your business must submit a complete Pre-Disaster Mitigation Small Business Loan Application (application) within the announced filing period. The complete application serves as your business' loan request. A complete application supplies all of the filing requirements specified on the application form including a written statement from the local Project Impact coordinator confirming:

(a) The business that is the subject of the mitigation measure is located within the Project Impact community, and

(b) The mitigation measure is in accordance with the specific priorities and goals of the local Project Impact community in which the business is located.

§ 123.409 Which pre-disaster mitigation loan requests will SBA consider for funding?

SBA will consider a loan request for funding if, after reviewing a complete application, SBA determines that it meets the following selection criteria:

(a) Your business satisfies the requirements of §§ 123.401, 123.402 and 123.403,

(b) None of the conditions specified in § 123.404 apply to your business, its affiliates, or principal owners,

(c) Your business has submitted a reasonable cost estimate for the proposed mitigation measure and has chosen to undertake a mitigation measure that is likely to accomplish the desired mitigation result (SBA's determination of this point is not a guaranty that the project will prevent damage in future disasters),

(d) Your business is credit worthy, and

(e) There is a reasonable assurance of loan repayment in accordance with the terms of a loan agreement.

§ 123.410 When will SBA make funding decisions?

SBA will not make funding decisions until sixty calendar days after the announced opening of the application filing period (as published in the **Federal Register**). SBA will notify you in writing if your loan request doesn't meet the criteria specified in § 123.409.

§ 123.411 Which loan requests will SBA fund?

SBA will date and time stamp each application (loan request) when we determine that it is complete. SBA will fund loan requests meeting the selection criteria specified in § 123.409 on a first come, first served basis using this date and time stamp. SBA will fund loan requests in this order until it allocates all program funds. SBA will notify you in writing of its funding decision.

§ 123.412 What if SBA determines that your business loan request meets the selection criteria of § 123.409 but SBA is unable to fund it because SBA has already allocated all program funds?

If SBA determines that your business' loan request meets the selection criteria of § 123.409 but we are unable to fund it because we have already allocated all program funds, your request will be given priority status, based on the original filing date, once more program funds become available. However, if more than 6 months pass since SBA determined to fund your request, SBA may request updated or additional financial information.

§ 123.413 What happens if SBA declines your business' pre-disaster mitigation loan request?

If SBA declines your business' loan request, SBA will notify your business in writing giving specific reasons for decline. If your business disagrees with SBA's decision, it may respond in accordance with § 123.13. If SBA reverses its decision, SBA will use the date it accepted your business' request for reconsideration or appeal as the basis for determining the order of funding.

Dated: May 25, 2000.

Aida Alvarez,

Administrator.

[FR Doc. 00–13812 Filed 6–13–00; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–29–AD]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D 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 Raytheon Aircraft Company (Raytheon) Beech Models 1900, 1900C, and 1900D airplanes. The proposed AD would require you to modify the cockpit voice recorder (CVR) system. The proposed AD is the result of instances where the recording quality of the CVR in the affected airplanes was so poor that the information was practically unrecoverable. The actions specified by the proposed AD are intended to correct substandard quality cockpit voice recordings caused by the configuration of the present CVR system, which could affect air safety if important information that the CVR provides is not available after an accident. This information helps determine the probable cause of an accident and aids in developing necessary corrective action or design changes to prevent future accidents.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this rule on or before August 11, 2000.

ADDRESSES: Submit comments in triplicate to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–29–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 the Raytheon Aircraft Company, PO Box 85, Wichita, Kansas 67201–0085; telephone: (800) 625–7043 or (316) 676–4556. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey E. Nero, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4137; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

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.

The FAA is re-examining the writing style we presently 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.

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.

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–29–AD." We will date stamp and mail the postcard back to you.

Discussion

What Events Have Caused This Proposed AD?

The FAA has received reports of six instances where the recording quality of

the cockpit voice recorder (CVR) system in Raytheon Beech Models 1900, 1900C, and 1900D airplanes was so poor that the information was practically unrecoverable.

What Are the Consequences if the Condition Is not Corrected?

Substandard quality cockpit voice recordings could affect air safety if important information that the CVR provides is not available after an accident. This information helps determine the probable cause of an accident and aids in developing necessary corrective action or design changes to prevent future accidents.

Relevant Service Information

Is There Service Information That Applies to This Subject?

Raytheon has issued Recommended Service Bulletin SB 23–3094, Issued: November, 1999.

What Are the Provisions of This Service Bulletin?

The service bulletin includes procedures for:

1. Replacing the DB Systems 437 and 437–001 audio amplifiers with 437–003 configuration amplifiers; and

2. Incorporating Kit 114–3032–1 and modifying the electrical wiring to assure that the audio amplifiers remain connected to the pilot's and copilot's microphones during transmissions.

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

What Has FAA Decided?

After examining the circumstances and reviewing all available information related to the incidents described above, we have determined that:

—The unsafe condition referenced in this document exists or could develop on other Raytheon Beech Models 1900, 1900C, and 1900D 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 Does This Proposed AD Require?

This proposed AD requires you to accomplish the actions in Raytheon Recommended Service Bulletin SB 23–3094, Issued: November, 1999.

Compliance Time of the Proposed AD

What Is the Compliance Time of the Proposed AD?

The compliance time of the proposed AD is "within 12 months after the effective date of this AD."

Why Is the Proposed Compliance in Calendar Time Instead of Hours Time-in-Service (TIS)?

The unsafe condition defined in this document is not a result of the number of times the airplane is operated, rather is a result of the present configuration of the CVR system. The chance of this situation occurring is the same for an airplane with 100 hours time-in-service (TIS) as it is for an airplane with 1,000 hours TIS. For this reason, FAA has determined that a compliance based on calendar time should be utilized in the proposed AD in order to assure that the unsafe condition is addressed on all airplanes in a reasonable time period.

Cost Impact

What Is the Cost Impact of the Proposed AD on Owners/Operators of the Affected Airplanes?

The following chart provides estimates of the cost this proposed AD would impose upon the public:

Action	Number of airplanes affected	Labor costs	Parts cost	Cost impact
Replacement/Incorporation of Modification Kit.	119	8 workhours at $60 per hour=$480 per airplane.	$1,728	$262,752, or $2,208 per airplane.
Audio Amplifier Modification and Electrical Wiring Changes.	377	8 workhours at $60 per hour=$480 per airplane.	679	$463,943, or $1,159 per airplane.

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 proposed rule would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 14 CFR part 39 of the Federal Aviation Regulations 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:

Raytheon Aircraft Company (Type Certificate No. A24CE formerly held by the Beech Aircraft Corporation): Docket No. 2000–CE–29–AD

(a) *What airplanes are affected by this AD?* The following airplane models and serial numbers that are certificated in any category:

Models	Serial numbers
1900 and 1900C.	All serial number airplanes with the applicable Raytheon Aircraft Company (RAC) Kit No. 114–3020 variation (–1, –3, –7, or –9) incorporated.
1900 and 1900C.	All serial number airplanes with RAC Kit No. 114–3032–1 incorporated.
1900 and 1900C.	All serial number airplanes with RAC Kit No. 114–3008–1 incorporated:

Models	Serial numbers
1900 and 1900C.	All serial number airplanes where RAC installed the cockpit voice recorder (CVR).
1900D	UE–1 through UE–376.

(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 in this document are intended to correct substandard quality cockpit voice recordings caused by the configuration of the present CVR system, which could affect air safety if important information that the CVR provides is not available after an accident. This information helps determine the probable cause of an accident and aids in developing necessary corrective action or design changes to prevent future accidents.

(d) *Whot octions must I accomplish to oddress this problem?* To address this problem, you must accomplish the following:

Action	Compliance time	Procedures
Accomplish the CVR system modifications specified in Raytheon Recommended Service Bulletin SB 23–3094, Issued: November 1999..	Within 12 months after the effective date of this AD..	Do the modifications in accordance with procedures in the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon Recommended Service Bulletin SB 23–3094, Issued: November, 1999.

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

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

(2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

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

(f) *Where con I get informotion obout ony already-opproved olternotive methods of compliance?* You can contact Mr. Harvey Nero, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4137; facsimile: (316) 946–4407.

(g) *What if I need to fly the airplane to onother locotion 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 the Raytheon Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. You may examine these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on June 6, 2000.

Marvin R. Nuss,

Acting Monoger, Smoll Airplone Directorote, Aircraft Certification Service.

[FR Doc. 00–14942 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–p

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–206–AD]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Model G–IV Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to certain Gulfstream Model G–IV series airplanes. That action would have required inspection of the data plate on the bottom of the hydraulic brake control module (HBCM) to verify the part and serial numbers, and replacement of the HBCM, if necessary. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new data indicating that the proposed actions have been accomplished on all affected airplanes; therefore, the previously identified unsafe condition no longer exists. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Neil Barryman, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6098; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain Gulfstream Model G–IV series airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on April 9, 1993 (58 FR 18347). The proposed rule would have required inspection of the data plate on the bottom of the hydraulic brake control module (HBCM) to verify the part and serial numbers, and replacement of the HBCM, if necessary. That action was prompted by a landing incident that involved a malfunction of the braking system. The proposed actions were intended to prevent a malfunction of the braking system, which could lead to reduced controllability of the airplane on the ground.

Actions that Occurred Since the NPRM Was Issued

Since the issuance of that NPRM. Gulfstream has provided evidence to the FAA that the actions proposed in the NPRM have been accomplished on all affected airplanes (Evidence was provided to the FAA in Gulfstream's letter of May 30, 2000, which is filed in the Rules Docket.)

FAA's Conclusions

Upon further consideration, the FAA has determined that, based on this evidence, the previously identified unsafe condition no longer exists with regard to the Gulfstream Model G–IV series airplanes. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Regulatory Impact

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 92–NM–206–AD, published in the **Federal Register** on April 9, 1993 (58 FR 18347), is withdrawn.

Issued in Renton, Washington, on June 7, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–14952 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–202–AD]

RIN 2120–AA64

Airworthiness Directives; Gulfstream G–1159 (G–II), G–1159A (G–III), and G–1159B (G–IIB) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to all Gulfstream G–1159 (G–II), G–1159A (G–III), and G–1159B (G–IIB) series airplanes. That action would have required a one-time inspection to detect corrosion of the material layers of the lower aft fuselage skin in Fuselage Station (FS) 580 bulkhead assembly, and repair, if necessary. The proposal also would have required modification of the aft fuselage area and various follow-on actions. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new data from the manufacturer verifying that all airplanes have accomplished those actions. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Neil Berryman, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6098; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to all Gulfstream G–1159 (G–II), G–1159A (G–III), and G–1159B (G–IIB) series airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on June 24, 1996 (61 FR 32369). The proposed rule would have required a one-time inspection to detect corrosion of the material layers of the lower aft fuselage skin in Fuselage Station (FS) 580 bulkhead assembly, and repair, if necessary. The proposal also would have required modification of the aft fuselage area and various follow-on actions. That action was prompted by reports of varying levels of corrosion in the structure at FS 580. The proposed actions were intended to prevent the retention of moisture in the fuselage structure, and subsequent corrosion in FS 580 bulkhead assembly, which could result in reduced structural capability of the skin joint and resultant depressurization of the airplane.

Actions That Occurred Since the NPRM Was Issued

Since the issuance of that NPRM, Gulfstream has provided evidence to the FAA that the actions proposed in the NPRM have been accomplished on all affected airplanes. (Evidence was provided to the FAA in Gulfstream's letter of May 30, 2000, which is filed in the Rules Docket.)

FAA's Conclusions

Upon further consideration, the FAA has determined that the unsafe condition no longer exists on the subject airplanes. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Regulatory Impact

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 95–NM–202–AD, published in the **Federal Register** on June 24, 1996 (61 FR 32369), is withdrawn.

Issued in Renton, Washington, on June 7, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–14953 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–90–AD]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Model G–1159 (G–II), G–1159A (G–III), and G–1159B (G–IIB) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to all Gulfstream Model G–1159 (G–II), G–1159A (G–III), and G–1159B (G–IIB) series airplanes. That action would have required inspections to detect cracking and/or corrosion at various locations of the wings, and modification of cracked and/or corroded parts. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new data verifying that all affected airplanes have complied with the requirements proposed by that NPRM. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Neil Berryman, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6098; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to all Gulfstream Model G–

1159 (G–II), G–1159A (G–III), and G–1159B (G–IIB) series airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on May 8, 1996 (61 FR 20764). The proposed rule would have required inspections to detect cracking and/or corrosion at various locations of the wings, and modification of cracked and/or corroded parts. That action was prompted by a report indicating that cracks, caused by stress corrosion, were found at various locations at buttock line (BL) 0 to BL 19 of the lower wing plank. The proposed actions were intended to prevent such stress corrosion, which could result in structural failure of the wing under certain load conditions.

Actions that Occurred Since the NPRM Was Issued

Since the issuance of that NPRM, Gulfstream has provided evidence to the FAA that the actions proposed in the NPRM have been accomplished on all affected airplanes. (Evidence was provided to the FAA in Gulfstream's letter of May 30, 2000, which is filed in the Rules Docket.)

FAA's Conclusions

Upon further consideration, the FAA has determined that requiring the modification specified in the NPRM (Rules Docket 96–NM–90–AD) is unnecessary since the unsafe condition no longer exists. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Regulatory Impact

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 96–NM–90–AD, published in the **Federal Register** on May 8, 1996 (61 FR 20764), is withdrawn.

Issued in Renton, Washington, on June 7, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–14954 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–62–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A330 and A340 series airplanes. This proposal would require repetitive inspections to check for backlash of the spherical bearing of the active aileron servo-controls, and follow-on corrective actions, if necessary. This proposal also provides optional terminating action for the repetitive inspections. This action is necessary to detect and correct excess backlash of the spherical bearing of the active aileron servo-controls, which could result in failure of the active aileron servo-controls and consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by July 14, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–62–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 also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via the Internet must contain "Docket No. 2000–NM–62–AD" in the subject line and need not be submitted in triplicate.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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 2000–NM–62–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No.

2000–NM–62–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A330 and A340 series airplanes. The DGAC advises that it has received reports of servo-control rod end failures occurring on the active aileron. These failures have been attributed to wear and migration of the Teflon liner of the eye-end spherical bearing, which then caused metal-to-metal contact. This condition, if not detected and corrected, could result in failure of the active aileron servo-controls and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

The manufacturer has issued Airbus Service Bulletins A330–27–3073, Revision 01 (for Model A330 series airplanes), and A340–27–4079, Revision 01 (for Model A340 series airplanes), each dated January 18, 2000. These service bulletins describe procedures for repetitive inspections to check for backlash of the spherical bearing of the active aileron servo-controls, and follow-on corrective actions, if necessary. Follow-on corrective actions involve, among other things, installing new ECP7 standard servo-controls and performing repetitive inspections, or replacing ECP7 standard servo-controls with ECP8 or ECP9 standard servo-controls, which would eliminate the need for the repetitive inspections required by this proposed AD.

The DGAC classified these service bulletins as mandatory and issued French airworthiness directives 2000–014–108(B) (for Model A330 series airplanes) and 2000–017–134(B) (for Model A340 series airplanes), each dated January 12, 2000, in order to assure the continued airworthiness of these airplanes in France.

Additionally, Airbus has issued Service Bulletins A330–27–3075, dated September 24, 1999, and A330–27–3054, Revision 01, dated November 8, 1999 (for Model A330 series airplanes); and A340–27–4081, dated September 24, 1999, and A340–27–4062, Revision 01, dated November 8, 1999 (for Model A340 series airplanes). These service bulletins are referenced in the previously described service bulletins as additional sources of service information for the installation of ECP8 or ECP9 standard servo-controls, which would eliminate the need for the repetitive inspections.

FAA's Conclusions

These airplane models are manufactured in France 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of 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 accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

Differences Between Proposed AD and Relevant Service Information

The Airbus service bulletins (A330–27–3073 and A340–27–4079) identify various compliance times for replacement of the active aileron servo-controls, depending upon the amount of backlash detected; the French airworthiness directives support those criteria. However, this proposed AD would require that, if any backlash greater than 0.2 millimeter (mm) (0.0078 inch) is detected, corrective actions be accomplished prior to further flight. The FAA has determined that, because of the safety implications and consequences associated with excess backlash, any subject active aileron servo-control that is found to have an amount of backlash exceeding the specified limits of this AD must be replaced prior to further flight.

Cost Impact

The FAA estimates that 3 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 20 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $3,600, or $1,200 per airplane, per inspection cycle.

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

Should an operator elect to accomplish the optional terminating action, it would take approximately between 16 and 20 work hours per airplane, depending upon the airplane model, to accomplish the proposed optional terminating action, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this optional terminating action on U.S. operators is estimated to be between $960 and $1,200 per airplane.

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:

Airbus Industrie: Docket 2000–NM–62–AD.

Applicability: Model A330 and A340 series airplanes, certificated in any category, except those airplanes on which Airbus Modification 47433 (Airbus Service Bulletin A330–27–3075 or A340–27–4081) or Airbus Modification 45512 (Airbus Service Bulletin A330–27–3054 or A340–27–4062) has been installed.

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

Compliance: Required as indicated, unless accomplished previously. To detect and correct excess backlash of the spherical bearing of the active aileron servo-controls, which could result in failure of the active aileron servo-control and consequent reduced controllability of the airplane, accomplish the following:

Inspection

(a) Perform an inspection to check for backlash of the spherical bearing of the active aileron servo-controls, in accordance with Airbus Service Bulletin A330–27–3073, Revision 01 (for Model A330 series airplanes), or A340–27–4079, Revision 01 (for Model A340 series airplanes), each dated January 18, 2000; as applicable; at the applicable time specified in paragraph (a)(1) or (a)(2) of this AD.

(1) For airplanes that, as of the effective date of this AD, have accumulated 13,000 total flight hours or less: Perform the inspection within 6 months after the effective date of this AD, or within 6 months after accumulating 9,000 total flight hours, whichever occurs later.

(2) For airplanes that, as of the effective date of this AD, have accumulated more than 13,000 total flight hours: Perform the inspection within 3 months after the effective date of this AD.

Repetitive Inspections

(b) If, during the inspection required by paragraph (a) of this AD, no backlash is detected, or if any backlash is detected that is less than or equal to 0.2 millimeter (mm) (0.0078 inch) on all active aileron servo-controls, repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 15 months or until the actions of paragraph (d) of this AD are accomplished on all active aileron servo-controls.

Corrective Actions

(c) If, during any inspection required by paragraph (a) or (b) of this AD, any backlash is detected that is more than 0.2 mm (0.0078 inch), prior to further flight, accomplish the requirements of either paragraph (c)(1) or (c)(2) of this AD, in accordance with Airbus Service Bulletin A330–27–3073, Revision 01 (for Model A330 series airplanes), or A340–27–4079, Revision 01 (for Model A340 series airplanes); each dated January 18, 2000; as applicable.

(1) Replace discrepant active aileron servo-controls with new ECP7 standard servo-controls in accordance with the applicable service bulletin, and repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 15 months or until the requirements of paragraph (d) of this AD are accomplished; or

(2) Replace discrepant active servo-controls with ECP8 or ECP9 standard servo-controls, in accordance with the applicable service bulletin.

Note 2: Any inspection or replacement accomplished prior to the effective date of this AD, in accordance with Airbus Service Bulletin A330–27–3073 (for Model A330 series airplanes) or A340–27–4079 (for Model A340 series airplanes), each dated August 31, 1999, is considered acceptable for compliance with the applicable requirement specified by this AD.

Optional Terminating Action

(d) Replacement of all active servo-controls with ECP8 or ECP9 standard servo-controls, in accordance with Airbus Service Bulletins A330–27–3075, dated September 24, 1999, and A330–27–3054, Revision 01, dated November 8, 1999 (for Model A330 series airplanes); or A340–27–4081, dated September 24, 1999, and A340–27–4062, Revision 01, dated November 8, 1999 (for Model A340 series airplanes); as applicable; constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Note 4: The subject of this AD is addressed in French airworthiness directives 2000–014–108(B) and 2000–017–134(B), each dated January 12, 2000.

Issued in Renton, Washington, on June 7, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–14955 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 250

Extension of Time for Comments Concerning the Guides for the Household Furniture Industry

AGENCY: Federal Trade Commission.

ACTION: Notice of extension of comment period.

SUMMARY: The Federal Trade Commission (the "Commission") has extended the date by which comments must be submitted concerning the review of its Guides for the Household Furniture Industry ("Household Furniture Guides" or the "Guides"). The Commission solicited comments until June 9, 2000. In response to a request from an industry trade association, the Commission grants an extension of the comment period until July 10, 2000.

DATES: Written comments will be accepted until July 10, 2000.

ADDRESSES: Written comments should be submitted to Office of the Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Comments should be identified as "Household Furniture Industry Guides, 16 CFR Part 250—Comment." If possible, submit comments both in writing and on a personal computer diskette in Word Perfect or other word processing format (to assist in processing, please identify the format and version used). Written comments should be submitted, when feasible and not burdensome, in five copies.

FOR FURTHER INFORMATION CONTACT: Ingrid Whittaker-Ware, Attorney, Southeast Region, Federal Trade Commission, 60 Forsyth Street, SW., Atlanta, Georgia 30303, telephone number (404) 656–1364. E-mail address (for questions or information only): "Furniture@FTC.gov".

SUPPLEMENTARY INFORMATION: On April 10, 2000, the Commission published in the **Federal Register** a request for public comments on the overall costs, benefits and the continuing need for its Guides for the Household Furniture Industry 16 CFR part 250, as part of its regulatory review program, 65 FR 18933. The Guides are voluntary guidelines issued

by the Commission to assist members of the furniture industry in complying with section 5 of the FTC Act. The **Federal Register** Notice ("notice") posed eleven questions in all; some were general regulatory review questions, while others asked about material issues that are specific to the household furniture industry. Pursuant to the **Federal Register** notice, the comment period relating to the Household Furniture Guides currently ends on June 9, 2000.

The Commission received a request for an extension of the comment period from the American Furniture Manufacturers Association ("AFMA"). AFMA has indicated that additional time is required so that its members can prepare thorough, thoughtful responses to the proposals and questions contained in the **Federal Register** notice.

The Commission is mindful of the need to deal with this matter as expeditiously as possible. However, the Commission is also aware that some of the issues raised by the **Federal Register** notice may be complex and it welcomes as much substantive input as possible to facilitate its decisionmaking process. Accordingly, in order to provide sufficient time for these and other interested parties to prepare useful comments, the Commission has decided to extend the deadline for comments until July 10, 2000.

Authority: 15 U.S.C. 41–58.

List of Subjects in 16 CFR Part 250

Forest and forest products, Furniture industry, Trade practices.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–14975 Filed 6–13–00; 8:45 am]

BILLING CODE 6750–01–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1211

Safety Standard for Automatic Residential Garage Door Operators

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Consumer Product Safety Commission is proposing to amend regulations on the Safety Standard for Automatic Residential Garage Door Operators to reflect changes made by Underwriters Laboratories, Inc. in its standard UL 325.

DATES: The Office of the Secretary must receive comments by August 28, 2000.

ADDRESSES: Comments may be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207 or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814–4408, telephone (301) 504–0800. Comments may also be filed by telefacsimile to (301) 504–0127 or e-mailed to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: John Murphy, Directorate for Engineering Sciences, Consumer Product Safety Commission, Washington, DC 20207, telephone 301–504–0494.

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

UL proposed revisions to UL 325 on June 30, 1998 and made them final on September 18, 1998. The Commission determined that the entrapment related revisions do carry out the purposes of Public Law 101–608. This proposed rule would incorporate into subpart A of part 1211 those revisions that relate to entrapment by residential automatic garage door operators. It would also correct a few typographical errors in part 1211.

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

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

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

List of Subjects in 16 CFR Part 1211

Consumer protection, Imports, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR part 1211 is proposed to be amended as follows:

PART 1211—SAFETY STANDARDS FOR AUTOMATIC RESIDENTIAL GARAGE DOOR OPENERS

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

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

2. In § 1211.2(c) remove the word "1993" and add, in its place "1999".

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

4. Section 1211.4 is amended as follows:

a. In § 1211.4(c) remove the words "1st ed., dated July 19, 1991" and add, in their place "second edition, dated June 23, 1995".

b. In § 1211.4(c) add "5" before "U.S.C.".

5. Section 1211.5 is amended as follows:

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

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

§ 1211.5 General testing parameters.

(a) * * *

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

* * * * *

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

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

(8) * * *

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

* * * * *

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

§ 1211.6 General entrapment protection requirements.

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

(b) In addition to the primary inherent entrapment protection as required by paragraph (a) of this section, a residential garage door operator shall comply with one of the following:

(1) * * *

(i) * * *

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

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

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

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

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

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

7. Revise § 1211.7 to read as follows:

§ 1211.7 Inherent entrapment protection requirements.

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

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

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

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

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

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

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

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

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

8. Section 1211.8 is revised to read as follows:

§ 1211.8 Secondary entrapment protection requirements.

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

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

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

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

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

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

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

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

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

(d) An inherent secondary entrapment protection device shall comply with the applicable requirements in § 1211.13. Software used in an inherent entrapment protection device shall comply with UL 1998 Standard for Safety-Related Software, First Edition, January 4, 1994. 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 Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062–2096. Copies may be inspected at the Consumer Product Safety Commission, Office of the Secretary, 4330 East West Highway, Bethesda, Maryland or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, D.C.

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

§ 1211.9 Additional entrapment protection requirements.

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

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

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

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

* * * * *

10. Section 1211.10 is amended as follows:

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

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

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

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

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

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

11. Section 1211.12 is amended in paragraph (c)(2), first sentence, by removing the words "3rd ed., dated July 1, 1991" and adding in their place "4th ed., dated December 27, 1995" and in the second sentence, by inserting "5" before "U.S.C."

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

§ 1211.13 Inherent force activated secondary door sensors.

(a) *Normal operation test.* (1) A force activated door sensor of a door system installed according to the installation instructions shall actuate when the door applies a 15 pound (66.7 N) or less force in the down or closing direction and when the door applies a 25 pound (111.2 N) or less force in the up or opening direction. For a force activated door sensor intended to be used in an operator intended for use only on a sectional door, the force is to be applied by the door against the longitudinal edge of a 1⅞ (47.6 mm) diameter cylinder placed across the door so that the axis is perpendicular to the plane of the door. See Figure 6 of this part. The weight of the door is to be equal to the maximum weight rating of the operator.

(2) The test described in paragraph (a)(1) of this section is to be repeated and measurements made at various representative points across the width and height of the door. The cycles are not required to be consecutive. Continuous operation of the motor without cooling is not required. For this test, a door sensor system and associated components shall withstand a total of 9 cycles of mechanical operation without failure with the force applied as follows:

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

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

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

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

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

13. Redesignated section 1211.14 is amended as follows:

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

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

c. In paragraph (b)(2), in the second sentence of paragraph 4 of the safety instructions, remove the number "1" and add in its place the number "1½".

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

14. Redesignated section 1211.15 is amended as follows:

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

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

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

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

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

Dated: June 6, 2000.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 00–14697 Filed 6–13–00; 8:45 am]

BILLING CODE 6335–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

RIN 0960–AF18

Federal Old-Age, Survivors and Disability Insurance; Supplemental Security Income; Determining Disability and Blindness; Revisions to the Growth Impairment Listings

AGENCY: Social Security Administration (SSA).

ACTION: Notice of intent to issue regulations and request for comments.

SUMMARY: This document ask experts on growth impairments in children, and other interested members of the public, for comments on how we should revise the growth impairment listings in our "Listing of Impairments," in appendix 1 to subpart P of 20 CFR part 404 ("the listings"). The growth impairment listings contain the medical criteria we use to evaluate disability claims for children with linear growth impairments at the third step of our sequential evaluation of disability for children.

DATES: To be sure your comments are considered, we must receive them no later than August 14, 2000.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 17703, Baltimore, MD 21235–7703, sent by telefax to (410) 966–2830; sent by e-mail to *regulations@ssa.gov*, or delivered to the Office of Process and Innovation Management, Social Security Administration, L2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, between 8:00 A.M. and 4:30 P.M. on regular business days. Comments may be inspected during these hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Regina Connell, Social Insurance Specialist, Office of Disability, 3–A–9 Operations Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401; (410) 965–1891 or TTY (410) 966–5609 for information about this notice. For information on eligibility or claiming benefits, call our national toll-free numbers, 1–800–772–1213 or TTY 1–800–325–0778.

SUPPLEMENTARY INFORMATION:

Background

This notice ask experts on growth impairments in children, and other interested members of the public, for comments that will help us decide how we should revise section 100.00 of the listings. We use the criteria in the listings to evaluate disability claims under both the Social Security disability insurance (title II) and Supplemental Security Income (SSI) (title XVI) programs at the third step of the sequential evaluation processes for adults and children. The listings describe impairments that are considered severe enough to prevent a person from doing any gainful activity. In the case of a child under age 18 seeking SSI benefits based on disability, the listings describe impairments that are considered severe enough to cause marked and severe functional limitations. For more information on the definitions of disability and on the sequential evaluation processes, see 20

CFR §§ 404.1505 and 404.1520 (for title II), 416.905 and 416.920 (for SSI adults), and 416.906 and 416.924 (for children claiming SSI benefits based on disability).

The listings are divided into Part A and Part B. Part A contains medical criteria that we use to evaluate claims filed by individuals age 18 and over. The Part A listings can also apply to children if the disease processes have a similar effect on adults and younger persons. Part B contains medical criteria that apply *only* to children. In both parts, the impairments are grouped by major body systems; e.g., musculoskeletal, cardiovascular, and mental. More complete explanations of the listings and their role in the disability evaluation process are set out in 20 CFR §§ 404.1525 and 404.1526 (for title II) and 20 CFR §§ 416.925, 416.926, and 416.926a (for SSI).

Section 100.00 of the listings is in Part B and contains the medical criteria we use to evaluate linear growth impairments in children. Section 100.00 consists of a preface that explains key concepts used in the section, and two growth impairment listings: 100.02 and 100.03. Listings 100.02 and 100.03 involve only linear growth impairments; i.e., impairments that affect a child's length or height. We also refer to the growth impairment listings in other Part B body systems listings for cases in which certain specified disease processes cause impaired linear growth. For example, in the cardiovascular body system, listing 104.06G provides criteria for evaluating congenital heart disease that is accompanied by growth failure "as described in 100.00." When we revise the current growth impairment listings, we may also have to revise the body system listings that refer to the growth impairment listings.

Other listings do not refer to the linear growth impairment listings in section 100.00, but include weight-related growth criteria. For example, listing 103.02E.6 contains criteria for evaluating bronchopulmonary dysplasia that is accompanied by involuntary weight loss or failure to gain weight at an appropriate rate for the child's age. Several other listings, including listings 104.02D, 105.08, and 114.08I, also include weight-related growth criteria. If we include weight-related criteria in the revised growth impairment listings, we may also have to revise those body system listings that now include weight-related criteria.

We first published the Part B childhood listings, including the growth impairment listings, in the **Federal Register** on March 16, 1977 (42 FR 14705). We made minor changes to the growth impairment listings on December 6, 1985 (50 FR 50068). Since 1985, we have extended the expiration date for the growth impairment listings without making further revisions. Currently, the growth impairment listings will no longer be effective on July 2, 2001, unless we extend, revise or promulgate them again by publication of a final rule in the **Federal Register** (64 FR 29786). We plan to revise the current growth impairment listings before they expire on July 2, 2001.

We will make revisions to ensure that the criteria in the listings reflect any advances in medical knowledge regarding children with linear growth impairments, and to ensure that the criteria in the listings reflect a level of severity that results in "marked and severe functional limitations."

Request for Comments

Information about growth impairments in children, especially the functional consequences of such impairments, is not readily available. Therefore, we are using this method of requesting comments before formally proposing any revisions to the listings. We want to give interested members of the public an early opportunity to provide us with information about growth impairments in children as we begin the rulemaking process. We are asking experts on growth impairments in children and other interested members of the public for ideas about how we should revise the existing growth impairment listings, including the material in the preface. We are particularly interested in determining if any scientific research shows a relationship between growth impairments and loss of functioning, and whether and how impaired linear growth affects a child's functioning.

In addition, we are interested in comments on whether the criteria for evaluating weight-related impaired growth or failure to thrive in children should be included in revised growth impairment listings, or included in other body system listings as they are now. We are interested in any suggestions about revising those portions of the other body system listings that directly reference the linear growth impairment listings, or that mention a child's growth (including weight) without specifying linear growth or the growth impairment listings.

We will consider your comments along with other information, such as medical research, and our program experience. Based on all of that information, we will decide how to revise the growth impairment listings. We will not respond to your comments directly. However, when we propose revisions to the growth impairment listings, we will publish a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** and include a formal request for comments. In that case, we will consider and respond to significant comments that we receive in response to the NPRM when we issue any final rules.

Electronic Version

The electronic file of this document is available on the Internet at http://www.access.gpo.gov/su_docs/aces/aces140. It is also available on the Internet site for SSA (i.e., SSA Online) at *http://www.ssa.gov/*.

(Catalog of Federal Domestic Assistance Programs Nos. 96.001, Social Security-Disability Insurance; and 96.006, Supplemental Security Income)

List of Subjects

20 CFR Part 404

Administrative practice and procedure. Blind, Old-age, Survivors and Disability benefits, Old-age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Dated: June 5, 2000.

Kenneth S. Apfel,

Commissioner of Social Security.

[FR Doc. 00–14841 Filed 6–13–00; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S–777]

RIN 1218–AB36

Ergonomics Program

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Proposed rule: change of location of informal public hearing; change of date for notices of intention to appear.

SUMMARY: OSHA is changing the location of the informal public hearing

on the economic impact of the Agency's proposed Ergonomics Program Standard on State and local governments, the United States Postal Service (USPS), and the railroads. OSHA is also extending the date for Notices of Intention to Appear at the informal public hearing. The supplemental analysis of the impacts of the proposed rule on these three groups is in the public docket of this rulemaking, Docket S–777, Exhibit 28–15. The hearing will be held on the date planned, July 7, 2000, but the location of the hearing has been changed.

The broader context for OSHA's actions can be found in the Notice of Proposed Rulemaking, published in the **Federal Register** of November 23, 1999 (64 FR 65768). The procedures followed at the July 7 continuation of the public hearing will be the same as those used in the previous nine weeks of public hearings on the proposed ergonomics standard (see OSHA's home page at *www.osha.gov* or 65 FR 11948; March 7, 2000).

DATES: *Notice of Intention To Appear at the Informal Public Hearing:* The deadline for the submission of notices of intention to appear at the informal public hearing has been extended; notices must be postmarked no later than June 21, 2000, and public comments on the issues raised by the economic analysis of the standard's impacts on the three groups must be postmarked no later than June 22, 2000. If you submit a notice of intention to appear by facsimile or electronically through OSHA's Internet site, you must transmit the notice by June 21, 2000.

Pre-Hearing Comments: Written comments addressing the economic impacts of the rule in these industries must be postmarked no later than June 22, 2000. If you submit comments by facsimile or electronically through OSHA's Internet site, you must transmit those comments by June 22, 2000.

Hearing Testimony and Documentary Evidence: If you will be requesting more than 10 minutes for your oral presentation at the hearing, you must submit the full testimony, postmarked no later than June 27, 2000, or if you will be submitting documentary evidence at the hearing, you must submit all of that evidence, postmarked no later than June 27, 2000.

Informal Public Hearing: The public hearing will be held in Atlanta, Georgia, beginning at 9:00 a.m., on July 7, 2000 and is expected to conclude that day.

Post-hearing Comments: Written post-hearing comments must be postmarked no later than August 10, 2000. If you submit comments by facsimile or electronically through OSHA's Internet site, you must transmit those comments no later than August 10, 2000. The publication of this document and the related public hearing do not affect the 90-day period established earlier for post-hearing submissions related to the proposed Ergonomics Program Standard (65 FR 11948, March 7, 2000). That period also ends on August 10, 2000.

ADDRESSES: *Written Comments: Mail:* Submit four copies of written comments to: OSHA Docket Office, Docket No. S–777, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW, Washington, D.C. 20210; telephone (202) 693–2350.

Facsimile: If your written comments are 10 pages or less, you may fax them to the Docket Office. The OSHA Docket Office fax number is (202) 693–1648.

Electronic: You may also submit comments electronically through OSHA's Homepage at *www.osha.gov*. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit them separately in duplicate to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, you must clearly identify your electronic comments by name, date, and subject, so that we can attach them to your electronic comments.

Notice of Intention to Appear: Mail: Notices of intention to appear at the informal public hearing may be submitted by mail in quadruplicate to: Ms. Veneta Chatmon, OSHA Office of Public Affairs, Docket No. S–777, U.S. Department of Labor, 2000 Constitution Avenue, N.W., Room N–3647, Washington, D.C. 20210; Telephone: (202) 693–2119.

Facsimile: You may fax your notice of intention to appear to Ms. Chatmon at (202) 693–1634.

Electronic: You may also submit your notice of intention to appear electronically through OSHA's Homepage at *www.osha.gov*.

Hearing Testimony and Documentary Evidence: You must submit in quadruplicate your hearing testimony and any documentary evidence you intend to present at the informal public hearing to Ms. Veneta Chatmon, OSHA Office of Public Affairs, Docket No. S–777, U.S. Department of Labor, Room N–3647, 200 Constitution Ave, NW, Washington, D.C. 20210. Telephone: (202) 693–2119, You may also submit your hearing testimony and documentary evidence on disk (3½ inch) in WP 5.1, 6.0, 6.1, 8.0 or ASCII, provided you also send the original hardcopy at the same time.

Informal Public Hearing: The one-day public hearing to be held in Atlanta, Georgia will be located in Conference Rooms B&C of the Sam Nunn Atlanta Federal Center, 61 Forsyth St., S.W., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: OSHA's Ergonomics Team at (202) 693–2116, or visit the OSHA Homepage at *www.osha.gov*.

Authority: This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. It is issued under sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 6–96 (62 FR 111), and 29 CFR part 1911.

Signed at Washington, DC, this 8th day of June, 2000.

Charles N. Jeffress,

Assistant Secretary of Labor for Occupational Safety and Heath.

[FR Doc. 00–14971 Filed 6–13–00; 8:45 am]

BILLING CODE 4510–26–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[UT–001–0029b; FRL–6712–1]

Approval and Promulgation of Air Quality Implementation Plan for Utah: Transportation Control Measures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Utah State Implementation Plan (SIP) that incorporate a new transportation control measure (TCM) in Utah County. Approval of this TCM as part of the Utah SIP would mean that this measure will receive priority for funding, and that it may proceed in the event of a transportation conformity lapse. We are proposing to approve this SIP revision under sections 110(k) and 176 of the Clean Air Act. Additional information is available at the address indicated below. In the Final Rules 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 revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated in relation to this rule. If EPA receives

adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed 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 on this action should do so at this time.

DATES: Comments must be received in writing by July 14, 2000.

ADDRESSES: Written comments should be addressed to:

Richard R. Long, Director, Air & Radiation Program (8P–AR), United States Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday at the following office: United States Environmental Protection Agency, Region 8, Air & Radiation Program, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

FOR FURTHER INFORMATION CONTACT: Jeff Houk, Air & Radiation Program (8P–AR), United States Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, Colorado 80202–2466 ph. (303) 312–6446.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: June 1, 2000.

Jack McGraw,

Acting Regional Administrator, Region VIII.

[FR Doc. 00–14994 Filed 6–13–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NV–022–0022; FRL–6715–9]

Approval and Promulgation of Implementation Plans; Nevada—Las Vegas Valley Nonattainment Area; PM–10

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to disapprove the moderate and serious nonattainment area state implementation plans (SIPs) submitted by the State of Nevada for attaining the particulate matter (PM–10) national ambient air quality standards (NAAQS) in the Las Vegas Valley. EPA is proposing to disapprove the reasonably available control measure/best available control measure (RACM/BACM) and rate of progress provisions in both the moderate and serious area SIPs, and the attainment demonstration provision in the serious area SIP. EPA is also proposing to deny the State's request for an extension to December 31, 2006 to attain the PM–10 NAAQS in the area. If EPA takes a final disapproval action, it will trigger the 18-month clock for mandatory application of sanctions and the 2-year time clock for a federal implementation plan (FIP) under the Clean Air Act (CAA).

DATES: Written comments on this proposal must be received by August 14, 2000.

ADDRESSES: Comments should be addressed to the EPA contact below. Copies of the State's submittal and other information are contained in the docket for this rulemaking. The docket is available for inspection during normal business hours at the following location: U. S. Environmental Protection Agency, Region 9, Air Division, 75 Hawthorne Street, San Francisco, CA 94105–3901. The docket can also be viewed at our web site: www.epa.gov/region9/.

Copies of the SIP materials are also available for inspection at the addresses listed below: Nevada Division of Environmental Protection, 333 West Nye Lane, Carson City, Nevada, 89710; and, Clark County Department of Comprehensive Planning, 500 South Grand Central Parkway, 3012, Las Vegas, Nevada, 89155–1741.

FOR FURTHER INFORMATION CONTACT: Larry Biland, U. S. Environmental Protection Agency, Region 9, Air Division (AIR–2), 75 Hawthorne Street, San Francisco, CA 94105–3901. (415) 744–1227, e-mail address: biland.larry@epa.gov

SUPPLEMENTARY INFORMATION:

I. Background

A. Clean Air Act Requirements

1. Designation and Classification

On the date of enactment of the 1990 CAA Amendments, PM–10 areas, including the Las Vegas Valley Planning Area, meeting the qualifications of section 107(d)(4)(B) of the amended Act, were designated nonattainment by operation of law. See 56 FR 11101 (March 15, 1991). The boundaries of the Las Vegas Valley nonattainment area (Hydrologic Unit #212) are codified at 40 CFR 81.329.

Once an area is designated nonattainment, section 188 of the CAA outlines the process for classification of the area and establishes the area's attainment deadline. In accordance with section 188(a), at the time of designation, all PM–10 nonattainment areas, including the Las Vegas Valley, were initially classified as moderate by operation of law. Section 188(b)(1) of the Act further provides that moderate areas can subsequently be reclassified as serious before the applicable moderate area attainment date if at any time EPA determines that the area cannot "practicably" attain the PM–10 NAAQS by this attainment date.

Nevada submitted a moderate area PM–10 plan for Las Vegas Valley on December 6, 1991. Based on this submittal, EPA determined on January 8, 1993, that the Las Vegas Valley could not practicably attain both the annual and 24-hour standards by the applicable attainment deadline for moderate areas (December 31, 1994, per section 188(c)(1) of the Act), and reclassified the Las Vegas Valley as serious (58 FR 3334). In accordance with section 189(b)(2) of the Act, SIP revisions for the Las Vegas Valley addressing the requirements for serious PM–10 nonattainment areas in section 189(b) and (c) of the Act were required to be submitted by August 8, 1994 and February 8, 1997.

2. Moderate Area Planning Requirements

The air quality planning requirements for PM–10 nonattainment areas are set out in subparts 1 and 4 of Title I of the Clean Air Act. Those states containing initial moderate PM–10 nonattainment areas were required to submit, among other things, the following provisions by November 15, 1991:

(a) Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT)) shall be implemented no later than December 10, 1993 (CAA sections 172(c)(1) and 189(a)(1)(C));

(b) Provisions to assure implementation of RACT on major stationary sources of PM–10 precursors except where EPA has determined that such sources do not contribute significantly to exceedances of the PM–10 standards (CAA section 189(e));

(c) Either a demonstration (including a complete emissions inventory and air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 or a demonstration that attainment by that date is impracticable (CAA sections 188(c)(1) and 189(a)(1)(B));

(d) For plan revisions demonstrating attainment, quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994 (CAA section 189(c)); and

(e) For plan revisions demonstrating impracticability, such annual incremental reductions in PM–10 emissions as are required by part D of the Act or may reasonably be required by the Administrator for the purpose of ensuring attainment of the PM–10 NAAQS by the applicable attainment date (CAA sections 172(c)(2) and 171(1)).

Moderate area plans were also required to meet the generally applicable SIP requirements for reasonable notice and public hearing under section 110(l), necessary assurances that the implementing agencies have adequate personnel, funding and authority under section 110(a)(2)(E)(i) and 40 CFR 51.280; and the description of enforcement methods as required by 40 CFR 51.111, and EPA guidance implementing these sections.

3. Serious Area Planning Requirements

Moderate PM–10 areas that have been reclassified to serious, such as the Las Vegas Valley area, in addition to meeting the moderate area requirements outlined above, must submit a plan that includes provisions addressing additional requirements. The additional serious area requirements that are relevant to this proposed action include:

(a) A demonstration (including a complete emissions inventory and air quality modeling) that the plan provides for attainment of the PM–10 standards by December 31, 2001, or for any area seeking an extension of that date, a demonstration that attainment by 2001 is impracticable and a demonstration of attainment by the most expeditious alternative date practicable (CAA sections 188(c)(2) and 189(b)(1)(A));

(b) Provisions to assure that the best available control measures (BACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of best available control technology (BACT)) for the control of PM–10 shall be implemented no later than 4 years after the area is reclassified (CAA section 189(b)(1)(B));

(c) Provisions to assure implementation of BACT on major stationary sources of PM–10 precursors except where EPA has determined that such sources do not contribute significantly to exceedances of the PM–10 standards (CAA section 189(e)); and

(d) Quantitative milestones which are to be achieved every 3 years and which demonstrate RFP toward attainment by the applicable attainment date (CAA section 189(c)).

As discussed above in connection with the moderate area plan requirements, SIPs submitted to meet the CAA's serious area requirements must conform to general requirements applicable to all SIPs.

B. EPA Guidance

EPA has issued a "General Preamble" [1] describing EPA's preliminary views on how the Agency intends to review SIPs and SIP revisions submitted under Title I of the Act, including those state submittals containing moderate PM–10 nonattainment area SIP provisions. EPA has also issued an Addendum to the General Preamble (Addendum) describing the Agency's preliminary views on how it intends to review SIPs and SIP revisions containing serious area plan provisions.[2]

1. RACM/BACM

Sections 172(c)(1) and 189(a)(1)(C) read together require that moderate area PM–10 SIPs include RACM and RACT for existing sources of PM–10. These SIPs were to provide for implementation of RACM/RACT no later than December 10, 1993. Since the moderate area deadline for the implementation of RACM/RACT has passed, EPA has concluded that the RACM/RACT required in the State's moderate plan must now be implemented as soon as possible. *Delaney* v. *EPA*, 898 F.2d 687, 691 (9th Cir. 1990). EPA has interpreted this requirement to be "as soon as practicable." 63 FR 15920, 15926 (Apr. 1, 1998).

The methodology for determining RACM/RACT is described in detail in the General Preamble. 57 FR at 13540–13541. In summary, EPA suggests starting to define RACM with the list of available control measures for fugitive dust, residential wood combustion, and prescribed burning contained in Appendices C1, C2, and C3 of the General Preamble and adding to this list any additional control measures proposed and documented in public comments. The state can then cull from the list any measures for insignificant emission sources of PM–10 and any measures that are unreasonable for technological or economic reasons. The General Preamble does not define insignificant except to say that it would be unreasonable to apply controls to sources that are negligible ("de minimis") contributors to ambient concentrations. However, in its serious area plan guidance, EPA does establish a presumption, for use in BACM determinations, that a "significant contributor" source category as one that contributes 1 $\mu g/m^3$ or more of PM–10 to a location of annual violation and 5 $\mu g/m^3$ to a location of 24-hour violation. Addendum at 42011. EPA has also used this same definition to define significance in determining which source categories require the application of RACM. See 63 FR 41326, 41331 (Aug. 3, 1998).

For any RACM that are rejected by the state, the plan must provide a reasoned justification for the rejection. Once the final list of RACM is defined, each RACM must be converted into a legally enforceable vehicle such as a rule, permit, or other enforceable document. General Preamble at 13541.

Under CAA section 189(b)(2), for moderate areas that have been reclassified as serious under section 188(b)(1), the state must submit BACM 18 month after reclassification, i.e., August 8, 1994 for the Las Vegas Valley area, and must implement those measures four years after reclassification, i.e., by February 8, 1997. As with the RACM/RACT implementation deadline, the BACM/BACT deadline has passed. Therefore BACM/BACT must now be implemented as soon as practicable.

BACM is defined as the "maximum degree of emission reduction of PM–10 and PM–10 precursors from a [significant] source [category] which is determined on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, to be achievable for such sources through application of production processes and available methods, systems, and techniques. . . ." Addendum at 42010. BACM/BACT must be determined and documented consistent with the Addendum (at 42012–14) and must be applied, at a minimum, to each significant source or source category. Addendum at 42010. The state must document its selection of BACM by showing what control measures applicable to each significant source category were considered. Addendum at 42014. BACM should go beyond existing RACM controls and can include

[1] See "State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992).

[2] See "State Implementation Plans for Serious PM–10 Nonattainment Areas, and Attainment Date Waivers for PM–10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 59 FR 41998 (August 16, 1994).

expanded use of RACM controls (e.g., paving more miles of unpaved roads). Addendum at 42013.

2. RFP/Quantitative Milestones

Both PM–10 moderate and serious area nonattainment SIPs demonstrating attainment must include quantitative milestones to be achieved every three years until the area is designated attainment and must demonstrate RFP toward attainment by the applicable date. CAA section 189(c)(1). EPA has addressed these requirements in several guidance documents. See the General Preamble at 13539, the Addendum at 42015–42017, and the memorandum from Sally Shaver, EPA, to EPA Division Directors, "Criteria for Granting 1-Year Extensions of Moderate PM–10 Nonattainment Area Attainment Dates, Making Attainment Determinations, and Reporting on Quantitative Milestones," November 14. 1994 (Shaver memorandum). Of these guidance documents, the most comprehensive is the Addendum which discusses both the RFP annual incremental reduction requirement and the appropriate interpretation of the milestone requirement as it relates to moderate areas that have been reclassified to serious. EPA has considerable discretion in reviewing the SIP to determine whether the annual incremental emission reductions to be achieved are reasonable in light of the statutory objective of timely attainment. Addendum at 42015.

With respect to the quantitative milestone requirement, for initial moderate areas, EPA concluded that the SIP should initially address at least two milestones and that the starting point for the first 3-year period would be the SIP submittal due date, i.e. November 15, 1991. EPA further concluded that since the time lag between the first milestone date (November 15, 1994) and the December 31, 1994 attainment deadline was de minimis, emission reduction progress made between the submittal date and December 31, 1994 would satisfy the first milestone. The second milestone to be addressed by these initial moderate area SIPs was November 15, 1997. General Preamble at 131539, Addendum at 42016, and Shaver memorandum. For moderate areas that are reclassified as serious, the third milestone achievement date is November 15, 2000. Addendum at 42016. The quantitative milestones should consist of elements that allow progress to be quantified or measured, e.g., percent compliance with implemented control measures. Addendum at 42016.

EPA will assess whether an area has achieved RFP in conjunction with determining compliance with the quantitative milestone requirement. Thus a state should address compliance with both requirements in its RFP/milestone reports. The contents of these reports is discussed in the General Preamble, the Addendum, and the Shaver memorandum.

II. Evaluation of the State's Submittals

A. Identification of SIPs

This proposal covers the PM–10 moderate area nonattainment plan titled "PM–10 Air Quality Implementation Plan, Las Vegas Valley, Clark County, Nevada", (1991 Moderate Plan) submitted to EPA by the Nevada State Department of Natural Resources and Conservation on December 6, 1991; a February 15, 1995 submittal of an "Addendum to the 'Moderate Area' PM–10 State Implementation Plan for the Las Vegas Valley" (1995 RACM Addendum); a BACM analysis plan titled "Providing for the Evaluation, Adoption and Implementation of Best Available Control Measures and Best Available Control Technology to Improve PM–10 Air Quality," (1994 BACM Plan) submitted on December 6, 1994; and the PM–10 serious area nonattainment plan for the Las Vegas Valley nonattainment area titled "Particulate Matter (PM–10) Attainment Demonstration Plan" (1997 Serious Plan), submitted to EPA on August 25, 1997. "Moderate Area SIP" in this proposal refers collectively to the 1991 Moderate Plan and the 1995 RACM Addendum. "Serious Area SIP" refers collectively to the 1994 BACM Plan and the 1997 Serious Plan.

The Clark County Department of Comprehensive Planning and the Clark County Health District are the agencies responsible for addressing PM–10 pollution in the Las Vegas Valley. The Clark County Department of Comprehensive Planning is responsible for the development of the SIP. The Clark County Health District is responsible for development of rules and regulations, air permits, enforcement, and air monitoring.

1. The Las Vegas Valley Moderate Area SIP

Since the moderate area attainment deadline, December 31, 1994, has passed, and the Las Vegas Valley has been reclassified from a moderate to a serious nonattainment area, EPA believes that the moderate area attainment demonstration requirements have been superseded by the area's reclassification. See, e.g., 61 FR 54972, 54974 (October 23, 1996). Therefore, EPA addresses only the RACM/RACT and rate of progress provisions of the Moderate Area SIP in this notice.

a. Evaluation of RACM/RACT. EPA is proposing to disapprove the RACM demonstration in the Moderate Area SIP because, among other things, the control measures are not comprehensive enough to constitute RACM for any source category identified in the Moderate Area SIP as significant for the annual or 24-hour standard. For example, the only control measures submitted as RACM for disturbed vacant land include textual references to Clark County's efforts to encourage limits on off-road motor vehicle use on public lands and local government policies promoting infill development.[3] These measures do not establish requirements that prevent vacant land disturbances or mitigate disturbed vacant land throughout the PM–10 nonattainment area and thus do not meet the RACM requirements of the CAA.

EPA is also proposing to disapprove the Moderate Area SIP with respect to the RACT requirement for primary PM–10 sources because existing sources are not subject to controls as required by the CAA[4]. Furthermore, we cannot fully approve Rule 34, New Source Performance Standards for Nonmetallic Mineral Mining and Processing, which was submitted as RACT. For a more detailed review of RACM/RACT, see the Technical Support Document (TSD) that is part of this docket.

b. Evaluation of RFP /Quantitative Milestones. The 1991 Moderate Plan includes a demonstration of attainment for the annual standard and an impracticablity demonstration for the 24-hour standard. See 1991 Moderate Plan, pp. 54–58.[5] PM–10 moderate area nonattainment SIPs demonstrating attainment must include quantitative milestones to be achieved every three years until the area is redesignated attainment and must demonstrate RFP toward attainment of both standards by the applicable date. CAA sections 172(c)(2) and 189(c)(1). Section 171(1) of the Act defines RFP as "such annual incremental reductions in emissions of the relevant air pollutant as are required by this part [part D of title I] or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable

[3] 1994 BACM Plan, pgs. 35–36 and 1995 RACM Addendum, pg. 5.

[4] 1991 Moderate Plan, pg. 36.

[5] As noted previously, EPA is proposing no action on these demonstrations as the moderate area attainment requirements for the Las Vegas Valley have been superseded by those applicable to serious areas.

national ambient air quality standard by the applicable date." For PM–10 moderate area nonattainment SIPs demonstrating impracticability, sections 172(c)(2) and 171(1) apply. The Moderate Area SIP for the Las Vegas Valley does not contain any annual emission reductions or quantitative milestones. Therefore, EPA proposes to disapprove the Moderate Area SIP for failing to meet the CAA requirements for RFP and quantitative milestones.

2. The Las Vegas Valley Serious Area SIP

a. Emission Inventory. All emission inventories must be current, comprehensive, and complete. Section 172(c)(3). Current inventories present emissions for a relatively recent year. Comprehensive inventories desegregate the emission sources into many. Complete inventories address all of the sources of emissions of the subject pollutant in the area of concern.

The 1997 Serious Plan describes the average annual emissions of directly emitted PM–10 for the base and current attainment years (1995 and 2001) and the March 11, 1994 and 2001 design day for the 1,500 square mile Las Vegas Valley. The significant sources for the 24-hour standard were found to be construction activities which contribute 48.5%, disturbed vacant land with 30.9%, and natural sources [6] with 14% of the total. The total for these three sources is 93.4%. The significant sources for the annual standard were found to be construction activities which contribute 42.6%. Paved and unpaved road dust contributes 11.1%, disturbed vacant land with 6.4%, and natural sources with 36.2% of the total. The total for these four sources is 96.3%.[7]

Generally the inventory estimates in the 1997 Serious Plan are well documented, the inventory is reasonably current and the categorization of the inventory is fairly complete. However, the 1997 Serious Plan's inventory has several significant shortcomings:

- The plan does not address inventories for condensible particulate or PM–10 precursors, including volatile organic compounds (VOC), nitrogen oxides (NOx), sulfur dioxide (SO2), and ammonia (NH3). The insignificance of these particulate sources is address in the modeling section of this Notice. Based on air quality analysis, these sources would appear to have a de minimis impact.
- The plan does not include emission estimates for airport activities, agricultural activities, various cooking methods, off-road vehicle exhaust, and lawn care equipment.

The plan acknowledges that primary, condensible, and secondary PM–10 categorically constitute what is called PM–10, but does not address condensible and secondary PM–10 in the inventory. The plan's explanation for not including emissions from condensible and secondary PM–10 is that these emission categories do not contribute significantly to the emission or air quality totals. Condensible and secondary PM–10 generally are not addressed in PM–10 inventories because of their de minimis ambient air quality contribution. Clark County will need to include emissions from these source categories of directly emitted PM–10 in its revised inventories and cite evidence of the triviality of those secondary and condensible emissions contributions.

EPA proposes to disapprove the emissions inventory given these deficiencies.

b. Mobile Source Emissions Budget. The 1997 Serious Plan did not establish any PM–10 emission budgets for the annual or 24-hour PM–10 standard. Thus EPA determined in a letter dated July 12, 1999, to the Nevada Division of Environmental Protection, that the area did not have adequate budgets for purposes of transportation conformity.

c. Evaluation of BACM/BACT. As discussed in the summary of CAA requirements, the Serious Area SIP for the Las Vegas Valley must include control measures consistent with the CAA requirements for BACM and BACT. EPA has determined that, collectively, the submitted rules, ordinances, permits and other measures do not meet the BACM requirements for any significant source category for either PM–10 standard. In summary, EPA is proposing to disapprove the Serious Area SIP for failure to provide for the implementation of BACM based upon the following four deficiencies:

- Failure to demonstrate that the control measures in the Serious Area SIP constitute BACM for significant sources. EPA finds that the Serious Area SIP either lacks BACM for some significant sources without adequate justification or the submitted measures are not comprehensive enough to provide for the implementation of BACM. For example, no measures were submitted as BACM to control vacant lots, unpaved parking lots,[8] or paved road dust.
- Failure to provide an adequate justification for available control measures not being implemented. EPA's RACM guidance indicates that SIP submittals should contain a reasoned justification for partial or full rejection of any available control measures; similar principles apply to consideration of BACM. [9] For example, although the 1994 BACM Plan lists controlling unpaved shoulders and containing truck spillage as candidate BACM for paved roads, the plan indicates that an addendum will be provided in 1997 that documents the evaluation process and adoption and implementation of specific control measures. [10] However, no subsequent BACM evaluation for paved roads was submitted to EPA.
- Lack of sufficient stringency in some submitted measures. Certain requirements (or lack thereof) in rules, ordinances, or permits require further stringency to meet BACM, and/or have not been properly justified by the District as supporting a BACM level of control. For example, EPA believes that the standards established in Rule 41 for construction sites and other sources may be insufficiently protective in many circumstances. Coupled with the fact that construction site permits lack other standards by which compliance can be gauged, there is no assurance that the required construction site controls will be implemented to an extent that meets BACM requirements. The 1994 BACM Plan contains little discussion as to whether or how the specific control measures in the Las Vegas Valley are stringent enough to meet the BACM level of control.
- Failure of certain measures to be fully enforceable. On a macro-scale, this encompasses the concern that important control measures have not been submitted to EPA in a format that can be approved into the SIP and enforced as such.[11] On a micro-scale, vague language or the absence of appropriate standards in permits, rules or ordinances makes them difficult to enforce in an equitable, repeatable, accurate and practical manner to achieve emission reductions. This, in turn, lessens the ability of the control

[6] Natural sources are discussed further in the TSD.

[7] 1997 Serious Plan, pp. 35–37.

[8] While County Ordinance 1541 was submitted as BACM for stationary sources and it contains requirements for unpaved parking lots located at certain types of non-metallic mineral plants, there are no measures to address other unpaved parking lots throughout the PM–10 nonattainment area.

[9] 57 FR 13498, 13541 (April 16, 1992); Addendum at 42014.

[10] Pg. 53.

[11] For example, a copy of a dust control permit form for construction sites, containing boilerplate requirements, was included in the 1997 Serious Plan. However, these requirements should be placed into a rule that Clark County Health District adopts and submits to EPA.

measures to result in a BACM level of control.

The BACM deficiencies summarized in the preceding paragraphs reflect that discussion of BACM in the Serious Area SIP is limited and does not show that the adopted PM–10 control measures for any significant source category collectively meet the CAA's BACM requirements. This may be due to a belief expressed in the 1997 Serious Plan that limitations in the accuracy of PM–10 emission inventories and the lack of specific information on control efficiencies preclude a meaningful application of the procedures for determining BACM.[12] However, EPA does not view this statement as an adequate reason for failure to implement BACM or, alternatively, to provide a justification for not implementing BACM. Furthermore, general estimates of control efficiencies are available[13] and are not required to be exact in order to evaluate whether a candidate or adopted measure meets the BACM requirements.

EPA is also proposing to disapprove the Serious Area SIP with respect to the BACT requirement for primary PM–10 sources. This is because existing sources are not subject to controls that are in place for new and modified sources and there is no justification for not implementing those controls. Also, the Serious Area SIP does not provide sufficient information on stationary source requirements for EPA to evaluate whether BACT is being implemented. Information to be submitted includes all control equipment and/or emission limit requirements, test method requirements, and reporting/recordkeeping requirements. For EPA's complete review of BACM/BACT, see the TSD that is part of this docket.

d. Major Sources of PM–10 Precursors Need BACT Rules. Under section 189(e), BACT controls are required for all existing major sources of VOC, NO_X, SO_X, and ammonia in the Las Vegas nonattainment area unless they do not contribute significantly to PM–10 levels which exceed the standards in the area. The inventory does not quantify these sources for their secondary PM–10 contribution and therefore EPA cannot determine if controls are needed. Therefore we are proposing to disapprove the Serious Area SIP's BACT demonstration for failure to include such controls or justify why they are not required.

e. Reasonable Further Progress (RFP)/ Quantitative Milestones. PM–10 serious area nonattainment SIPs must include quantitative milestones to be achieved every three years until the area is redesignated attainment and must demonstrate RFP toward attainment of both standards by the applicable date. CAA section 189(c)(1). The 1997 Serious Plan for the Las Vegas Valley does not contain annual incremental emission reductions or quantitative milestones for either the annual or 24-hour standard. Therefore, EPA proposes to disapprove the plan for failing to meet the CAA requirement for RFP and quantitative milestones.

f. Attainment Demonstration. Serious area PM–10 SIPs must provide a detailed demonstration (including air quality modeling) that the specified set of strategies will reduce PM–10 emissions so that the standards will be attained as soon as practicable but no later than December 31, 2001 or, for an extension beyond that date, a demonstration that attainment by December 31, 2001 would be impracticable and a demonstration of attainment by the most expeditious alternative date practicable. EPA considers the area to be in attainment of the NAAQS if 24-hour concentrations are 150 $\mu g/m^3$ or less and the annual arithmetic mean is 50 $\mu g/m^3$ or less.

The attainment demonstration in the 1997 Serious Plan applies to both the 24-hour and the annual NAAQS. The plan does purport to demonstrate attainment for the annual standard by 2001 with a modeled concentration of 49.79 $\mu g/m^3$, 0.21 $\mu g/m^3$ below the annual standard. The plan does not demonstrate attainment for the 24-hour standard by 2001, since the modeled concentration of 212.35 $\mu g/m^3$ is 62.35 $\mu g/m^3$ above the 24-hour standard.[14] The submittal describes several modeling approaches used to assess the effect of control measures on ambient PM–10 concentrations. This is in accord with the spirit of EPA modeling guidance, which recommends a combination of dispersion and receptor models. However, in the details of implementation of the modeling, the submittal falls short of this guidance. The following discussion applies to both the annual and the 24-hour NAAQS, unless otherwise indicated.

The Chemical Mass Balance (CMB) receptor modeling performed as part of the submittal confirmed that around 90% of the PM–10 in the Las Vegas Valley is due to fugitive dust, in general agreement with the emission inventory. Unfortunately CMB is not capable of distinguishing emissions from particular activities such as paved road dust, unpaved road dust, construction activities, etc., so it must be combined with another approach. CMB also showed that secondary particulates (those not directly emitted but forming in the atmosphere from precursors) and vehicle exhaust are small contributors to the area's PM–10 concentrations, only a few percent. The main modeling approach used in the submittal was proportional rollback, in which it is assumed that a source category's contribution to observed PM–10 emissions is directly proportional to its share of the area's PM–10 emission inventory. This is appropriate when no other information is available, or if the sources are uniform across the area modeled.[15] However, the sources are not likely uniform. Though PM–10 can have a regional component, generally a particular fugitive dust source has a fairly localized impact on air quality; the ISCST3 dispersion modeling done as part of the submittal confirmed that individual sources have minimal impact five miles away. Different areas will have different mixes of sources contributing to their PM–10 concentrations. Comparison of area-wide and sub-area emissions inventories shows many similarities in source categories' percent contributions, but also some differences, especially for paved road dust. Thus, a demonstration that the PM–10 NAAQS are attained should take into account differences between sites. Ideally, dispersion modeling would be done to explicitly take into account different sources' distances from modeled locations, in order to show the effect of control measures throughout the area. At a minimum, proportional rollback should have been performed for multiple monitoring sites.[16]

Secondary particulates are not addressed in the proportional rollback modeling in the submittal. The effect of this is to inappropriately assume that control measures on primary particulates decrease secondary particulates at the same rate. Though secondaries are only a few percent of the PM–10 ambient concentrations, so this is not a large effect, they should be dealt with explicitly.

In summary, though some solid work was done in preparing the modeling

[12] 1997 Serious Plan, pg. 24.

[13] EPA's guidance documents on fugitive dust sources provide information on control efficiencies: "Control of Open Fugitive Dust Sources", U.S. EPA, September 1988 and "Fugitive Dust Background Document and Technical Information Document for Best Available Control Measures", U.S. EPA, September 1992.

[14] 1997 Serious Plan, pp. 35–37.

[15] EPA memorandum "PM–10 SIP Demonstrations for Small Isolated Areas With Spatially Uniform Emissions"—Robert Bauman & Joseph Tikvart 7/5/90.

[16] PM–10 SIP Development Guideline, EPA–450/2–86–001, June 1987, section 6.4.2.

portion of the submittal, it does not adequately account for differences in PM–10 source contributions at different locations. Additional dispersion and receptor modeling work could help with this, with a minimum being the use of proportional rollback at multiple sites representative of the varying mix of sources across the Las Vegas Valley. Lastly, secondary particulates should not implicitly be assumed to decline. The submittal's technical approach is inadequate for its goal of demonstrating attainment of the annual NAAQS, and also for demonstrating the impracticability of attaining the 24-hour NAAQS. The next SIP submittal should use a different approach.

EPA concludes that, because the air quality modeling is not consistent with existing EPA guidelines, the impracticability and attainment demonstrations in the Serious Area SIP are not approvable. The impracticability demonstration is also not approvable because the plan does not provide for the implementation of BACM. Therefore, EPA proposes to disapprove the 24-hour standard impracticability demonstration and the annual standard attainment demonstration.

g. Extension of the Attainment Deadline. CAA section 188(e) allows states to apply for up to a 5-year extension of the serious area attainment deadline of December 31, 2001. In order to obtain the extension, the state must demonstrate that: (1) attainment by 2001 would be impracticable, (2) the state complied with all requirements and commitments pertaining to the area in the implementation plan for the area, (3) the state demonstrates to the satisfaction of the Administrator that the plan for the area includes the most stringent measures that are included in the plan of any state or are achieved in practice in any state, and can feasibly be implemented in the area.[17] The state's request for an extension must also contain a demonstration of attainment by the most expeditious alternative date practicable. For a complete discussion of EPA's proposed interpretation of section 188(e), see 65 FR 19964, 19967–19969 (Apr. 13, 2000)(proposed approval of the Maricopa County PM–10 serious area nonattainment plan). EPA is proposing to deny the State of Nevada's request for an extension for failing to adequately demonstrate that the area cannot practicably attain the 24-hour PM–10 standard by December 31, 2001. Therefore, the area's attainment deadline for both standards remains as soon as practicable but no later than December 31, 2001.

h. Transportation Conformity Budgets. EPA's conformity rule, 40 CFR part 93, requires that transportation plans, programs, and projects conform to the SIP and establishes the criteria and procedures for determining whether or not they do conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. The link between the SIP and transportation planning activities is the conformity emission budget(s) contained in the SIP. On March 2, 1999, the D.C. Circuit Court of Appeals ruled that submitted SIPs cannot be used for conformity determinations unless EPA has affirmatively found the conformity budget adequate through a process providing for public notice and comment. Where EPA finds a budget inadequate, it cannot be used for conformity determinations. As discussed in (2)(b), EPA determined that the PM–10 mobile source emission budgets for the Las Vegas Valley are inadequate and thus cannot be used for conformity determination. The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4).

3. General SIP Requirements

a. Adequate Public Process. On November 5,1991, the Clark County Board of County Commissioners (CCBCC) adopted the Las Vegas Valley PM–10 Air Quality Implementation Plan (1991 Moderate Plan), after providing public notice and opportunity to comment. The State submitted the plan as a revision to the Nevada PM–10 SIP (letter from Bob Miller, Governor of Nevada, to Daniel McGovern, EPA Regional Administrator dated December 6, 1991). The SIP submittal includes proof of publication for the notice of the State public hearing. This submittal became complete by operation of law under CAA section 110(k)(1).[18] We believe that the public process associated with the 1991 Moderate Plan meets the procedural requirements of CAA section 110(a) and (l) and 40 CFR 51.102.

On December 6, 1994 CCBCC adopted "Providing for the Evaluation and Implementation of Best Available Control Measures and Best Available Control Technology to Improve PM–10 Air Quality for the Las Vegas Valley" (1994 BACM Plan), after providing public notice and opportunity to comment. The State submitted the plan as a revision to the Nevada SIP (letter from L.H. Dodgion, Administrator, to David Howekamp, EPA Director, Air and Toxics Division, dated February 15, 1995). The SIP submittal includes proof of publication for the notice of CCBCC public hearing. This submittal became complete by operation of law. We believe that the public process associated with the 1994 BACM Plan meets the procedural requirements of CAA section 110(a) and (l) and 40 CFR 51.102.

On August 25, 1997, CCBCC adopted the Las Vegas Valley Non-attainment Area Clark County Nevada Serious Plan (1997 Serious Plan), after providing public notice and opportunity to comment. The State submitted the plan as a revision to the Nevada SIP (letter from L.H. Dodgion, Administrator, to Felicia Marcus, EPA Regional Administrator, dated September 11, 1997). The SIP submittal includes proof of publication for the notice of CCBCC public hearing. This submittal became complete by operation of law. We believe that the public process associated with the 1997 Serious Plan meets the procedural requirements of CAA section 110(a) and (l) and 40 CFR 51.102.

b. Adequate Personnel and Funding.—Section 110(a)(2)(E)(i) of the Clean Air Act requires that implementation plans provide necessary assurances that the state (or the general purpose local government) will have adequate personnel and funding to carry out the plan. Requirements for resources are further defined in 40 CFR part 51, subpart L (51.230–232) and for resources in 40 CFR 51.280. States and responsible local agencies must demonstrate that they have the legal authority to adopt and enforce provisions of the SIP and to obtain information necessary to determine compliance. SIPs must also describe the resources that are available or will be available to the State and local agencies to carry out the plan, both at the time of submittal and during the 5-year period following submittal. The 1997 Serious Plan does not adequately address personnel and funding for the

[17] Section 188(e) further provides: "In determining whether to grant an extension, and the appropriate length of time for any such extension, the Administrator may consider the nature and extent of nonattainment, the types and numbers of sources or other emitting activities in the area (including the influence of uncontrollable natural sources and transboundary emissions from foreign countries), the population exposed to concentrations in excess of the standard, the presence and concentration of potentially toxic substances in the mix of particulate emissions in the area, and the technological and economic feasibility of various control measures."

[18] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

air program in the Las Vegas Valley. The plan needs to detail the number of personnel needed to carry out the air program as well as the funding level and commit to these levels for five years.

c. Adequate Legal Authority.—Section 110(a)(2)(E)(i) of the Clean Air Act requires that implementation plans provide necessary assurances that the state (or the general purpose local government) will have authority under state or local law to carry out the plan. Requirements for legal authority are further defined in 40 CFR 51.230–232. States and responsible local agencies must demonstrate that they have the legal authority to adopt and enforce provisions of the SIP and to obtain information necessary to determine compliance. EPA finds that the State of Nevada has the legal authority to regulate air pollution as evidenced by Nevada Revised Statutes (NRS) 445B.100 through NRS 445B.845.

d. Description of Enforcement Methods.—Section 110(a)(2)(C) requires SIPs to include a program to provide for the enforcement of SIP measures. The implementing regulation for this section is found at 40 CFR 51.111(a) and requires a control strategy to include a description of enforcement methods including (1) procedures for monitoring compliance with each of the selected control measures, (2) procedures for handling violations, and (3) the designation of the agency responsible for enforcement. Procedures for monitoring compliance with existing regulations are missing from the 1997 Serious Plan.

III. Summary of Proposed Action

A. Proposed Disapproval

EPA is proposing to disapprove certain provisions of the Moderate Area SIP and Serious Area SIP submitted by the State of Nevada for attaining the PM–10 NAAQS in the Las Vegas Valley. Specifically, EPA is proposing to disapprove the RACM/BACM and RFP/milestone provisions for both the annual and 24-hour PM–10 standards in both the Moderate Area SIP and Serious Area SIP, and the emission inventory, transportation conformity budgets, and attainment demonstration provisions for both standards in the Serious Area SIP. EPA is also proposing to deny the State's request for an extension to December 31, 2006 to attain the 24-hour PM–10 NAAQS in the area. If finalized in a subsequent EPA notice, these disapprovals will trigger the 18-month time clock for mandatory application of sanctions and 2-year time clock for a federal implementation plan under the Act as discussed below.

B. Consequences of the Proposed Disapproval

The CAA establishes specific consequences if EPA disapproves a State plan. Section 179(a) sets forth four findings that form the basis for application of mandatory sanctions, including disapproval by EPA of a State's submission based on its failure to meet one or more required CAA elements. EPA has issued a regulation, codified at 40 CFR 51.31, interpreting the application of sanctions under section 179 (a) and (b). If EPA has not approved a SIP revision correcting the deficiency within 18 months of the effective date of a final rulemaking, pursuant to CAA section 179(a) and 40 CFR 52.31, the offset sanction identified in CAA section 179(b) will be applied in the affected area. If EPA has still not approved a SIP revision correcting the deficiency 6 months after the offset sanction is imposed, then the highway funding sanction will apply in the affected area, in accordance with 40 CFR 52.31. In addition, CAA section 110(c)(1) provides that EPA must promulgate a FIP no later than 2 years after a finding under section 179(a) unless EPA takes final action to approve a revised plan correcting the deficiency within 2 years of EPA's findings. For more details on the timing and implementation of the sanctions, see 59 FR 39859 (August 4, 1994), promulgating 40 CFR 52.31, "Selection of sequence of mandatory sanctions for findings made pursuant to section 179 of the Clean Air Act." There are, however, certain exceptions to the general rule for the application of sanctions described above. The reader is referred to 40 CFR 52.31(d) for the circumstances under which the application of sanctions may be stayed or deferred.

One of the conformity consequences of the overall plan disapproval is commencement of a conformity freeze. Under a conformity freeze, the area can only move forward on transportation projects included in the first three years of the transportation plan and no new transportation plans can be adopted until the freeze is lifted. If the area submits a new PM–10 SIP with PM–10 budgets, once the PM–10 budgets are deemed adequate by EPA, the freeze is lifted. If the area is in a conformity freeze and a conformity lapse occurs, the area can not come out of the lapse until the freeze is lifted. Note that the conformity freeze would not begin until the effective date of the final plan disapproval. Today, EPA is proposing to disapprove portions of the PM–10 plans for the Las Vegas Valley and therefore the above mentioned time frames for imposing sanctions will not start until the effective date of any final disapproval.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, Regulatory Planning and Review.

B. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

C. Executive Order 13045

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997),

applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This proposed rule is not subject to E.O. 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule will not have a significant impact on a substantial number of small entities because disapprovals of SIP revisions under section 110 and subchapter I, part D of the Clean Air Act do not affect any existing requirements applicable to small entities. Federal disapproval of the State SIP submittal will not affect State-enforceability. Moreover, EPA's disapproval of the submittal would not impose any new Federal requirements. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed disapproval action does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. The proposed disapproval will not change existing requirements and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing new regulations. To comply with NTTAA, the EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to this proposed action. Today's proposed action does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

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

Dated: June 5, 2000.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 00–15032 Filed 6–13–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[FRL–6715–5]

RIN 2040–AA97

National Primary Drinking Water Regulations; Ground Water Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Extension of Public Comment Period for the Proposed Ground Water Rule.

SUMMARY: Today, the Environmental Protection Agency (EPA) is providing notice to extend the public comment period for the proposed Ground Water Rule (GWR). The proposed GWR was published in the **Federal Register** on May 10, 2000 (65 FR 30194). The proposed GWR requirements provide a meaningful opportunity to reduce public health risk associated with the consumption of waterborne pathogens from fecal contamination for a substantial number of people served by ground water sources.

DATES: EPA must receive public comments, in writing, on the proposed regulations by August 9, 2000. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Eastern time), August 9, 2000.

ADDRESSES: You may send written comments to the GWR, W–98–23 Comments Clerk, Water Docket (MC–4101); U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Comments may be hand-delivered to the Water Docket, U.S. Environmental Protection Agency; 401 M Street, SW., East Tower

Basement, Washington, DC 20460. Comments may be submitted electronically to *ow-docket@epamail.epa.gov*. Electronic comments must be submitted as an ASCII, WP6.1, or WP8 file avoiding the use of special characters and any form of encryption. Electronic comments must be identified by the docket number W–98–23. Comments and data will also be accepted on disks in WP6.1, WP8, or ASCII format. Electronic comments on this action may be filed online at many Federal Depository libraries.

Please submit a copy of any references cited in your comments. Facsimiles (faxes) cannot be accepted. EPA would appreciate one original and three copies of your comments and enclosures (including any references). Commenters who would like EPA to acknowledge receipt of their comments should include a self-addressed, stamped envelope.

The proposed rule and supporting documents, including public comments, are available for review in the Water Docket at the address listed previously. For information on how to access Docket materials, please call (202) 260–3027 between 9 a.m. and 4:00 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For technical inquiries regarding the proposed regulations, contact the Office of Ground Water and Drinking Water, U.S. Environmental Protection Agency (mailcode 4607),1200 Pennsylvania Ave., NW., Washington DC, 20460. Phone: (202) 260–3309. For general information, contact the Safe Drinking Water Hotline, phone (800) 426–4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding Federal holidays, from 9:00 a.m. to 5:30 p.m. Eastern Time.

SUPPLEMENTARY INFORMATION: On May 10, 2000 EPA published the proposed GWR, 40 CFR parts 141 and 142 (65 FR 30194). The May 10, 2000 notice provided a deadline of 60 days from the date of publication for receipt of public comments. Since the publication date, EPA has received requests to extend the comment period to allow sufficient time for all parties potentially impacted by this proposal to consider and provide comprehensive comments. In response to these requests, EPA has decided to extend the public comment period by an additional 30 days to August 9, 2000.

Dated: June 8, 2000.

J. Charles Fox,

Assistant Administrator.

[FR Doc. 00–15031 Filed 6–13–00; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 98–153; FCC 00–163]

Revision of the Rules Regarding Ultra-Wideband Transmission Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document is proposing regulations that would permit the operation of ultra-wideband (UWB) radio systems on an unlicensed basis under the Commission's rules. Comments are requested on the standards and operating requirements that are proposed to be applied to UWB systems to prevent interference to other radio services.

DATES: Comments must be submitted on or before September 12, 2000, and reply comments on or before October 12, 2000.

ADDRESSES: All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of Secretary, Federal Communications Commission, 445 12th Street, SW, TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Engineering and Technology, (202) 418–2455.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making in ET Docket No. 98–153, adopted May 10, 2000, and released May 11, 2000. The complete text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Summary of the Notice of Proposed Rule Making

1. This Notice of Proposed Rule Making responds to an earlier Notice of Inquiry in this proceeding, 63 FR 50184, September 21, 1998. We are proposing to amend 47 CFR 15 to permit products incorporating ultra-wideband (UWB) technologies. While comprehensive tests have not been completed, UWB devices appear to be able to operate on spectrum already occupied by existing radio services without causing interference. This would permit scarce spectrum resources to be used more efficiently. Further testing and analysis is needed before the risks of interference are completely understood. Such testing is being planned by a number of organizations, and an ample opportunity will be provided to ensure that the test results are submitted into the record for public comment.

2. Most near-term applications involve relatively low powers and short operating ranges. Further, it appears that UWB devices are intended to be mass marketed to businesses and consumers such that individual licensing of each device would be impractical. Accordingly, it is proposed that UWB devices be regulated under part 15 of the rules.

3. *UWB definition.* We propose to employ the definition established by the OSD/DARPA UWB radar review panel with some modifications. The OSD definition states that the −20 dB fraction bandwidth of an UWB emission must be at least 0.25, *i.e.*, the −20 dB bandwidth must be at least 25% of the center frequency. We propose to define a UWB device as any device where the −10 dB fractional bandwidth is greater than 0.25 or the −10 dB bandwidth is greater than 1.5 GHz. The center frequency is proposed to be defined as the average of the upper and lower −10 dB points. We also propose that the bandwidth be determined using the antenna designed to be used with the UWB device. Comments are requested on the following: (1) Should the fractional bandwidth be changed to account for the narrower bandwidth that would be measured using the −10 dB emission points instead of the −20 dB points. (2) Should some other method be used to determine the emission bandwidth, such as a calculated bandwidth based on pulse width. (3) Should UWB be defined as limited to devices that solely use pulsed emissions where the bandwidth is directly related to the narrow pulse width. (4) Should extremely high speed data systems that comply with the UWB bandwidth requirements only because of the high data rate employed, as opposed to meeting the definition solely from the narrow pulse width, be permitted. (5) What alternative definitions should be considered?

4. *Frequency bands of operation.* We observe that ground penetrating radars (GPRs) must operate at frequencies below 2 GHz in order to obtain the penetration depth and resolution necessary to detect and obtain the images of buried objects. GPRs can neither avoid nor notch out the restricted frequency bands. However, it appears that the risk of interference from GPRs is negligible because the overwhelming majority of their energy

is directed into the ground where most of the energy is absorbed and emissions in other directions can be easily shielded. Accordingly, we propose to allow GPRs to operate in any part of the spectrum.

5. It is unclear whether the same arguments that apply to GPRs concerning penetration depth and resolution similarly apply to other imaging devices. We invite comments on whether we should treat such imaging systems the same as GPRs or restrict the operation of such devices below a certain frequency. Comments should address whether the operation of through-wall imaging systems should be limited to parties eligible for licensing under the Public Safety pool of frequencies in part 90 of our rules. Comments also are requested on whether through-wall imaging systems should be required to incorporate automatic power control feathers that would reduce power levels to the minimum necessary to function based on the composition of the surface and its absorption of RF energy.

6. We believe that most other UWB devices generally can operate in the region of the spectrum above approximately 2 GHz without causing harmful interference to other radio services. We have significant concerns about the operation of UWB devices, except for GPRs and possibly through-wall imaging systems, in the region of the spectrum below approximately 2 GHz. We invite comments on UWB operations, potential restrictions on operation for UWB below 2 GHz and the impacts such restrictions would have on any potential applications for UWB technology. We also invite comments as to the precise frequency below which operations of UWB devices may need to be restricted. We also wish to consider a number of alternative approaches to expressly prohibiting operations below 2 GHz. We invite comment as to whether and at what levels, if any, we should permit operation in the restricted bands below 2 GHz, the viability of establishing a general emission limit for UWB devices below 2 GHz, and whether a very stringent limit, or notch, should be applied to the GPS band. We will consider allowing access to the spectrum below 2 GHz provided test results and detailed technical analysis are submitted demonstrating that there is no risk of harmful interference to GPS, to other services operating in restricted frequency bands, or to TV broadcasting.

7. *Further testing and analysis.* We understand that certain manufacturers of UWB devices and other interested parties are planning tests. We encourage parties to submit the test results into the record by October 30, 2000. We will issue a public notice to provide an opportunity to provide comments and replies on the test results and analysis.

8. *Emission limits.* We tentatively conclude that it is necessary to regulate both the peak and average emission levels above 1 GHz and the quasi-peak emission levels below 1 GHz. We request comment on whether it is possible for UWB designers to select system parameters to space the UWB spectral lines in places within the GPS band where GPS receivers are less sensitive to interference. We also seek comment on whether we should require use of a scrambler technology that prevents long strings of unchanging bits or, alternatively, a performance requirement that would show that the transmitted spectrum remains noise like in the case of unchanging input data.

9. We believe that the general emission limits contained in § 15.209 of our rules appear appropriate for UWB operations. However, for emissions from UWB devices other than GPRs and, possibly, through-wall imaging systems we tentatively propose that emissions that appear below approximately 2 GHz be attenuated by at least 12 dB below the general emission limits. Comments are requested on whether such an attenuation level is necessary, or whether additional attenuation below 2 GHz is possible or necessary. We also seek comment on whether the proposed reduction in the emission levels should apply to all emissions below 2 GHz or only to emissions below 2 GHz that fall within the restricted bands. Comments also are requested on whether UWB devices other than GPRs, and possibly through-wall imaging systems, should be permitted to operate below 2 GHz provided they comply with these reduced emission levels.

10. A limit on peak emissions is necessary to reduce the potential for UWB emitters to cause harmful interference to radio operations above 1 GHz. The Notice proposes to establish peak emission limits above 1 GHz as follows: (1) the peak level of the emission when measured over a bandwidth of 50 MHz shall not exceed the maximum permitted average emission level by more than 20 dB; and (2) the absolute peak output of the emission over its entire bandwidth shall not exceed the maximum permitted average emission level by more than [20 + $20\log_{10}$(− 10 dB bandwidth of the UWB emission in Hz/50 MHz)] dB or 60 dB, whichever is the lower value. We intend to rely heavily on submitted test data in determining what peak emission standards should apply to UWB products. We believe that further testing and analysis is desirable on the cumulative impact of emissions from multiple UWB transmitters.

11. We believe that the existing limit in § 15.207 for controlling the amount of energy permitted to be conducted onto the AC power lines is a reasonable starting point for establishing standards until additional experience can be gained with this equipment. We do not agree that higher conducted limits, equivalent to the limits for Class A digital devices, should be permitted in non-residential environments.

12. *Measurement procedures.* Below 1 GHz, we propose to require emissions to be measured using a quasi-peak detector. Above 1 GHz, we propose to require average measurements to be made with a 1 MHz resolution bandwidth (RBW) as we currently do for intentional and unintentional radiators. We also propose that spectrum analyzer video averaging with a video bandwidth (VBW) of no greater than 10 kHz or less than 10 Hz be used in conjunction with peak hold to determine the average level as a function of frequency. We request comments on applying the measurement procedures specified in HP Application Note 150–2.

13. We propose to measure the peak emission levels of UWB signals directly in the time domain. For peak measurements over a 50 MHz bandwidth, the IF output of a microwave receiver that uses a wide bandwidth, *e.g.*, 50 MHz, can be analyzed using a conventional oscilloscope. We believe that the total peak output can be measured with standard sampling oscilloscope techniques for UWB signals with evenly spaced identical elements, such as radar signals, and for UWB signals with modulation on their amplitude or spacing. We also request comments on allowing peak measurements to be made using the pulse desensitization correction factor (PDCF) provided the applicant can show that the measurements, as corrected by the PDCF, is the true peak for the waveform being tested. As with average measurements, the procedures specified in HP Application Note 150–2 would be applied. We recognize that the peak level measured with a spectrum analyzer is the RMS peak and must be adjusted to obtain the true peak. We seek comment on the type of UWB signals, if any, for which this latter measurement procedure would be appropriate. Comments also are sought on whether the PDCF should be calculated based on an effective pulse width, *i.e.*, two divided by the bandwidth, in Hertz, of the emitted

fundamental lobe. We seek comment on what type of measurement antennas are needed to make accurate peak measurements and the least restrictive way we might specify this in our rules.

14. For impulse systems, we believe that the center frequency, as determined by the −10 dB points, should be used as the reference for determining the upper frequency range over which emissions should be measured. However, we are concerned that a manufacturer could employ a low frequency carrier with an extremely narrow pulse or that a narrow pulse impulse system could be used with a low frequency antenna, resulting in emissions extending far beyond the tenth harmonic, the normal upper range of measurements. Accordingly, comments are requested on whether a different method of determining the frequency measurement range should be employed, *e.g.*, based on pulse rise time and width. In addition, commenting parties should note that the lower frequency range of measurements would continue to be determined by the lowest radio frequency generated in the device. Comments are requested on whether the pulse repetition frequency, pulse dithering frequency, modulating frequency or other factors would permit the investigation of a low enough frequency to address the possible amplification of the emitted signal due to antenna resonances below the fundamental emission.

15. *Prohibition against Class B, damped wave emissions.* We agree that we should eliminate the prohibition against Class B, damped wave emissions for UWB devices as this prohibition does not appear relevant at the power levels being proposed.

16. *Other matters.* In the Notice we proposed specific regulations regarding the frequency of operation and emission levels that would apply to UWB devices. We also propose to amend 47 CFR 15.215(c) to state that intentional radiators operated under the provisions of 47 CFR 15.217 through 15.255 or subpart E of the current regulations must be designed to ensure that the main lobe or the necessary bandwidth, whichever is less, is contained within the frequency bands designated in those rule section under which the equipment is operated. The requirement to contain the fundamental emission within one of the specified frequency bands would include the effects from frequency sweeping, frequency hopping and other modulation techniques that may be employed as well as the frequency stability of the transmission over variations in temperature and supply voltage. If a frequency stability is not specified, the regulation would continue to recommend that the fundamental emission be kept within at least the central 80 percent of the band in order to minimize the possibility of out-of-band operation.

17. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act (RFA),[1] the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Notice of Proposed Rule Making ("*Notice*"). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Notice. The Commission will send a copy of this Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. See 5 U.S.C. 603(a). We have included this IRFA, although we expect that this action will not cause interference to existing radio stations. We have determined to do this analysis to create a fuller record in this proceeding.

A. Need for, and Objectives of, the Proposed Rules

This rule making proposal is initiated to obtain comments regarding proposed changes to the regulations for radio frequency devices that do not require a license to operate. The Commission seeks to determine whether its standards should be amended to permit the operation of ultra-wideband transmission systems.

B. Legal Basis

The proposed action is taken pursuant to Sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 302, 303(e), 303(f), 303(r), 304, and 307.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.[2] The Regulatory Flexibility Act defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small business concern."[3] A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[4] Nationwide, there are approximately 4.44 million small business firms, according to SBA reporting data.[5] A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field."[6] Nationwide, as of 1992, there were approximately 275,801 small organizations.[7] "Small governmental jurisdiction" generally means "governments of cities, counties, towns, townships, villages. school districts, or special districts, with a population of less than 50,000."[8] As of 1992, there were approximately 85,006 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000.[9] The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (91 percent) are small entities. SBA has defined a small business for Standard Industrial Classification (SIC) category 4812 (Radiotelephone Communications) to be small entities when they have no more than 1500 employees.[10] According to the Bureau of Census, only 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees.[11] Given this definition, nearly all such companies are considered small.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

Part 15 transmitters already are required to be authorized under the Commission's certification procedure as

[1] See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 et. seq., has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Enforcement Fairness Act of 1996 (SBREFA).

[2] 5 U.S.C. 603(b)(3).

[3] Id. Section 601(3).

[4] Id. Section 632.

[5] 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

[6] 5 U.S.C. 601(4).

[7] 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

[8] 5 U.S.C. 601(5).

[9] U.S. Dept. of Commerce, Bureau of the Census, "1992 Census of Governments."

[10] See 13 CFR 121.201.

[11] U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92–S–1, Subject Series, Establishment and Firm Size, Table 5, Employment Size of Firms, 1992, SIC code 4812 (issued May 1995).

a prerequisite to marketing and importation. The reporting and recordkeeping requirements associated with these equipment authorizations would not be changed by the proposals contained in this Notice. These changes to the regulations would permit the introduction of an entirely new category of radio transmitters. All radio equipment manufacturers, large and small, would be provided with the opportunity to produce this equipment.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. We do not expect that the rules proposed in this Notice of Proposed Rule Making will have a significant economic impact on small entities.

In response to the *Notice of Inquiry*, in this proceeding no party raised small entity issues. We have considered several alternatives to the proposed standards, however. For example, in response to some of the comments, we considered the possibility of prohibiting all UWB operation below 2 GHz, (except for ground penetrating radar systems) in order to provide additional interference protection to the authorized radio services operating below this frequency. Instead, we have indicated our concerns about operation below 2 GHz and have stated that such operation would be considered provided test results and technical analysis demonstrated that there was no risk of harmful interference to other authorized entities (which would include small authorized entities). Similar issues were considered for all of the standards proposed in this Notice of Proposed Rule Making. The proposed standards are intended to accommodate most of the systems presented to us without favoring any particular manufacturer's design.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

None.

18. The proposed action is authorized under sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 302, 303(e), 303(f), 303(r), 304, and 307.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–14982 Filed 6–13–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF ENERGY

48 CFR Part 970

RIN 1991–AB46

Acquisition Regulation: Changes to Department of Energy Cost Principles and Various Clauses

AGENCY: Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) proposes to amend its Acquisition Regulation to delete those cost principles and related provisions of Department of Energy Acquisition Regulation (DEAR) that are adequately covered by the Federal Acquisition Regulation (FAR) and retaining only that coverage which supplements the FAR. There is one policy change in this rulemaking. Cost of Money, a previously unallowable cost, is proposed as an allowable cost. This proposed rulemaking results from a special review performed by DOE and it will be finalized concurrently with another recently proposed rule published March 13, 2000. The two rules will result in a complete reissuance of the DEAR.

DATES: Written comments must be submitted no later than August 14, 2000.

ADDRESSES: Comments (3 copies) should be addressed to: Terrence D. Sheppard, Office of Procurement and Assistance Management, Office of Procurement and Assistance Policy (MA–51), Department of Energy, 1000 Independence Avenue S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Terrence D. Sheppard (202) 586–8193; e-mail terry.sheppard@hq.doe.gov; fax (202) 586–0545.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Energy (DOE) and its predecessor agencies have traditionally accomplished their defense and energy research mission responsibilities through the use of management and operating (M&O) contracts. Although M&O contracts are authorized by the Federal Acquisition Regulation (FAR) at Part 17.6, FAR policies generally do not provide the special terms and conditions for award and contract administration processes tailored to the M&O contracting environment. Accordingly, the Department has established specific policies and procedures at Department of Energy Acquisition Regulation (DEAR) Parts 917 and 970. Included among these policies and procedures is a unique set of cost principles which govern the allowability of costs under M&O contracts.

Last year DOE conducted a review of the policies and procedures governing the award and administration of M&O contracts. One of the objectives of the review was to determine whether current DEAR cost principle coverage could be eliminated and reliance placed on similar coverage contained in the FAR. As a result of a comparative analysis between the FAR and the DEAR cost principles and related procedures, the review concluded that the FAR cost principles adequately addressed DOE interests, and that supplemental coverage was necessary only in a limited number of cases.

In this notice DOE proposes to amend the DEAR to implement the results of a comparative analysis of the FAR, Part 31, and DEAR 970.31, and 970.52. The amendments will delete those cost principles and related provisions of DEAR 970 that are adequately covered by the FAR and renumber those cost principles supplemented in the DEAR to conform to the FAR numbering.

One exception is the "Travel costs" cost principle (FAR 31.205–46 and DEAR 970.3102–17). DOE has retained separate coverage, although identical to the current FAR coverage, because there is a proposed change to the FAR section on travel costs that will change the government-wide standard of travel cost allowability to a "reasonableness" standard. If the FAR change is made, DOE will need to retain the current

travel cost requirements mandated by Congress. Section 309, Pub. L. 106–60, Energy and Water Appropriations Act, 2000, requires DOE to limit travel cost reimbursement to the "rates and amounts" that apply to federal employees.

Also, DOE has conducted a separate review of the Department's policies addressing home office/corporate allocations, bid and proposal costs, and cost of money. This separate review resulted in a determination that existing policy relative to home office/corporate allocations remains valid and that the individual locations should continue to determine appropriate home office/corporate allocations. The review also determined that bid and proposal costs should remain unallowable due to the unique nature of the M&O arrangement. For cost of money, DOE policy will be amended to state that such costs are allowable, rather than unallowable. This change should have little impact on DOE as most facilities are government-owned. Accordingly, the existing language which makes this cost unallowable is deleted. The result of this deletion is to make this an allowable cost under indirect and overhead cost allocations.

In summary, DOE chooses to adopt all of the FAR cost principles except as supplemented in the areas identified:

TREATMENT OF CURRENT SECTIONS

Section No.	Section Title	Retain	Delete	Amend	Relocate
	Subpart 970.25—Foreign Acquisition				
970.2501	Severance payments for foreign nationals		✔		
	Subpart 970.31—Contract Cost Principles and Procedures				
970.3100	Scope and applicability of subpart		✔		
970.3100–1	Definitions		✔		
970.3100–2	Responsibilities				✔
970.3100–3	Deviation				✔
970.3101	General policy		✔		
970.3101–1	Actual cost basis		✔		
970.3101–2	Direct and indirect costs		✔		
970.3101–3	General basis for reimbursement of costs		✔		
970.3101–4	Cost determination based on audit		✔		
970.3101–5	Contractor's system of accounting		✔		
970.3101–6	Advance understandings on [1] particular cost items		✔	✔	✔
970.3101–7	Cost submission, certification, penalties, and waivers				✔
970.3102	Application of cost principles		✔		
970.3102–1	General and administrative expenses				✔
970.3102–2	Compensation for personal services			✔	✔
970.3102–3	Cost of money		✔		
970.3102–4	Depreciation		✔		
970.3102–5	Employee morale, health, welfare, food service, and dormitory costs.		✔		
970.3102–6	Facilities (plant and equipment)		✔		
970.3102–7	Political activity costs			✔	✔
970.3102–8	Membership in trade, business and professional organizations		✔		
970.3102–9	Outside technical and professional consultants		✔		
970.3102–10	Overtime, shift, and holiday premiums				✔
970.3102–11	Page charges in scientific journals				✔
970.3102–12	Plant reconversion costs		✔		
970.3102–13	Precontract costs		✔		
970.3102–14	Preparatory and make-ready costs		✔		
970.3102–15	Procurement: Subcontracts, contractor-affiliated sources, and leases.		✔		
970.3102–16	Relocation costs		✔		
970.3102–17	Travel costs	✔			✔
970.3102–18	Special funds in the construction industry		✔		
970.3102–19	Public relations and advertising		✔		
970.3102–20	Cost prohibitions related to legal and other proceedings		✔		
970.3102–21	Fines and penalties		✔		
970.3103	Contract clauses		✔		
970.5204–4	New Mexico Gross Receipts			✔	
970.5204–13	Allowable costs and fixed-fee (Management and Operating contracts).		✔		
970.5204–14	Allowable costs and fixed-fee (support contracts)		✔		
970.5204–15	Obligation of funds	✔			
970.5204–16	Payments and advances			✔	
970.5204–17	Political activity cost prohibition		✔		
970.5204–61	Cost prohibitions related to legal and other proceedings		✔		
970.5204–75	Preexisting conditions	✔			
970.5204–84	Waiver of limitations on severance payments to foreign nationals		✔		

[1] Footnote: This subject heading has been moved to 970.3101–9, but all of the original text has been deleted and replaced with new text.

ORGANIZATION OF NEW SECTIONS

New Section No.*	Section title (FAR headings where appropriate)	Summary of supplemental coverage/references
970.3100–1	Scope of subpart	Coverage relocated from current 970.3100–2.
970.3101–1	Objectives	Coverage relocated from current 970.3100–3.
970.3101–3	Home Office Expenses	The coverage addressing Home Office expenses is rewritten in terms of allocability rather than allowability (moved from 970.3102–1(b)).
970.3101–9	Advance Agreements	CO may identify selected cost items requiring CO approval.
970.3101–10	Indirect cost rate certification and penalties on unallowable costs.	Coverage relocated from current 970.3101–7.
970.3102–4	Bonding Costs	References DEAR 970.5204–31.
970.3102–6	Compensation	— Personnel costs determined in accordance with personnel appendix —Limits on executive compensation.
970.3102–18	Bid and Proposal costs	B&P costs unallowable.
970.3102–19	Insurance and indemnification	References DEAR 970.5204–31.
970.3102–20	Interest and Other Financial Costs	Imputed interest on capital leases allowable.
970.3102–22	Lobbying and Political Activity Costs	Addresses costs for transportation, lodging, and meals associated with providing information, advice etc.
970.3102–28	Other Business Expense	Establishment and maintenance of financial institution accounts; allowable (moved from 970.5204–13(d)(15).
970.3102–46	Travel costs	Section 309 of Pub. L. 106–60, Energy and Water Development Appropriations Act 2000 requires the Department to limit travel cost reimbursement to the "rates and amounts" that apply to Federal employees. Revise documentation threshold from $25 to $75.
970.3102–53	Preexisting conditions	References DEAR 970.5204–75.
970.4207–1	Contracting Officer Determination procedure	Identifies procedures associated with cost resolution (moved from 970.3101–3(b)).
970.4207–2	Certificate of costs.	Addresses procedures for cost certification, assessment and waiver of penalties (moved entire 970.3101–7).
970.5204–4	New Mexico Gross Receipts.	Change cross reference.
970.5204–16	Payments and Advances	Adds paragraph (k) to reference FAR 31 and DEAR 970.31
970.5204–31	Insurance-litigation and claims	Changes reference in Paragraph (h) to FAR 31.2. Adds –13/–14 (d)(4) language at paragraph (m)
970.5204-xx	Penalties for unallowable costs	Clause for assessment of penalties (repeats part of 970.4207–2).

* Proposed section numbers correspond directly with the numbering of FAR coverage being supplemented.

II. Section-by-Section Analysis

1. Subpart 970.25, Foreign Acquisitions, and the coverage contained in Section 970.2501, Severance payments for foreign nationals, would be removed because FAR 31.205–6(g)(3) provides coverage.

2. We propose to revise subpart 970.31 and remove current sections 970.3100 through 970.3103. They would be replaced by the following sections:

A. Section 970.3100–1, Scope of subpart, prescribes the responsibilities and roles of the Procurement Executive and the Head of the Contracting Activity.

B. Section 970.3101–1, Objectives, identifies the procedures for deviations to the cost principles.

C. Section 970.3101–3, Home Office Expenses, is moved from 970.3102–1, renamed, and rewritten in plain language.

D. Section 970.3101–9, Advance agreements, establishes the contracting officer's authority to require the contracting officer's approval on selected items of cost.

E. Section 970.3101–10, Indirect cost rate certification and penalties on unallowable costs, addresses the requirement for a cost certification and penalties associated with unallowable costs.

F. Section 970.3102–4, Bonding costs, paragraph (d) references the clause at 970.5204–31, Insurance-litigation and claims.

G. Section 970.3102–6(a) and (p) establish the requirement for a personnel appendix and set limits on the allowability of compensation costs for certain contractor personnel.

H. Section 970.3102–18(c), Independent research and development and bid and proposal costs, addresses the allowability of bid and proposal costs.

I. Section 970.3102–19, Insurance and indemnification, references 970.5204—31, Insurance–litigation and claims.

J. Section 970.3102–20, Interest and other financial costs, addresses the allowability of interest relating to capital leases.

K. Section 970.3102–22(b)(1), Lobbying and political activity costs, addresses the allowability of costs of transportation, lodging, and/or meals associated with providing technical information.

L. Section 970.3102–28(i), Other business expense, addresses the the maintenance of financial institution accounts. (Moved from 970.5204–13(d)(15)).

M. Section 970.3102–46, Travel costs, is retained as Section 309 of Pub. L. 106–60, Energy and Water Development Appropriations Act, 2000, requires the Department to limit travel cost reimbursement to the "rates and amounts" that apply to Federal employees.

Documentation threshold to support actual costs are revised from $25 to $75.

N. Section 970.3102–53, Preexisting conditions, references 970.5204–75, Preexisting conditions.

3. Section 970.4207–1, Contracting officer determination procedure, identifies procedures associated with the resolution of questioned costs.

4. Section 970.4207–2, Cost certification, identifies administrative

procedures associated with the cost certification.

5. Section 970.5204–4, New Mexico gross receipts and compensating tax, would be revised by changing cross reference from "Allowable costs and fixed fee" which would be removed by this rulemaking and is replaced by a reference to "Payments and advances."

6. Section 970.5204–13, Allowable costs and fixed-fee (Management and Operating contracts), would be removed and reserved.

7. Section 970.5204–14, Allowable costs and fixed-fee (support contracts), would be removed and reserved.

8. Section 970.5204–16 would be revised to add language referencing FAR Part 31 coverage and DEAR supplemental coverage.

9. Section 970.5204–17, Political activity cost prohibition, would be removed and reserved. This section would be addressed in new section 970.3102–22.

10. Section 970.5204–31, Insurance-litigation and claims, would be revised by deleting the paragraph (h) cross reference to DEAR 970.3101–3 and replacing with a reference to FAR Part 31 and DEAR 970.31, and adding a new paragraph (m) addressing the DOE approved contractor legal management procedures.

11. Section 970.5204–61, Cost prohibitions related to legal and other proceedings, would be removed and reserved.

12. Section 970.5204–84, Waiver of limitations on severance payments to foreign nationals, would be removed and reserved.

13. Section 970.5204–XX, Penalties for unallowable costs, explains the penalty provisions associated with the submission of unallowable costs.

III. Public Comments

Interested persons are invited to participate by submitting data, views, or arguments with respect to the proposed DEAR amendments set forth in this notice. Three copies of written comments should be submitted to the address indicated in the **ADDRESSES** section of this notice. All comments received will be available for public inspection in the DOE Reading Room, Room lE–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. All written comments received by the date indicated in the **DATES** section of this notice and all other relevant information in the record will be carefully assessed and fully considered prior to publication of the final rule. Any information considered to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information and to treat it according to our determination (See 10 CFR 1004.11).

The Department has concluded that this proposed rule does not involve a substantial issue of fact or law and that the proposed rule should not have substantial impact on the nation's economy or a large number of individuals or businesses. Therefore, pursuant to Public Law 95–91, the DOE Organization Act, and the Administrative Procedure Act (5 U.S.C. 553), the Department does not plan to hold a public hearing on this proposed rule.

IV. Procedural Requirements

A. Review Under Executive Order 12866

Today's regulatory action has been determined not to be a "significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review," (58 FR 51735, October 4, 1993). Accordingly, this action was not subject to review under that Executive Order by the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

B. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, "Civil Justice Reform, " 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftmenship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. The Department of Energy has completed the required review and determined that, to the extent permitted by law, the regulations meet the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

This proposed rule was reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. Today's proposed rule streamlines the cost principles that apply to DOE M&O contracts. M&O contractors are not small entities. Accordingly, DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities, and, therefore, no regulatory flexibility analysis has been prepared.

D. Review Under the Paperwork Reduction Act

No new information or recordkeeping requirements are imposed by this rulemaking. Accordingly, no OMB clearance is required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

E. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule falls into a class of actions which would not individually or cumulatively have significant impact on the human environment, as determined by DOE's regulations (10 CFR Part 1021, Subpart D) implementing the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). Specifically, this rule is categorically excluded from NEPA review because the proposed amendments to the DEAR do not change the environmental effect of the rule being amended (categorical exclusion A5). Therefore, this rule does not require an environmental impact statement or environmental assessment pursuant to NEPA.

F. Review Under Executive Order 12612

Executive Order 12612 (52 FR 41685, October 30, 1987) requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the National Government and the States, or in the distribution of power and responsibilities among the various

levels of Government. If there are sufficient substantial direct effects, then the Executive Order requires the preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a policy action. This proposed rule, when finalized, will revise certain policy and procedural requirements. States which contract with DOE will be subject to this rule. However, DOE has determined that this rule will not have a substantial direct effect on the institutional interests or traditional functions of the States.

G. Review Under the Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires a Federal agency to perform a detailed assessment of costs and benefits of any rule imposing a Federal Mandate with costs to state, local or tribal governments, or to the private sector, of $100 million or more. This rulemaking affects private sector entities, and the impact is less than $100 million.

H. Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule that may affect family well-being. Today's proposal would not have any impact on the autonomy or integrity of the family as in institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

List of Subjects in 48 CFR Part 970

Government procurement.

Issued in Washington, D.C. on June 6, 2000.

Richard H. Hopf,

Director, Office of Procurement and Assistance Management.

For the reasons set out in the preamble, Chapter 9 of Title 48 of the Code of Federal Regulations is proposed to be amended as set forth below.

1. The authority citation for Part 970 continues to read as follows:

Authority: Atomic Energy Act of 1954 (42 U.S.C. 2201); Department of Energy Organization Act (42 U.S.C. 7101); National Nuclear Security Administration Act (50 U.S.C. 2401, *et seq.*).

PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS

Subpart 970.25 [Removed]

2. Subpart 970.25 consisting of 970.2501 is removed.

3. Subpart 970.31, Contract Cost Principles and Procedures, is revised to read as follows:

Sec.

Subpart 970.31—Contract cost principles and procedures

970.3100–1 Scope of subpart.

(a) The Procurement Executive is responsible for developing and revising the policy and procedures for the determination of allowable costs reimbursable under a management and operating contract, and for coordination with other Headquarters' offices having joint interests.

(b) The Head of the Contracting Activity is responsible for following the policy, principles and standards set forth in this subpart in establishing the compensation and reimbursement provisions of contracts and subcontracts and for submission of deviations for Headquarters consideration and approval.

970.3101–1 Objectives.

Deviations from the policy and principles set forth in this subpart shall not be made unless such action is authorized by the Procurement Executive, on the basis of a written justification stating clearly the special circumstances involved.

970.3101–3, Home office expenses.

(a) For on-site work, DOE's fee for management and operating contract, determined under the policy of and calculated per the procedures in 970.15404–4, provides adequate compensation for home or corporate office general and administrative expenses incurred in the general management of the contractor's business as a whole.

(1) DOE recognizes that some Home Office Expenses are incurred for the benefit of a management and operating contract. DOE has elected to recognize that benefit through fee due to the difficulty of determining the dollar value applicable to any management and operating contract. The difficulty arises because:

(i) The general construct of a management and operating contract results in minimal Home Office involvement in the contract work, and

(ii) Conventional Home Office Expense allocation techniques that use bases such as total operating costs, labor dollars, hours etc., are not appropriate because they inherently assume significant contractor investment (in terms of its own resources, such as, labor, material, overhead, etc.). Contractor investments are minimal under DOE's operating and management contracts. The contracts are totally financed by DOE advance payments, and DOE provides government-owned facilities, property, and other needed resources.

(2) From time to time, the fee for a management and operating contract may not be adequate compensation for Home Office Expenses incurred for the benefit of the contract. An indication that such a case exists is the need for significant home office support to deal with issues at the site that occur without the fault or negligence of the contractor, for example, the need for home office legal support to deal with third party, environmental, safety, or health issues.

(3) In such a case, the contracting officer, after obtaining the HCA's approval, may consider a contractor request for additional compensation. The contractor may request:

(i) Fee in addition to its normal fee; or

(ii) Compensation on the basis of actual cost.

(4) Because the contract's fee provides some compensation for Home Office Expenses, the contractor's request for additional compensation must always be for an amount less than the Home Office Expenses that are incurred for the benefit of the management and operating contract.

(b) For off-site work, the DOE allows Home Office Expenses under architect-engineer, supply and research contracts with commercial contractors performing the work in their own facilities. Home Office Expenses may, however, be included for reimbursement under such DOE off-site architect-engineer, supply and research contracts, only to the extent that they are determined, after careful examination, to be allowable, reasonable, and properly allocable to the

work. Work performed in a contractor's own facilities under a management and operating or construction contract may likewise be allowed to bear the properly allocable portion of allowable Home Office Expenses.

970.3101–9 Advance agreements. (DOE coverage-paragraph (i))

(i) At any time, the contracting officer may institute an advance approval requirement for any cost item under a contract.

970.3101–10 Cost certification.

(a) Certain contracts require certification of the costs proposed for final payment purposes. Section 970.4207–2 states the administrative procedures for the certification provisions and the related contract clause prescription.

(b) If unallowable costs are included in final cost settlement proposals, penalties may be assessed. Section 970.4207–2 states the administrative procedures for penalty assessment provisions and the related clause prescription.

970.3102–4 Bonding costs. (DOE coverage-paragraph (d))

(d) The allowability of bonding costs shall be determined pursuant to 970.5204–31, Insurance-litigation and claims.

970.3102–6 Compensation for personal services. (DOE coverage-paragraphs (a) and (p))

(a)(6) In determining the reasonableness of compensation, the compensation of each individual contractor employee normally need not be subjected to review and approval. Generally, the compensation paid individual employees should be left to the judgment of contractors subject to the limitations of DOE-approved compensation policies, programs, classification systems, and schedules, and amounts of money authorized for wage and salary increases for groups of employees. However, the contracting officer shall designate a compensation threshold appropriate for the particular situation. The contract shall specifically provide that contracting officer approval is required for compensating an individual contractor employee above the threshold if a total of 50 percent or more of such compensation is reimbursed under DOE cost-type contracts. For purposes of designating the threshold, total compensation includes only the employee's salary and cash bonus or incentive compensation.

(7)(i) Reimbursable costs for compensation for personal services are to be set forth in a personnel appendix which is a part of the contract. This personnel appendix shall be negotiated using the principles and policies of FAR 31.205–6, Compensation, as supplemented by this section, 970.3102–6, and other pertinent parts of the DEAR. Costs that are unallowable under other contract terms shall not be allowable as compensation for personnel services.

(ii) The personnel appendix sets forth in detail personnel costs and related expenses allowable under the contract and documents personnel policies, practices and plans which have been found acceptable by the contracting officer. The contractor will advise DOE of any proposed changes in any matters covered by these policies, practices or plans which relate to personnel costs. The personnel appendix may be modified from time to time in writing by mutual agreement of the contractor and DOE without execution of an amendment to the contract. Such modifications shall be evidenced by execution of written numbered approval letters from the contracting officer or his representative. Types of personnel costs and related expenses addressed in the personnel appendix, or amendments thereto, are as follows: salaries and wages; bonuses and incentive compensation; overtime, shift differential, holiday, and other premium pay for time worked; welfare benefits and retirement programs; paid time off, and salaries and wages to employees in their capacity as union stewards and committeemen for time spent in handling grievances, or serving on labor management (contractor) committees. Provided, however, that the contracting officer's approval is required in each instance of total compensation to an individual employee above an annual rate as specified in the personnel appendix.

(p)(1) Notwithstanding paragraph (a) of this section, costs incurred for compensation of a senior executive in excess of the benchmark compensation amount determined applicable for the contractor fiscal year by the Administrator, Office of Federal Procurement Policy, are unallowable. Allowable costs of executive compensation shall be determined pursuant to Federal Acquisition Regulation 31.205–6(p).

970.3102–18 Independent research and development and bid and proposal costs. (DOE coverage-paragraph (c))

(c) Bid and Proposal costs are unallowable.

970.3102–19 Insurance and indemnification.

The supplemental material on the costs of insurance and indemnification is found in 970.5204–31, Insurance-litigation and claims.

970.3102–20 Interest and other financial costs.

Imputed interest costs relating to leases classified and accounted for as capital leases under generally accepted accounting principles (GAAP) are allowable when the decision to enter into a capital leasing arrangement has been specifically authorized and approved by the DOE in accordance with applicable procedures and such interest costs are recorded in a DOE account established for such purpose.

970.3102–22 Lobbying and political activity costs. (DOE coverage—paragraph (b))

(b) Costs of the following activities are excepted from FAR 31.205–22, Lobbying and political activity costs, coverage, provided that the resultant costs are reasonable and otherwise fall into the following exceptions:

(1) Providing Members of Congress, their staff members or staff of cognizant legislative committees, in response to a request (written or oral, prior or contemporaneous) from Members of Congress, their staff members or staff of cognizant legislative committees, or as otherwise directed by the Contracting Officer, information or expert advice of a factual, technical, or scientific nature, with respect to topics directly related to the performance of the contract or proposed legislation. In providing this information or expert advice, the contractor shall indicate to the recipient that it is not presenting the views of DOE. Reasonable costs for transportation, lodging or meals incurred by contractor employees for the purpose of providing such information or expert advice shall also be reimbursable, provided the request for such information or expert advice is a prior written request signed by a Member of Congress.

(2) Providing State legislatures or subdivisions thereof, their staff members, or staff of cognizant legislative committees, in response to a prior written request from a State legislator, or as otherwise directed by the Contracting Officer, information or expert advice of a factual, technical, or scientific nature, with respect to topics directly related to the performance of the contract or proposed legislation. In providing this information or expert advice, the contractor shall indicate to the recipient that it is not presenting the views of DOE. Reasonable costs for

transportation, lodging, or meals incurred by contractor employees shall be reimbursable.

970.3102–28 Other business expenses. (DOE coverage—paragraph (i))

(i) Reasonable costs associated with the establishment and maintenance of financial institution accounts in connection with the work under this subpart are allowable, including, but not limited to, service charges, the cost of disbursing cash, necessary guards, cashiers, and paymasters. If payments to employees are made by check, facilities and arrangements for cashing checks may be provided without expense to the employees, subject to the approval of the contracting officer.

970.3102–46 Travel costs.

(a) Costs for transportation, lodging, meals, and incidental expenses.

(1) Costs incurred by contractor personnel on official company business are allowable, subject to the limitations contained in this subsection. Costs for transportation may be based on mileage rates, actual costs incurred, or on a combination thereof, provided the method used results in a reasonable charge. Costs for lodging, meals, and incidental expenses may be based on per diem, actual expenses, or a combination thereof, provided the method used results in a reasonable charge.

(2) Except as provided in paragraph (a)(3) of this subsection, costs incurred for lodging, meals, and incidental expenses (as defined in the regulations cited in paragraphs (a)(2)(i) through (iii) of this subsection) shall be considered to be reasonable and allowable only to the extent that they do not exceed on a daily basis the maximum per diem rates in effect at the time of travel as set forth in the—

(i) Federal Travel Regulation, prescribed by the General Services Administration, for travel in the conterminous 48 United States, available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, Stock No. 922–002–00000–2;

(ii) Joint Travel Regulations, DoD Civilian Personnel, Appendix A, prescribed by the Department of Defense, for travel in Alaska, Hawaii, The Commonwealth of Puerto Rico, and territories and possessions of the United States, available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, Stock No. 908–010–00000–1; or

(iii) Standardized Regulations (Government Civilians, Foreign Areas), section 925, "Maximum Travel Per Diem Allowances for Foreign Areas," prescribed by the Department of State, for travel in areas not covered in paragraphs (a)(2)(i) and (ii) of this subsection, available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, Stock No. 744–008–00000–0.

(3) In special or unusual situations, actual costs in excess of the maximum per diem rates are allowable provided that such amounts do not exceed the higher amounts authorized for Federal civilian employees as permitted in the regulations referenced in pargraphs (a)(2)(i), (ii), or (iii) of this subsection. For such higher amounts to be allowable, all of the following conditions must be met:

(i) One of the conditions warranting approval of the actual expense method, as set forth in the regulations referred in paragraphs (a)(2)(i), (ii), or (iii) of this subsection, must exist.

(ii) A written justification for use of the higher amounts must be approved by an officer of the contractor's organization or designee to ensure that the authority is properly administered and controlled to prevent abuse.

(iii) If it becomes necessary to exercise the authority to use the higher actual expense method repetitively or on a continuing basis in a particular area, the contractor must obtain advance approval from the contracting officer.

(iv) Documentation to support actual costs incurred shall be in accordance with the contractor's established practices, subject to paragraph (a)(7) of this subsection, and provided that a receipt is required for each expenditure of $75.00 or more. The approved justification required by paragraph (a)(3)(ii) and, if applicable, paragraph (a)(3)(iii) of this subsection must be retained.

(4) Paragraphs (a)(2) and (a)(3) of this subsection do not incorporate the regulations cited in paragraphs (a)(2)(i), (ii), and (iii) of this subsection in their entirety. Only the maximum per diem rates, the definitions of lodging, meals, and incidental expenses, and the regulatory coverage dealing with special or unusual situations are incorporated in those paragraphs.

(5) An advance agreement (see FAR 31.109 and DEAR 970.3101–9) with respect to compliance with paragraphs (a)(2) and (a)(3) of this subsection may be useful and desirable.

(6) The maximum per diem rates referenced in paragraph (a)(2) of this subsection generally would not constitute a reasonable daily charge—

(i) When no lodging costs are incurred; and/or

(ii) On partial travel days (*e.g.*, day of departure and return). Appropriate downward adjustments from the maximum per diem rates would normally be required under these circumstances. While these adjustments need not be calculated in accordance with the Federal Travel Regulation or Joint Travel Regulations, they must result in a reasonable charge.

(7) Costs shall be allowable only if the following information is documented:

(i) Date and place (city, town, or other similar designation) of the expenses;

(ii) Purpose of the trip; and

(iii) Name of person on trip and that person's title or relationship to the contractor.

(b) Travel costs incurred in the normal course of overall administration of the business are allowable and shall be treated as indirect costs.

(c) Travel costs directly attributable to specific contract performance are allowable and may be charged to the contract under FAR 31.202.

(d) Airfare costs in excess of the lowest customary standard, coach, or equivalent airfare offered during normal business hours are unallowable except when such accommodations require circuitous routing, require travel during unreasonable hours, excessively prolong travel, result in increased cost that would offset transportation savings, are not reasonably adequate for the physical or medical needs of the traveler, or are not reasonably available to meet mission requirements. However, in order for airfare costs in excess of the standard airfare to be allowable, the applicable condition(s) must be documented and justified.

(e)(1) "Cost of travel by contractor-owned, -leased, or -chartered aircraft," as used in this paragraph, includes the cost of lease, charter, operation (including personnel), maintenance, depreciation, insurance, and other related costs.

(2) The costs of travel by contractor-owned, -leased, or -chartered aircraft are limited to the standard airfare described in paragraph (d) of this subsection for the flight destination unless travel by such aircraft is specifically required by contract specification, term, or condition, or a higher amount is approved by the contracting officer. A higher amount may be agreed to when one or more of the circumstances for justifying higher than standard airfare listed in paragraph (d) of this subsection are applicable, or when an advance agreement under paragraph (e)(3) of this

subsection has been executed. In all cases, travel by contractor-owned, -leased, or -chartered aircraft must be fully documented and justified. For each contractor-owned, -leased, or -chartered aircraft used for any business purpose which is charged or allocated, directly or indirectly, to a Government contract, the contractor must maintain and make available manifest/logs for all flights on such company aircraft. As a minimum, the manifest/log shall indicate—

(i) Date, time, and points of departure;

(ii) Destination, date, and time of arrival;

(iii) Name of each passenger and relationship to the contractor;

(iv) Authorization for trip; and

(v) Purpose of trip.

(3) Where an advance agreement is proposed (see 31.109), consideration may be given to the following:

(i) Whether scheduled commercial airlines or other suitable, less costly, travel facilities are available at reasonable times, with reasonable frequency, and serve the required destinations conveniently;

(ii) Whether increased flexibility in scheduling results in time savings and more effective use of personnel that would outweigh additional travel costs.

(f) Costs of contractor-owned or -leased automobiles, as used in this paragraph, include the costs of lease, operation (including personnel), maintenance, depreciation, insurance, etc. These costs are allowable, if reasonable, to the extent that the automobiles are used for company business. That portion of the cost of company-furnished automobiles that relates to personal use by employees (including transportation to and from work) is compensation for personal services and is unallowable as stated in FAR 31.205–6(m)(2).

970.3102–53 Preexisting conditions.

Clause 970.5204–75, Preexisting conditions, provides guidance on situations where this category of costs may be allowable.

970.42 Contract Administration.

4. 970.4207–1, Contracting officer determination procedure, is added to read as follows:

970.4207–1 Contracting officer determination procedure. (DOE coverage-paragraph (b))

(b)(4) A contracting officer shall not resolve any questioned costs until the contracting officer has obtained:

(i) Adequate documentation with respect to such costs; and

(ii) The opinion of the Department of Energy's auditor on the allowability of such costs.

(5) The contracting officer shall ensure that the documentation supporting the final settlement addresses the amount of the questioned costs and the subsequent disposition of such questioned costs.

(6) The contracting officer shall ensure, to the maximum extent practicable, that the Department of Energy's auditor is afforded an opportunity to attend any negotiation or meeting with the contractor regarding a determination of allowability.

5. Section 970.4207–2, is added to read as follows:

970.4207–2 Certificate of costs.

(a) The contracting officer shall require that management and operating contractors provide a submission, pursuant to 970.5204–16(e), for settlement of costs incurred during the period stipulated on the submission and a certification that the costs included in the submission are allowable. The contracting officer shall assess a penalty pursuant to 970.5204–XX if unallowable costs are included in the submission. Unallowable costs are either expressly unallowable or determined unallowable.

(1) An expressly unallowable cost is a particular item or type of cost which, under the express provisions of an applicable law, regulation, or this contract, is specifically named and stated to be unallowable.

(2) A cost determined unallowable is one which, for that contractor,

(i) Was subject to a contracting officer's final decision and not appealed;

(ii) The Department's Board of Contract Appeals or a court has previously ruled as unallowable; or

(iii) Was mutually agreed to be unallowable.

(b) If, during the review of the submission, the contracting officer determines that the submission contains an expressly unallowable cost or a cost determined to be unallowable prior to the submission, the contracting officer shall assess a penalty.

(c) If the contracting officer determines that a cost submitted by the contractor in its submission for settlement is:

(1) Expressly unallowable, then the contracting officer shall assess a penalty in an amount equal to the disallowed cost allocated to the contract plus interest on the paid portion of the disallowed cost. Interest shall be computed from the date of overpayment to the date of repayment using the interest rate specified by the Secretary of the Treasury pursuant to Public Law 92–41 (85 Stat. 97).

(2) Determined unallowable, then the contracting officer shall assess a penalty in an amount equal to two times the amount of the disallowed cost allocated to the contract.

(d) The contracting officer may waive the penalty provisions when:

(1) The contractor withdraws the submission before the formal initiation of an audit of the submission and submits a revised submission;

(2) The amount of the unallowable costs allocated to covered contracts is $10,000 or less; or

(3) The contractor demonstrates to the contracting officer's satisfaction that:

(i) It has established appropriate policies, personnel training, and an internal control and review system that provides assurances that unallowable costs subject to penalties are precluded from the contractor's submission for settlement of costs; and

(ii) The unallowable costs subject to the penalty were inadvertently incorporated into the submission.

(e) The Head of the Contracting Activity may waive the certification when—

(1) It determines that it would be in the best interest of the United States to waive such certification; and

(2) It states in writing the reasons for that determination and makes such determination available to the public.

970.5204–4 [Amended]

6. Subsection 970.5204–4 is amended by revising the reference to "Allowable Costs and Fixed Fee" to read "Payment and advances."

970.5204–13 and 970.5204–14 [Removed and Reserved]

7. Section 970.5204–13, Allowable costs and fixed-fee (Management and Operating contracts), is removed and reserved.

8. Section 970.5204–14, Allowable costs and fixed-fee (support contracts), is removed and reserved.

9. Section 970.5204–16 is amended by adding a new paragraph (k) to read as follows:

970.5204–16 Payments and advances.

* * * * *

(k) *Determining allowable costs.* The contracting officer shall determine allowable costs in accordance with the Federal Acquisition Regulation subpart 31.2 and the Department of Energy Acquisition Regulation subpart 970.31 in effect on the date of this contract and other provisions of this contract.

970.5204–17 [Removed and Reserved]

10. Section 970.5204–17, Political activity cost prohibition is removed and reserved.

11. Section 970.5204–31 is amended by revising the introductory paragraph of clause paragraph (h) and adding clause paragraph (m) to read as follows:

970.5204–31 Insurance-litigation and claims.

* * * * *

(h) In addition to the cost reimbursement limitations contained in FAR part 31, as supplemented by DEAR 970.31, and notwithstanding any other provision of this contract, the contractor's liabilities to third persons, including employees but excluding costs incidental to worker's compensation actions, (and any expenses incidental to such liabilities, including litigation costs, counsel fees, judgments and settlements) shall not be reimbursed if such liabilities were caused by contractor managerial personnel:

* * * * * * .

(m) Reasonable litigation and other legal expenses are allowable when incurred in accordance with the DOE approved contractor legal management procedures (including cost guidelines) as such procedures may be revised from time to time, and if not otherwise made unallowable by law or the provisions of this contract.

970.5204–61 [Removed and Reserved]

12. Section 970.5204–61, Cost prohibitions related to legal and other proceedings is removed and reserved.

970.5204–84 [Removed and Reserved]

13. Section 970.5204–84, Waiver of limitations on severance payments to foreign nationals, is removed and reserved.

14. Section 970.5204–XX is added to read as follows:

970.5204–XX Penalties for unallowable costs.

As prescribed in 970.4207–3 use the following clause:

Penalties for unallowable costs (APR 2000)

(a) Contractors which include unallowable cost in a submission for settlement for cost incurred, may be subject to penalties.

(b) If, during the review of a submission for settlement of cost incurred, the contracting officer determines that the submission contains an expressly unallowable cost or a cost determined to be unallowable prior to the submission, the contracting officer shall assess a penalty.

(c) Unallowable costs are either expressly unallowable or determined unallowable.

(1) An expressly unallowable cost is a particular item or type of cost which, under the express provisions of an applicable law, regulation, or this contract, is specifically named and stated to be unallowable.

(2) A cost determined unallowable is one which, for that contractor,

(i) Was subject to a contracting officer's final decision and not appealed;

(ii) The Department's Board of Contract Appeals or a court has previously ruled as unallowable; or

(iii) Was mutually agreed to be unallowable.

(d) If the contracting officer determines that a cost submitted by the contractor in its submission for settlement of cost incurred is:

(1) Expressly unallowable, then the contracting officer shall assess a penalty in an amount equal to the disallowed cost allocated to this contract plus interest on the paid portion of the disallowed cost. Interest shall be computed from the date of overpayment to the date of repayment using the interest rate specified by the Secretary of the Treasury pursuant to Public Law 92–41 (85 Stat. 97); or

(2) Determined unallowable, then the contracting officer shall assess a penalty in an amount equal to two times the amount of the disallowed cost allocated to this contract.

(e) The contracting officer may waive the penalty provisions when:

(1) The contractor withdraws the submission before the formal initiation of an audit of the submission and submits a revised submission;

(2) The amount of the unallowable costs allocated to covered contracts is $10,000 or less; or

(3) The contractor demonstrates to the contracting officer's satisfaction that:

(i) It has established appropriate policies, personnel training, and an internal control and review system that provides assurances that unallowable costs subject to penalties are precluded from the contractor's submission for settlement of costs; and

(ii) The unallowable costs subject to the penalty were inadvertently incorporated into the submission.

(End of clause)

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF41

Endangered and Threatened Wildlife and Plants; Proposal to List the Chiricahua Leopard Frog as Threatened With a Special Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose threatened status pursuant to the Endangered Species Act of 1973, as amended (Act), for the Chiricahua leopard frog (*Rana chiricahuensis*). The Chiricahua leopard frog is now absent from many historical localities and numerous mountain ranges, valleys, and drainages within its former range. In areas where it is still present, populations are often few, small, and widely scattered. Known threats include habitat alteration, destruction, and fragmentation, predation by nonnative organisms, and disease. Habitat loss results from water diversions, dredging, livestock grazing, mining, degraded water quality, and groundwater pumping. Problems associated with small population numbers and size also threaten the species. Evidence suggests that adverse effects from water-borne contaminants may also threaten this species. This proposed rule, if made final, would implement Federal protection to this species and provide funding for development and implementation of recovery actions.

DATES: We must receive comments from all interested parties by September 12, 2000. We must receive public hearing requests by July 31, 2000.

ADDRESSES: Send comments and materials to the Field Supervisor, Arizona Ecological Services Field Office, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, Arizona 85021–4951. Comments and information received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jim Rorabaugh, Herpetologist, at the above address (telephone 602/640–2720; facsimile 602/640–2730).

SUPPLEMENTARY INFORMATION:

Background

Leopard frogs (*Rana pipiens* complex), long considered to consist of a few highly variable species, are now recognized as a diverse assemblage of more than two dozen species (Hillis *et al.* 1983), with many species described in the last 20 years. Mecham (1968) recognized two distinct variations of "*Rana pipiens*" in the White Mountains of Arizona. One of these, referred to as the "southern form," was depicted as a stocky frog with raised folds down both sides of the back (dorsolateral folds) that were interrupted and deflected medially towards the rear. The other form matched previous descriptions of *Rana pipiens*. Based on morphology, mating calls, and genetic analyses (electrophoretic comparisons of blood protein samples), Platz and Platz (1973) demonstrated that at least three distinct forms of leopard frogs occurred in Arizona, including the southern form. This southern form was subsequently described as the Chiricahua leopard frog (*Rana chiricahuensis*) (Platz and Mecham 1979).

This new species was distinguished from other members of the *Rana pipiens* complex by a combination of characters, including a distinctive pattern on the rear of the thigh consisting of small, raised, cream-colored spots or tubercles on a dark background, dorsolateral folds that were interrupted and deflected medially, stocky body proportions, relatively rough skin on the back and sides, and often green coloration on the head and back (Platz and Mecham 1979). The species also has a distinctive call consisting of a relatively long snore of 1 to 2 seconds in duration (Davidson 1996, Platz and Mecham 1979). Snout-vent lengths of adults range from approximately 54 to 139 millimeters (mm) (2.1 to 5.4 inches (in)) (Stebbins 1985, Platz and Mecham 1979). The Ramsey Canyon leopard frog (*Rana subaquavocalis*) is similar in appearance to the Chiricahua leopard frog, but it often grows to a larger size and has a distinct call that is typically given under water (Platz 1993).

Recent articles in the scientific literature report the extirpation and extinction of amphibians in many parts of the world (Berger *et al.* 1998, Lips 1998, Laurence *et al.* 1996, Vial and Saylor 1993, Pechmann *et al.* 1991, Blaustein and Wake 1990). Frogs in the family Ranidae, which includes the Chiricahua leopard frog, are particularly affected (Sredl *et al.* 1997, Sredl 1993, Bradford 1991, Clarkson and Rorabaugh 1989, Hayes and Jennings 1986, Corn and Fogleman 1984). Although these population declines are thought to result in many cases from habitat loss, predation by introduced predators, or other factors, populations are sometimes extirpated from seemingly pristine habitats or from areas where no obvious cause of decline can be identified (Meyer and Mikesic 1998, Sredl 1993, Drost and Fellers 1993, Corn and Fogleman 1984, Hines *et al.* 1981). Although natural long-term fluctuations in the size of populations and the number of populations within a species are often not well studied, increased extirpation rates and in some cases apparent extinction, coupled with recent declining trends in the status of many amphibian species is alarming and may represent a very recent and rapid global decline of an entire class of vertebrates (Blaustein *et al.* 1994, Wake 1991).

Observers have speculated that these declines may have resulted from one or more factors, including habitat disturbance, predation by introduced predators such as nonnative fish and amphibians, disease, drought, pesticides, acid rain, heavy metals, increased ultraviolet radiation due to atmospheric ozone depletion, over-collection, natural events such as severe storms or floods, global warming or other climatic events, and as a result of the dynamics of small populations and groups of small populations or metapopulations (Berger *et al.* 1998, Lips 1998, Lind *et al.* 1996, Rosen *et al.* 1996, 1994; Hale *et al.* 1995, Blaustein *et al.* 1994, Sredl and Howland 1994, Pounds and Crump 1994, Sredl 1993, Bradford 1991, Wyman 1990, Clarkson and Rorabaugh 1989, Corn and Fogleman 1984, Baxter and Meyer 1982, Dimmitt 1979).

The Chiricahua leopard frog is an inhabitant of cienegas (mid-elevation wetland communities often surrounded by arid environments), pools, livestock tanks, lakes, reservoirs, streams, and rivers at elevations of 1,000 to 2,710 meters (m) (3,281 to 8,890 feet (ft)) in central and southeastern Arizona; west-central and southwestern New Mexico; and in Mexico, northern Sonora and the Sierra Madre Occidental of Chihuahua (Sredl *et al.* 1997, Degenhardt *et al.* 1996, McCranie and Wilson 1987, Platz and Mecham 1979). The taxonomic status of frogs in southern Chihuahua and possibly Durango is in question. The species has been reported from southern Chihuahua and Durango (Hillis *et al.* 1983, Platz and Mecham 1984, 1979); however, Webb and Baker (1984) concluded that frogs from southern Chihuahua were not Chiricahua leopard frogs, as expected. The range of the species is divided into two parts, including—(1) a southern group of populations (the majority of the species' range) located in mountains and valleys south of the Gila River in southeastern Arizona, extreme southwestern New Mexico, and Mexico; and (2) northern montane populations in west central New Mexico and along the Mogollon Rim in central and eastern Arizona (Platz and Mecham 1979). There are historical records in Pima, Santa Cruz, Cochise, Graham, Apache, Greenlee, Gila, Coconino, Navajo, and Yavapai counties, Arizona; and Catron, Grant, Hidalgo, Luna, Soccoro, and Sierra counties, New Mexico (Sredl *et al.* 1997, Degenhardt *et al.* 1996). Historical records for the Chiricahua leopard frog also exist from several sites in northern and central Chihuahua, northern Sonora, and possibly southern Chihuahua and Durango (Platz and Mecham 1984, 1979; Webb and Baker 1984; Hillis *et al.* 1983).

Male Chiricahua leopard frogs exhibit variable development of vestigial (small, nonfunctional) oviducts. Vestigial oviducts are absent in most specimens from the northern populations but are generally present in specimens from southern populations (Platz and Mecham 1979). This and other characteristics that differ regionally throughout the range of the species suggest genetic differentiation. This differentiation is being investigated and may result in a description of the northern populations as a separate species from the southern populations (James Platz, Creighton University, pers. comm. 1994). If the species is split into two distinct taxa, fewer populations would exist within each taxon.

Chiricahua leopard frogs were either collected or observed at 212 localities in Arizona (B. Kuvlesky, Buenos Aires National Wildlife Refuge, pers. comm. 1997; Terry Myers, Apache-Sitgreaves National Forest, pers. comm. 1997; Sredl *et al.* 1997; Rosen *et al.* 1996; Snyder *et al.* 1996; C. Schwalbe, University of Arizona, pers. comm. 1995; R. Zweifel, Portal, Arizona, pers. comm. 1995; Hale 1992; Clarkson and Rorabaugh 1989; Fish and Wildlife Service files, Phoenix, Arizona). In New Mexico, the species was either collected or observed at 170 localities (Jennings 1995; Randy Jennings, Western New Mexico University, pers. comm. 1999; Charles Painter, New Mexico Game and Fish Department, pers. comm. 1999). Eleven historical localities were listed by Platz and Mecham (1979) in Mexico, mostly from the eastern base and foothills of the Sierra Madre Occidental in Chihuahua and Durango, and one site in northern Sonora, Mexico. Hillis *et al.* (1983) list another locality from Durango. However, the presence of Chiricahua leopard frogs in the Sierra Madre Occidental of southern Chihuahua was questioned by Webb and Baker (1984). Frogs at a locality on the Sonora-Chihuahua border have been tentatively identified as Chiricahua leopard frogs (Holycross 1998). Some museums still have many southwestern leopard frogs catalogued as *Rana pipiens*. Once these specimens have been reexamined, additional historical localities for *Rana chiricahuensis* may result. Also, frogs observed at some localities, which may have been *Rana chiricahuensis*, were not positively identified.

Many collections of Chiricahua leopard frogs were made before 1980 (Jennings 1995; Platz and Mecham 1979; Frost and Bagnara 1977; Mecham 1968). Recent surveys to document the status and distribution of the species were conducted primarily from the mid-1980's to the present (Sredl *et al.* 1997, 1995, 1994, 1993; Rosen *et al.* 1996; Fernandez and Bagnara 1995; Jennings 1995; Rorabaugh *et al.* 1995; Rosen 1995; Zweifel 1995; Sredl and Howland 1994, 1992; Hale 1992; Scott 1992;

Wood 1991; Clarkson and Rorabaugh 1989; Rosen and Schwalbe 1988). These surveys were summarized by Jennings (1995) for New Mexico and Sredl *et al.* (1997) for Arizona. In 1995, Jennings reported Chiricahua leopard frogs at 11 sites in New Mexico. An additional 16 populations have been found since 1995 (R. Jennings, pers. comm. 1999, C. Painter, pers. comm. 1999), for a total of 27. Twenty-two of these occur north of Interstate 10 (northern populations), and five are in the southwestern corner of the state (southern populations). Sredl *et al.* (1997) reported that during 1990–1997 Chiricahua leopard frogs were found at 61 sites in southeastern Arizona (southern populations) and 15 sites in central and east-central Arizona (northern populations). As a means to make the Arizona and New Mexico status information more comparable, the number of sites at which Chiricahua leopard frogs were observed from 1995 to the present in Arizona were tallied. Based on available data, particularly Sredl *et al.* (1997) and Rosen *et al.* (1996), Chiricahua leopard frogs were observed at 52 sites in Arizona from 1995 to the present, including 9 northern localities and 43 southern localities.

Recent surveys of potential habitats in Arizona are more complete than surveys done in New Mexico. Sredl *et al.* (1997) conducted 656 surveys for ranid frogs (frogs in the family Ranidae) within the range of the Chiricahua leopard frog in southeastern Arizona. Rosen *et al.* (1996, 1994), Hale (1992), Wood (1991), Clarkson and Rorabaugh (1989), and others have also surveyed wetlands in southeastern Arizona extensively. It is unlikely that many additional new populations will be found there. A greater potential exists for locating frogs at additional localities in Arizona's northern region. Sredl *et al.* (1997) conducted 871 surveys for ranid frogs in the range of the northern localities, but report that only 25 of 46 historical Chiricahua leopard frog localities were surveyed during 1990–1997. Unsurveyed historical localities are primarily located on the San Carlos and Fort Apache Reservations, in areas that have generally not been accessible to State and Federal biologists. Additional populations of Chiricahua leopard frogs of which we are currently unaware may occur on these tribal lands.

Of the historical localities in New Mexico, 80 of 170 were not revisited since frogs were last collected or observed. Twenty-four of these unvisited sites have imprecise locality information that precludes locating or revisiting them. Many others are on private lands to which the owners have denied access to biologists (the privately owned Gray and Ladder ranches are notable exceptions). As in Arizona, potential habitat within the range of the southern populations has been surveyed more extensively than that of the northern populations. From 1990–1991, Scott (1992) conducted extensive surveys of the Gray Ranch, which contains much of the Chiricahua leopard frog habitat in southwestern New Mexico. Observations from numerous other herpetologists were included within his reports, and cowboys and ranch hands were interviewed to locate potential habitats. Jennings (1995) surveyed other potential habitats in southwestern New Mexico outside of the Gray Ranch in the Peloncillo Mountains. Other herpetologists working in that area, including Charles Painter (pers. comm. 1998) and Andy Holycross, Arizona State University (pers. comm. 1997), also worked extensively in this area. Probably few if any unknown populations of Chiricahua leopard frogs occur in southwestern New Mexico.

Surveys in the northern portion of the species' range in New Mexico have been less complete. Jennings (1995) believed that the wilderness areas of the Gila National Forest have the greatest potential for supporting additional extant populations and for securing an intact metapopulation that would have a good chance of long-term persistence.

In Mexico systematic or intensive surveys for Chiricahua leopard frogs were not conducted. However, it is expected that the species almost certainly occurs or occurred at more than the 12 (or 13) reported localities in Chihuahua, Sonora, and Durango (Platz and Mecham 1979, Hillis *et al.* 1983, and Holycross 1998). However, the identity of leopard frogs in southern Chihuahua (and perhaps Durango) is in some question (Webb and Baker 1984). Only one locality has been documented in Sonora, yet populations occur or occurred in the mountain ranges and valleys adjacent to the Sonora border in Arizona. Other localities probably occur or occurred in Sonora.

The Chiricahua leopard frog is reported absent from a majority of historical localities. In Arizona, Clarkson and Rorabaugh (1989) found the species at only 2 of 36 sites that supported Chiricahua leopard frogs in the 1960s and 1970s. In New Mexico, Jennings (1995) found Chiricahua leopard frogs at 6 of 33 sites supporting the species during the previous 11 years. Sredl and Howland (1994) reported finding Chiricahua leopard frogs at only 12 of 87 historical sites. In 1994, during surveys of 175 wetland sites in southeastern Arizona, Rosen *et al.* (1994) reported the Chiricahua leopard frog was extant at 19 historical and new sites, but was not found at 32 historical localities. Throughout Arizona, Sredl *et al.* (1997) found the species present at 21 of 109 historical localities.

Determining whether a species is declining based on its presence or absence at historical sites is difficult. Where frogs are observed at a particular site, they are considered extant. However, a failure to find frogs does not necessarily indicate the species is absent. Corn (1994) notes that leopard frogs may be difficult to detect, museum records do not always represent breeding localities, collections have occurred from marginal habitat, and museum and literature records often represent surveys over long periods of time, which ignores natural processes of geographical extinction and recolonization. The natural processes of extinction and recolonization may be particularly important for the Chiricahua leopard frog because its habitats are often small and very dynamic. Because the Chiricahua leopard frog and other southwestern leopard frogs exhibit a life history that predisposes them to high rates of extirpation and recolonization (Sredl and Howland 1994), its absence from at least some historical sites is expected.

The failure of experienced observers to find frogs indicates that frogs are probably absent, particularly in relatively simple aquatic systems such as most stock tanks and stream segments. Howland *et al.* (1997) evaluated visual encounter surveys at five leopard frog localities. At sites with known populations that were not dry, frogs were detected in 93 of 100 surveys conducted during the day from April through October. During a drought in 1994, Rosen *et al.* (1996, 1994) surveyed all known localities of the Chiricahua leopard frog in southeastern Arizona and other accessible waters, and discussed locations of waters and faunal occurrence with landowners. By focusing on aquatic sites that did not go dry, and through careful and often multiple surveys at each site, the authors were able to define distribution at a time when aquatic faunal patterns were clear. The authors believed that nearly all potential habitat was surveyed, and, if frogs were present, they would be detectable at most sites.

Although survey data strongly suggest that the species is absent at a high percentage of historical sites (absent from 76 and 82 percent of historical sites in New Mexico and Arizona, respectively) (Sredl *et al.* 1997, Jennings

1995), additional analyses are warranted to determine whether extirpations represent natural fluctuations or long-term declines caused by human impacts (Blaustein *et al.* 1994, Pechman *et al.* 1991).

Numerous studies indicate that declines and extirpations of Chiricahua leopard frogs are at least in part caused by predation and possibly competition by nonnative organisms, including fish in the family Centrarchidae (*Micropterus* spp., *Lepomis* spp.), bullfrogs (*Rana catesbeiana*), tiger salamanders (*Ambystoma tigrinum mavortium*), crayfish (*Oronectes virilis* and possibly others), and several other species of fish (Fernandez and Rosen 1998, Rosen *et al.* 1996, 1994; Snyder *et al.* 1996; Fernandez and Bagnara 1995; Sredl and Howland 1994; Clarkson and Rorabaugh 1989). For instance, in the Chiricahua region of southeastern Arizona, Rosen *et al.* (1996) found that almost all perennial waters investigated that lacked introduced predatory vertebrates supported Chiricahua leopard frogs. All waters except three that supported introduced vertebrate predators lacked Chiricahua leopard frogs. The authors noted an alarming expansion of nonnative predatory vertebrates over the last 2 decades. In the Chiricahua region, Chiricahua leopard frogs were primarily limited to habitats subject to drying or near drying, such as stock tanks, which discourages the establishment of nonnative predatory fish and bullfrogs. These habitats are highly dynamic and may be marginal habitats for leopard frogs (Rosen *et al.* 1994).

Additional evidence that the observed absence of Chiricahua leopard frogs from historical sites is not the result of a natural phenomenon emerges from the analyses of regional occurrence. If the extirpation of the Chiricahua leopard frog were a natural artifact of metapopulation dynamics or other population-level processes, then an observer would not expect to find the species absent from large portions of its range. Rather, Chiricahua leopard frogs might be absent from some historical sites, but would still be found at other new or historical sites in the region. In New Mexico, Jennings (1995) reported extant Chiricahua leopard frog populations in each of the six major drainages where the species was found historically (Tularosa/San Francisco, Mimbres, Alamosa/Seco/Rio Grande, Gila, Playas, and Yaqui). However, all six are characterized by few, mostly small, isolated populations. Populations in the Playas drainage are limited to two livestock tanks. The species was not found on the mainstem, Middle Fork, and East Fork of the Gila River, where the species occurred historically at many localities.

In Arizona, the species is still extant in all major drainages of historical occurrence (Little Colorado, Salt, Verde, Gila, San Pedro, Santa Cruz, Yaqui/Bavispe, and Magdalena river drainages), but was not found recently in some major tributaries and/or from river mainstems. For instance, the species was not reported from 1995 to the present from the following drainages or river mainstems where it historically occurred: White River, East Clear Creek, West Clear Creek, Silver Creek, Tonto Creek, Verde River mainstem, San Francisco River, San Carlos River, upper San Pedro River mainstem, Santa Cruz River mainstem, Aravaipa Creek, Babocomari River mainstem, and Sonoita Creek. In southeastern Arizona, no recent records (1995 to the present) exist for the following mountain ranges or valleys: Pinaleno Mountains, Peloncillo Mountains, Sulphur Springs Valley, Huachuca Mountains, and Canelo Hills. In many of these regions, Chiricahua leopard frogs were not found for a decade or more despite repeated surveys.

These apparent regional extirpations provide further evidence that the species is disappearing from its range. Once extirpated from a region, natural recolonization of suitable habitats is unlikely to occur in the near future. Where the species is still extant, sometimes several small populations are found in close proximity suggesting metapopulations are important for preventing regional extirpation (Sredl *et al.* 1997).

Disruption of metapopulation dynamics is likely an important factor in regional loss of populations (Sredl *et al.* 1997, Sredl and Howland 1994). Chiricahua leopard frog populations are often small, and habitats are dynamic, resulting in a relatively low probability of long-term population persistence. However, if populations are relatively close together and numerous, extirpated sites can be recolonized.

Human disturbances can result in increased rates of extinction and decreased rates of recolonization. If the extinction rate for a given population exceeds the colonization rate, that population will go extinct (Hanski 1991). Various human impacts (see Summary of Factors Affecting the Species) can result in increased extinction rates and/or increased isolation of populations within a metapopulation with resulting decreased colonization rates. In addition, big rivers, lakes, and reservoirs that once probably supported large populations of Chiricahua leopard frogs, and were likely stable source populations for dispersal to smaller sites, are almost all inhabited by nonnative predators and are unsuitable as habitat for this species (Sredl *et al.* 1997, Sredl and Howland 1994). The currently extant smaller populations almost certainly exhibit greater extinction rates than these larger populations did historically.

Rosen *et al.* (1996) hypothesized that "the ongoing restriction of Chiricahua leopard frogs to shallow, marginal habitat types means that eventually the species will be wiped out by a drought (see Fellers and Drost 1993, Corn and Fogelman 1984) that it would readily have weathered in refugia now pre-empted by nonnative species. Our hypothesis clearly predicts that this species will go extinct in southern Arizona, and probably elsewhere, unless appropriate action is taken." In New Mexico, Painter (1996) reported similar findings: "*Rana chiricahuensis* is rapidly disappearing from southwest New Mexico (Jennings 1995, pers. obs.). Unless these unexplainable trends are quickly reversed, I expect the species to be extirpated from 90–100 percent of its former range in New Mexico within the next decade * * *".

Previous Federal Action

Based on status information indicating the species was recently extirpated from historical localities (Clarkson and Rorabaugh 1989), the Chiricahua leopard frog was added to the list of category 2 candidate species with the publication of a comprehensive Notice of Review on November 21, 1991 (56 FR 58804). We also included the species as a category 2 candidate in the November 15, 1994, Notice of Review (59 FR 58982). Category 2 candidates were those taxa for which we had some evidence of vulnerability and threats, but for which we lacked sufficient data to support a listing proposal.

Beginning with our February 28, 1996, candidate notice of review (61 FR 7596), we discontinued the designation of multiple categories of candidates, and only those taxa meeting the definition for former category 1 candidates are now considered candidates for listing purposes. Category 1 candidates were taxa for which we had on file sufficient information on biological vulnerability and threats to support proposals to list them as endangered or threatened, but for which preparation of listing proposals was precluded by higher priority listing actions. In the February 28, 1996, notice, we identified the Chiricahua leopard frog as a candidate species.

On June 10, 1998, we received a petition dated June 4, 1998, from the Southwest Center for Biological Diversity to list the Chiricahua leopard frog as endangered and to designate critical habitat for the species. In a letter dated July 7, 1998, we informed the petitioner that, pursuant to the Service's July 1996 Petition Management Guidance, we consider candidate species to be under petition and covered by a "warranted but precluded" finding under section 4(b)(3)(B)(iii) of the Act. Because listing of candidates is, by definition, already warranted, petitions on candidates are redundant. Accordingly, we do not prepare 90-day findings for petitioned candidate species. We address the resolution of the conservation status of the Chiricahua leopard frog and other candidates through the Listing Priority Guidance.

The processing of this proposed rule conforms with the Fiscal Year 2000 Listing Priority Guidance, published on October 22, 1999 (64 FR 57114). The guidance clarifies the order in which we will process rulemakings. Highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to its well-being (Priority 1). Second priority (Priority 2) is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority. This proposed rule is a Priority 3 action and is being completed in accordance with the current Listing Priority Guidance.

Peer Review

In accordance with the policy promulgated July 1, 1994 (59 FR 34270), we will solicit the expert opinions of at least three appropriate and independent specialists regarding this proposed rule. The purpose of such review is to ensure listing decisions are based on scientifically sound data, assumptions, and analyses, including input of appropriate experts and specialists. Peer reviewers will be mailed copies of this proposed rule to list the Chiricahua leopard frog as a threatened species immediately following publication in the **Federal Register**. We solicit peer reviewers to comment during the public comment period upon the specific assumptions and conclusions regarding this proposed listing. In the preparation of the final rule, we consider all comments received.

Summary of Factors Affecting the Species

Section 4 of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the Chiricahua leopard frog (*Rana chiricahuensis* Platz and Mecham) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Riparian (in or associated with wetted areas) and wetland communities throughout the range of the Chiricahua leopard frog are much altered and/or reduced in size compared to early-to mid-19th century conditions (Arizona Department of Water Resources 1994; Brown 1985; Hendrickson and Minckley 1984; Minckley and Brown 1982). Dams, diversions, groundwater pumping, introduction of nonnative organisms, woodcutting, mining, urban and agricultural development, road construction, overgrazing, and altered fire regimes all contributed to reduced quality and quantity of riparian and wetland habitat (Belsky and Blumenthal 1997; Wang *et al.* 1997; DeBano and Neary 1996; Bahre 1995; Brown 1985; Hadley and Sheridan 1995; Ohmart 1995; Stebbins and Cohen 1995; Hendrickson and Minckley 1984; Arizona State University 1979; Gifford and Hawkins 1978).

Many of these changes began before ranid frogs were widely collected or studied in Arizona and New Mexico. The Chiricahua leopard frog may have been much more widely distributed in pre-settlement times than is indicated by historical collections. Extant localities are generally located in stream and river drainage headwaters, springs, and stock tanks. However, historical records exist for the Verde, San Pedro, Santa Cruz, Mimbres, and Gila Rivers, and the species is extant in the mainstem of the San Francisco River in New Mexico and on the Blue River in Arizona. These findings suggest that it may have occurred in other major drainages, such as the mainstems of the Salt, White, Black, and Little Colorado Rivers. Habitat degradation, diversions, loss or alteration of stream flows, groundwater pumping, introduction of nonnative organisms, and other changes are often most apparent on these larger drainages (Sredl *et al.* 1997, State of Arizona 1990).

Although the cumulative effect of such changes to its habitat is unknown, the extirpation of the Chiricahua leopard frog may have occurred in some major drainages prior to its occurrence being documented. These large drainages connect many of the extant and historical populations and may have served as important corridors for exchange of genetic material and as a source of frogs for recolonization if extirpations occurred within populations (Sredl *et al.* 1997, Rosen *et al.* 1996).

Beavers (*Castor canadensis*) likely promoted the creation of Chiricahua leopard frog habitat. The activities of beavers tend to inhibit erosion and downcutting of stream channels (Parker *et al* 1985), and ponded water behind beaver dams is favored habitat for ranid frogs. However, beavers were extirpated from some areas by the late 1800s and are still not abundant or are extirpated from other areas where they were once common (Hoffmeister 1986). For example, in Arizona beavers are extirpated from the Santa Cruz River and, before recent reintroductions, were extirpated from the San Pedro River. Loss of this large mammal and the dams it constructed likely resulted in loss of backwater and pool habitat favored by the Chiricahua leopard frog.

These changes occurred before leopard frogs were widely collected; thus, hypotheses concerning correlations between extirpations of beaver and Chiricahua leopard frogs cannot be tested by comparing historical versus extant frog populations. Where beavers occur within the range of the Chiricahua leopard frog today, beaver ponds are often inhabited by nonnative predators, such as introduced fish and bullfrogs, that prey upon and likely preclude colonization by Chiricahua leopard frogs. Because nonnative species often thrive in beaver ponds, the presence of beavers could actually hinder recovery of the Chiricahua leopard frog in some systems.

Stock tanks, constructed as water sources for livestock, are very important habitats for the Chiricahua leopard frog throughout its range. In some areas, stock tanks replaced natural springs and cienegas and provide the only suitable habitat available to the Chiricahua leopard frog. For instance, the only known localities of the Chiricahua leopard frog in the San Rafael and San Bernardino Valleys, Fossil Creek drainage, and in the Patagonia Mountains of Arizona are stock tanks. Sixty-one percent of extant Chiricahua leopard frog localities in Arizona are stock tanks, versus only 35 percent of extirpated localities (Sredl and Saylor

1998), suggesting Arizona populations of this species have fared better in stock tanks than in natural habitats. However, this generalization may not be true for New Mexico, where in recent years many stock tank populations were extirpated. Sredl and Saylor (1998) also found that stock tanks are occupied less frequently by nonnative predators (with the exception of bullfrogs) than natural sites. Therefore, a high probability exists that the Chiricahua leopard frog would be extirpated from many more areas if ranchers had not built and maintained stock tanks for livestock production.

Although stock tanks provide refugia for frog populations and are very important for this species, only small populations are supported by such tanks, and these habitats are very dynamic. Tanks often dry out during drought, and flooding may destroy downstream impoundments or cause siltation, either of which may result in loss of aquatic habitat and extirpation of frog populations. Periodic maintenance to remove silt from tanks may also cause a temporary loss of habitat. Populations of nonnative introduced predaceous fish and bullfrogs, although less prevalent than in natural habitats, sometimes become established in stock tanks and are implicated in the decline of the Chiricahua leopard frog (Rosen *et al.* 1996, 1994). Stock tanks may facilitate spread of nonnative organisms by providing aquatic habitats in arid landscapes that otherwise may have served as barriers to the spread of such organisms. In New Mexico, stock tank populations in some areas were eliminated by disease (Declining Amphibian Populations Task Force 1993).

Grazing by domestic livestock occurs throughout the range of the Chiricahua leopard frog. The effects of livestock grazing on leopard frog populations are not well studied. As discussed, construction of tanks for livestock has created important leopard frog habitat, and in some cases has replaced destroyed or altered natural wetland habitats. A large and healthy population of Chiricahua leopard frogs coexists with cattle and horses on the Tularosa River, New Mexico (Randy Jennings, Western New Mexico University, pers. comm. 1995).

Maintenance of viable populations of Chiricahua leopard frogs is thought to be compatible with well-managed livestock grazing. However, adverse effects to the species and its habitat may occur under certain circumstances. These effects to habitats include deterioration of watersheds, erosion and/or siltation of stream courses, elimination of undercut banks that provide cover for frogs, and loss of wetland and riparian vegetation and backwater pools (Belsky *et al.* 1999, Ohmart 1995; Hendrickson and Minckley 1984; Arizona State University 1979). Eggs and tadpoles of the Chiricahua leopard frog are probably trampled by cattle on the perimeter of stock tanks and in pools along streams. Cattle can also contribute to degraded water quality at stock tanks, including elevated hydrogen sulfide concentrations, which are toxic to frogs (Sredl *et al.* 1997).

Many large impoundments or lakes were created within the range of the Chiricahua leopard frog for water storage, recreation, and as a source of hydroelectric power. Historical records exist for the species from Luna Lake, Nelson Reservoir, Hawley Lake, and Rainbow Lake north of the Gila River in Arizona; and Lake Roberts, Patterson Lake, and Ben Lilly Lake in New Mexico, but surveys at these sites since 1985 located no frogs (Jennings 1995, Arizona Game and Fish Department (AGFD) 1997). Currently, large impoundments invariably support populations of nonnative fish and/or bullfrogs. Predation and possibly competition with leopard frogs by these introduced predators likely contributed to the disappearance of the Chiricahua leopard frog from reservoir habitats.

Construction and operation of reservoirs also alter downstream flows and can result in dramatic changes in stream hydrology, rates of erosion and sedimentation, riparian vegetation, and other components of riparian ecosystems (Johnson 1978). The effects of these changes on Chiricahua leopard frog populations are unknown. However, downstream effects of such impoundments are implicated in the decline of other anurans (frogs and toads), including the endangered arroyo toad (*Bufo californicus*) (Service 1993) and the foothill yellow-legged frog (*Rana boylii*) (Lind *et al.* 1996).

On the Trinity River in California, the extent of riparian vegetation increased with an accompanying decrease in sandbar habitat, of which the latter was breeding habitat of the yellow-legged frog. Unseasonably high flows from dam releases also resulted in loss of entire cohorts or age groups of larval frogs (Lind *et al.* 1996). Similar effects may occur in Chiricahua leopard frog habitat. Water temperatures are often colder below dams than in similar unaltered systems (Lind *et al.* 1996), which may retard development of frog eggs and larvae (Stebbins and Cohen 1995). Lack of scouring flood flows below dams may also create relatively stable pool habitat with established vegetation that favors establishment of bullfrogs (Lind *et al.* 1996). Dispersal of nonnative fish from impoundments to either downstream or upstream reaches may have resulted in further adverse effects to frog populations.

Only a few extant or historical Chiricahua leopard frog localities are thought to be directly affected by current mining operations. Active mining occurs in California Gulch, Pajarito Mountains, Arizona, but is limited to a short reach of the drainage. The recently proposed Gentry Iron Mine may be located within 1.6 km (1.0 mi) of two Chiricahua leopard frog populations on the Tonto National Forest, Arizona. The resulting effects of the proposed mining activities on these populations are uncertain at this time, but may include changes in water quality and flow rates. Populations of Chiricahua leopard frog northeast of Hurley, Grant County, New Mexico, may also be affected by mining. Evidence of mining can be found at or near many other localities, but few mines are currently active and most do not directly affect the wetland and riparian habitats occupied by the species. Although mining activities were more widespread historically and may have constituted a greater threat in the past, the mining of sand and gravel, iron, gold, copper, or other materials remains a potential threat to the habitat of the Chiricahua leopard frog. In addition, as noted in Factor C of this section, mining also has indirect adverse effects to this species.

Fire frequency and intensity in the mountain ranges of southeastern Arizona and southwestern New Mexico are much altered from historic conditions. Before 1900, surface fires generally occurred at least once per decade in montane forests with a pine component. Beginning about 1870–1900, these frequent ground fires ceased to occur due to intensive livestock grazing that removed fine fuels, followed by effective fire suppression in the mid to late 20th century (Swetnam and Baisan 1996). Absence of ground fires allowed a buildup of woody fuels that precipitated infrequent but intense crown fires (Danzer *et al.* 1997, Swetnam and Baisan 1996). Absence of vegetation and forest litter following intense crown fires exposes soils to surface and rill erosion during storms, often causing high peak flows, sedimentation, and erosion in downstream drainages (DeBano and Neary 1996). Following the 1994 Rattlesnake fire in the Chiricahua Mountains, Arizona, a debris flow filled in Rucker Lake, a historic Chiricahua leopard frog locality. Leopard frogs

(either Chiricahua or Ramsey Canyon leopard frogs) apparently disappeared from Miller Canyon in the Huachuca Mountains, Arizona, after a 1977 crown fire in the upper canyon and subsequent erosion and scouring of the canyon during storm events (Tom Beatty, Miller Canyon, pers. comm. 2000). Leopard frogs were historically known from many localities in the Huachuca Mountains; however, natural pool and pond habitat is largely absent now, and the only breeding leopard frog populations occur in man-made tanks and ponds. Bowers and McLaughlin (1994) list six riparian plant species they believed might have been eliminated from the Huachuca Mountains as a result of floods and debris flow following destructive fires.

Other activities have also affected the habitat of the Chiricahua leopard frog. For instance, in an attempt to increase flow, explosives were used at Birch Springs in the Animas Mountains to open up the spring. The explosion resulted in destruction of aquatic habitat, flows were reduced rather than increased, and Chiricahua leopard frogs subsequently disappeared (N. Scott, pers. comm. 1994).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The collection of Chiricahua leopard frogs in Arizona is prohibited by Arizona Game and Fish Commission Order 41, except where such collection is authorized by special permit. Collection of Chiricahua leopard frogs is also prohibited in Mexico. The collection of Chiricahua leopard frogs is not prohibited in the State of New Mexico.

Over-collection for commercial purposes is known to be a contributing factor in the decline of other ranid frogs (Jennings and Hayes 1985, Corn and Fogelman 1984). Although collection is not documented as a cause of population decline or loss in the Chiricahua leopard frog, the collection of large adult frogs for food, scientific, or other purposes, particularly after a winter die-off or other event that severely reduces the adult population, can hasten the extirpation of small populations. The listing of the Chiricahua leopard frog and its recognition as a rare species is reasonably expected to increase its value to collectors. In 1995, many large adult Ramsey Canyon leopard frogs (closely related to the Chiricahua leopard frog) were illegally collected from a site in the Huachuca Mountains, Arizona, following publicity about the rare status of the frog.

C. *Disease or predation.* Predation by introduced, nonnative bullfrogs and fish was implicated as a contributing factor in the decline of ranid frogs in western North America (Bradford *et al.* 1993, Hayes and Jennings 1986, Moyle 1973), and may be the most important factor identified so far in the current decline of the Chiricahua leopard frog (Rosen *et al.* 1994, 1996). In southeastern Arizona, Rosen *et al.* (1994, 1996) documented 13 nonnative predaceous vertebrate species in aquatic habitats in the range of the Chiricahua leopard frog, including bullfrog, tiger salamander, and 11 fish species including bass, trout, and catfish, among others.

Rosen *et al.* (1994, 1996) found that Chiricahua leopard frogs were replaced by bullfrogs and centrarchid fish. Sixteen of 19 localities where Chiricahua leopard frogs occurred lacked nonnative vertebrates. All historical frog localities that lacked Chiricahua leopard frogs supported nonnative vertebrates. At the three sites where Chiricahua leopard frogs occurred with nonnatives (one site with green sunfish, *Lepomis cyanellus*, and two with tiger salamanders), either the frog or the nonnative vertebrate was rare. In two of the three cases, frogs may have derived from other nearby localities (Rosen *et al.* 1996), and thus may have represented immigrants rather than a viable population.

In the San Rafael Valley, Arizona, Chiricahua leopard frogs were found only at sites that lacked nonnative fish and bullfrogs (Snyder *et al.* 1996). In the White Mountains of Arizona, disappearance of Chiricahua leopard frogs from most historical localities correlated with the appearance of tiger salamanders and nonnative crayfish (Fernandez and Bagnara 1995). Crayfish were found to prey upon Chiricahua leopard frog larvae, metamorphs, and adults. Crayfish recently spread to the breeding pond of one of the last and possibly the most robust populations of Chiricahua leopard frogs in the White Mountains, Arizona (M. Sredl, pers. comm. 1999, Fernandez and Rosen 1998).

Sredl and Howland (1994) noted that Chiricahua leopard frogs were nearly always absent from sites supporting bullfrogs and nonnative predatory fish; however, Rosen *et al.* (1996) suggested further study was needed to evaluate the effects of mosquitofish, trout, and catfish on frog presence. Rosen *et al.* (1996) suspected that catfish would almost always exclude Chiricahua leopard frogs, and that trout may exclude leopard frogs.

In contrast to nonnative aquatic vertebrates, numerous species of native fish, the Sonoran mud turtle (*Kinosternon sonoriense*), other species of native ranid frogs, and native garter snakes (Rosen *et al.* 1996, Platz and Mecham 1979) commonly coexist with the Chiricahua leopard frog. Tiger salamanders are native to the following portions of the Chiricahua leopard frog's range: San Rafael Valley in southeastern Arizona (*Ambystoma tigrinum stebbinsi*), the northern portion of the species' range (*Ambystoma tigrinum nebulosum*), and the mountains of Sonora, Chihuahua, and Durango (*Ambystoma rosaceum*). Native fishes, such as trout (*Oncorhynchus*), chub (*Gila*), and topminnow (*Poeciliopsis*), also occur within the range of the Chiricahua leopard frog.

The Rio Grande leopard frog (*Rana berlandieri*) is a recent introduction to southwestern Arizona, (Platz *et al.* 1990). Although the species does not presently occur within the range of the Chiricahua leopard frog, the Rio Grandes leopard frog is rapidly expanding its distribution and currently occurs as far east as the Phoenix area (Rorabaugh *et al.* in prep.). If it continues to spread eastward, the ranges of the Rio Grande and Chiricahua leopard frogs may overlap in the future. This large, introduced leopard frog might prey on small Chiricahua leopard frogs (Platz *et al.* 1990), and tadpoles of the two species may compete.

In June 1994, a die-off of Chiricahua leopard frogs occurred at a stock tank in the Chiricahua Mountains, Arizona, that reduced the frog population from 60–80 adults to fewer than 10 (Sredl *et al.* 1997). Analysis of dead and moribund frogs and water from the tank indicated that disease was unlikely to be the cause of the die-off, however, levels of hydrogen sulfide were high enough to be toxic to wildlife. The authors suspected that high detritus loads (including cattle feces), low water levels, high water temperature, and low concentrations of dissolved oxygen created a suitable environment for sulphur-producing bacteria that produced toxic levels of hydrogen sulfide. Chiricahua leopard frogs were not found at this site in 1998.

The disease Postmetamorphic Death Syndrome (PDS) was implicated in the extirpation of Chiricahua leopard frog populations in Grant County, New Mexico, as well as in other frog and toad species (Declining Amphibian Populations Task Force 1993). All stock tank populations of the Chiricahua leopard frog in the vicinity of Gillette and Cooney tanks in Grant County disappeared within a 3-year period, apparently as a result of PDS (Declining Amphibian Populations Task Force 1993). The syndrome is characterized by death of all or most recently metamorphosed frogs in a short period

of time. Dead or moribund frogs are often found during or immediately following winter dormancy or unusually cold periods. The syndrome appears to spread among adjacent populations causing regional loss of populations or metapopulations. Evidence suggests that PDS may also be present in the Santa Rita and Pajarito mountains, Arizona. Although winter die-offs are not documented, Steve Hale (Tucson, AZ, pers. comm. 1994) observed very few Chiricahua leopard frogs in the spring, suggesting that frogs are dying during the winter months. The apparent post-metamorphic death of the Tarahumara frog was documented in southern Arizona and northern Sonora (Hale *et al.* 1995, Hale and Jarchow 1988), and numbers of Ramsey Canyon leopard frogs declined in the Huachuca Mountains, Arizona, during the winters of 1997–1998 and 1998–1999.

Arsenic poisoning may be a contributing factor in PDS (Hale and Jarchow 1988). Elevated arsenic levels may have contributed to the extirpation of the Tarahumara frog at a site in northern Sonora (Hale and Jarchow 1988). Arsenic often occurs at high levels near sulfitic mine tailings and may be leached by rainfall containing elevated levels of sulfate (Hale and Jarchow 1988). Rainfall near Elgin in southeastern Arizona contained high levels of sulfate, probably due to emissions from copper smelters in Cananea and Nacozari, Sonora, and Douglas, Arizona (Blanchard and Stromberg 1987). The smelters at Cananea and Douglas are no longer in operation.

The size of the Chiricahua leopard frog population in Sycamore Canyon in the Pajarito Mountains of Arizona appears to vary greatly from year to year. This annual variation in population size may be attributable, in part, to cadmium toxicity (Hale and Jarchow 1988). A likely source of cadmium in Chiricahua leopard frog habitat is emissions from copper smelters at Cananea and Nacozari, Sonora (Hale and Jarchow 1988, Blanchard and Stromberg 1987). Elevated levels of cadmium also occur in and near tailings of copper, lead, and zinc mines (Peterson and Alloway 1979). Cadmium may be mobilized and deposited into stream courses through rainfall.

From 1980 to 1985, Chiricahua leopard frogs were abundant in Sycamore Canyon only at Hank and Yank Tank and in the creek immediately downstream of it. In May 1982 the ratio of zinc to cadmium in this reach was 5 to 30 times that of downstream reaches where frogs were absent or very rare (Hale and Jarchow 1988). Cumulative leaching and deposition in drainages likely results in elevated concentrations of cadmium in downstream reaches. Thus, stream headwaters and springs, such as Hank and Yank Tank, may be important refugia for frogs during times when toxic conditions exist in downstream reaches. Decreased zinc to cadmium ratios may have also contributed to the extirpation of the Tarahumara frog from one site in southern Arizona and three sites in northern Sonora (Hale and Jarchow 1988).

Other contaminants or pathogens may also be contributing to the decline of the Chiricahua leopard frog. Lips (1998) documented reduced abundance and skewed sex ratios of two anuran species, and dead and dying individuals of six other amphibian species in Puntarenas Province, Costa Rica. She attributed these changes to biotic pathogens or chemicals, or the combined effects of environmental contamination and climate change. Toxic agrochemicals may have been transported via winds and the atmosphere over long distances to the remote sites studied in Costa Rica. Her observations are also consistent with a pathogen outbreak, and recent evidence suggests a chytridiomycete skin fungi may be responsible for the declines (Longcore *et al.* 1999, Berger *et al.* 1998). Lips (1998) noted that declines in her study area are similar to those reported for Monteverde, Costa Rica, the Atlantic coast of Brazil, and Australia. Amphibian decline in these areas has spread wave-like across the landscape, suggestive of pathogen dispersal. Chytrid fungi have recently been shown to be associated with amphibian declines in Panama and Queensland, Australia (Berger *et al.* 1998); the authors hypothesize that it is the proximate cause of amphibian decline in these areas. Chytrid fungi have also been found in captive arroyo toads, *Bufo californicus*, in California, cricket frogs, *Acris crepitans*, in Illinois, American toads, *Bufo americanus*, in Maryland, and in Arizona, lowland leopard frogs, *Rana yavapaiensis*, Rio Grande leopard frogs, Ramsey Canyon leopard frogs, and four populations of Chiricahua leopard frogs (M. Sredl, pers. Comm., 2000; Milius 1998). The role of the fungi in the population dynamics of the Chiricahua leopard frog and these other North American species is as yet undefined; however, it may well prove to be an important contributing factor in observed population decline. Rapid death of recently metamorphosed frogs, typical of post-metamorphic death syndrome, is also characteristic of chytrid infections. Thus, chytrids may have played a role in extirpation of stock tank populations of Chiricahua leopard frog in New Mexico (Declining Amphibian Populations Task Force 1993), as well as overwinter die-offs in the mountains of southern Arizona.

D. *The inadequacy of existing regulatory mechanisms.* A variety of existing international conventions and law and Federal and State regulations provide limited protection to the Chiricahua leopard frog and its habitat. State regulations prohibit collection or hunting of Chiricahua leopard frogs in Arizona, except under special permit. Collection is not prohibited in New Mexico, and although collecting has not been documented as a cause of population loss, the typically small, geographically isolated populations of this species are extremely vulnerable to collection pressure. Regulations have not been adequate to stem habitat loss and degradation or to address factors such as introduction of nonnative predators.

In Mexico, the collection of threatened species is prohibited. The habitats of the Chiricahua leopard frog and other threatened species are protected from some activities in Mexico. The species is not protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which regulates international trade.

The Lacey Act (16 U.S.C. 3371 *et seq.*), as amended in 1982, provides some protection for the Chiricahua leopard frog. This legislation prohibits the import, export, sale, receipt, acquisition, purchase, and engagement in interstate or foreign commerce of any species taken, possessed, or sold in violation of any law, treaty, or regulation of the United States, any Tribal law, or any law or regulation of any State.

The Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 *et seq.*) and the National Forest Management Act of 1976 (16 U.S.C. 1600 *et seq.*) direct Federal agencies to prepare programmatic-level management plans to guide long-term resource management decisions. In addition, the Forest Service is required to "maintain viable populations of existing native and desired nonnative species" in their planning areas (36 CFR 219.19). These regulations have resulted in the preparation of a variety of land management plans by the Forest Service and the Bureau of Land Management that address management and resource protection of areas that support, or in the past supported, populations of Chiricahua leopard frogs.

At least 47 of 79 localities confirmed as supporting extant populations of the Chiricahua leopard frog from 1995 to the present occur entirely, or in part, on National Forest Lands. Thirty-four extant localities occur entirely, or in part, on the Coronado National Forest, Arizona. Additional localities occur on the Gila, Apache-Sitgreaves, Tonto, and Coconino National Forests. As a result, Forest Service land management plans are particularly important in guiding the management of Chiricahua leopard frog habitat. However, these plans have not always adequately protected this species' habitat. Many activities that affect the Chiricahua leopard frog and its habitat are beyond Forest Service control. For instance, the Forest Service does not have the authority to regulate off-site activities such as atmospheric pollution from copper smelters or other actions that may be responsible for global amphibian declines, including that of the Chiricahua leopard frog. The Forest Service has only limited ability to regulate introductions or stockings of nonnative species that prey on Chiricahua leopard frogs. Despite extensive planning efforts by the Forest Service and implementation of management actions to maintain viable populations of native species on Forest Service lands, loss of Chiricahua leopard frog populations and metapopulations continues.

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370a) requires Federal agencies to consider the environmental impacts of their actions. NEPA requires Federal agencies to describe the proposed action, consider alternatives, identify and disclose potential environmental impacts of each alternative, and involve the public in the decision-making process. Federal agencies are not required to select the alternative having the least significant environmental impacts. A Federal action agency may select an action that will adversely affect sensitive species provided that these effects were known and identified in a NEPA document. Most actions taken by the Forest Service, the Bureau of Land Management, and other Federal agencies that affect the Chiricahua leopard frog are subject to the NEPA process.

State and Federal air quality regulations strictly regulate emissions from copper smelters, a major source of atmospheric cadmium and arsenic, pollutants that may adversely affect the Chiricahua leopard frog (Hale and Jarchow 1988). However, a major source of airborne pollutants likely affecting this species has been copper smelters in Cananea and Nacozari, Sonora, which are not subject to the same strict regulations as in the United States (Hale *et al.* Blanchard and Stromberg 1987).

Wetland values and water quality of aquatic sites inhabited by the Chiricahua leopard frog are afforded varying protection under the Federal Water Pollution Control Act of 1948 (33 U.S.C. 1251–1376), as amended, and Federal Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands). The protection afforded by these and other Federal laws and regulations discussed herein is inadequate to halt population extirpation and the degradation of the habitat of this species.

The AGFD included the Chiricahua leopard frog on their draft list of species of concern (AGFD 1996); however, this designation affords no legal protection to the species or its habitat. Collection of Chiricahua leopard frogs is prohibited in Arizona, except by special permit. The Chiricahua leopard frog is not a State-listed species, nor is collection prohibited in New Mexico.

The New Mexico Department of Game and Fish adopted a wetland protection policy in which the Department does not endorse nor take any action that would promote any private or public project that would result in a net decrease in either wetland acreage or wetland habitat values. This policy affords only limited protection to Chiricahua leopard frog habitat because it is advisory only; destruction or alteration of wetlands is not regulated by State law.

State of Arizona Executive Order Number 89–16 (Streams and Riparian Resources), signed on June 10, 1989, directs State agencies to evaluate their actions and implement changes, as appropriate, to allow for restoration of riparian resources. Implementation of this regulation may reduce adverse effects of some State actions on the habitat of the Chiricahua leopard frog.

E. *Other natural or manmade factors affecting its continued existence.* Because of the inherent dynamic nature of southwestern wetland and riparian habitats, coupled with the increased likelihood of extirpation characteristic of small populations, the viability of extant populations of the Chiricahua leopard frog is thought, in many cases, to be relatively short. Approximately 38 of 79 extant localities found from 1995 to the present were located in artificial tanks or impoundments constructed for watering livestock. These environments are very dynamic due to flooding, drought, and human activities such as maintenance of stock tanks. In addition, stock tank populations are often quite small. Small populations are subject to extirpation from random variations in such factors as the demographics of age structure or sex ratio, and from disease and other natural events (Wilcox and Murphy 1985). Inbreeding depression and loss of genetic diversity may also occur in small populations of less than a few hundred individuals; such loss may reduce the fitness of individuals and the ability of the population to adapt to change (Frankel and Soule 1981). Both of these genetic considerations result in an increased likelihood of extirpation (Lande and Barrowclough 1987).

The dynamic nature of stock tank habitats and the small size of the populations that inhabit them suggest that many of these populations are not likely to persist for long periods. As an example, siltation and drought dramatically reduced the extent of aquatic habitat at Rosewood Tank in the San Bernardino Valley, Arizona (Matt Magoffin, San Bernardino National Wildlife Refuge, pers. comm. 1997). Aquatic habitat was reduced in June 1994, to a surface area of approximately 60 square feet (sq. ft) that supported a population of approximately eight adult Chiricahua leopard frogs and several hundred tadpoles. In this instance, the landowner was only able to prevent the population from being extirpated by repeated efforts to intervene on behalf of the Chiricahua leopard frog in trucking water to the site, rebuilding the tank, and constructing a small permanent pond to maintain habitat for the species.

Some larger populations occurring in stream courses or other non-stock tank habitats also experience dramatic changes in population size, such as in Sycamore Canyon in the Pajarito Mountains, Arizona, and on the eastern slope of the Santa Rita Mountains, Arizona (S. Hale, pers. comm. 1994). These habitats, although much larger than a stock tank, experience dramatic environmental phenomena such as floods, drought, and in the case of Sycamore Canyon, varied zinc to cadmium ratios, all of which may cause populations to crash. This finding suggests that even these relatively large and natural habitats and the frog populations they support are very dynamic. As a result of this dynamic nature, leopard frog populations are susceptible to extirpation.

As discussed in the "Background" section of this proposed rule, metapopulations are more likely to persist over time than small, more isolated populations, because individuals and genetic material can be exchanged among populations within the metapopulation, resulting in increased recolonization rates and fewer

potential genetic problems. To define metapopulations of the Chiricahua leopard frog, some knowledge of the ability of this species to move among aquatic sites is required. Although the ability of the Chiricahua leopard frog to move among aquatic sites needs some additional study, the Chiricahua leopard frog is considered a highly aquatic species (Stebbins 1985) that may not travel as far from water as other leopard frog species. Amphibians, in general, have limited dispersal and colonization abilities due to physiological constraints, limited movements, and high site fidelity (Blaustein *et al.* 1994). Dispersal of Chiricahua leopard frogs probably occurs most often along drainages, particularly those with permanent water, but also along intermittent stream courses and overland during summer rains.

Where several populations of Chiricahua leopard frog occur in close proximity (separated by no more than a few kilometers), functional metapopulations may exist. Two areas of the Galiuro Mountains of Arizona support a total of 12 extant localities, including 4 localities in the northern end of the range and 8 in the southern end. A similar cluster of seven localities occurs in the Dragoon Mountains, Arizona. Metapopulations may exist elsewhere, for instance, in Arizona in the southwest quarter of the San Rafael Valley, and in the Crouch Creek area, and in New Mexico, east and northeast of Hurley, and in the Frieborn Canyon-Dry Blue Creek area. However, with the exception of those in the Dragoon and southern Galiuro mountains, metapopulations of which we are aware probably consist of five or fewer localities. Metapopulations, particularly the larger examples, are critical to long-term survival of the species. Also critical are large populations, such as on the Tularosa River, New Mexico, and Sycamore Canyon and associated tanks in the Pajarito Mountains, Arizona, which are expected to experience relatively low extinction rates and may serve as source populations for colonization of nearby suitable habitats.

In making the determination to propose this rule, we carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by the Chiricahua leopard frog. Based on this evaluation, our preferred action is to list the Chiricahua leopard frog as threatened. The Act defines an endangered species as one that is in danger of extinction throughout all or a significant portion of its range. The Act defines a threatened species as any species likely to become endangered within the foreseeable future.

Within its range in the United States, the Chiricahua leopard frog is believed absent from a relatively high percentage of historical localities, and has undergone regional extirpation in areas where it was once well-distributed. The status of populations in Mexico are unknown, but the species is considered as threatened by the Mexican Government. The species is not in immediate danger of extinction, because at least a few relatively robust populations and metapopulations still exist (e.g., Tularosa River, Dragoon Mountains, Galiuro Mountains), and 79 extant localities have been documented from 1995 to the present. However, if present threats and declines continue, the Chiricahua leopard frog is likely to become an endangered species in the foreseeable future (Painter 1996, Rosen *et al.* 1996). Therefore, we believe that the Chiricahua leopard frog meets the definition of a threatened species under the Act.

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 consideration or protection and; (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon 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 species or a threatened species to the point at which listing under the Act is no longer necessary.

Section 4(b)(2) and 4(b)(6)(C) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. The designation of critical habitat is not prudent (50 CFR 424.12(a)(1)) when one or both of the following situations exist—(1) the species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat, or (2) such designation would not be beneficial to the species.

Critical habitat designation would require publishing in the **Federal Register** the locations of all or the most important Chiricahua leopard frog populations and habitats. As discussed under Factor B in the "Summary of Factors Affecting the Species," the Chiricahua leopard frog is potentially threatened by collection. Publishing locality data would facilitate collection as it would provide collectors with specific, previously unknown information about the location of this species. Collection has contributed to the decline of other rare anurans, including the endangered Wyoming toad (*Bufo hemiophrys baxteri*), threatened California red-legged frog (*Rana aurora draytonii*) (Stebbins and Cohen 1995, Jennings and Hayes 1995), and a number of other anuran species worldwide (Vial and Saylor 1993).

Scientists have not documented collection, to date, as a cause of population decline or loss in the Chiricahua leopard frog. However, such collection would be difficult to document. Collection of large adult frogs for food, fish bait, scientific, or other purposes, particularly after a winter die-off or other event that severely reduces the adult population, could hasten the extirpation of small populations. Recognition of the Chiricahua leopard frog as a threatened species may increase its value to collectors. The Chiricahua leopard frog is an attractive, often bright green frog that we believe would do quite well in captivity. The Northern leopard frog, *Rana pipiens*, a very similar animal, is common in the pet trade. We are aware of internet trade in "leopard frogs," which could include Chiricahua leopard frogs. Chiricahua leopard frogs should be as attractive as the Northern leopard frog to collectors, or perhaps more so because of their rarity.

Import and export data provided by our Division of Law Enforcement document a substantial amount of international trade in *Rana* spp. Specifically, for the period of January 1, 1996, to October 31, 1998, 9,997 live individuals of *Rana* spp. were imported into and 51,043 live individuals were exported from the United States. Because shipments of wildlife from the United States are not as closely monitored as imports, and are sometimes not recorded to the genus level (this is also true for imports as well), the number of exports documented for this timeframe is likely an under representation of what actually occurred.

In 1995, many large adult Ramsey Canyon leopard frogs (which are very similar in appearance and closely related to the Chiricahua leopard frog) were illegally collected from a site in the Huachuca Mountains, Arizona,

following publicity about the rare status of the frog. The locality, which occurs within the range of the Chiricahua leopard frog, has been considered extirpated since 1997. Collection probably contributed to its demise. Following newspaper publicity regarding our proposal to list the Arroyo toad (*Bufo microscaphus californicus*), a former U.S. Forest Service employee found that a main pool near the road, formerly with a high density of calling males, was absent of males, some previously tagged. The tagged males could not be located elsewhere, and their absence was not thought to be due to natural movement or predation (Nancy Sandburg, U.S. Forest Service pers. comm. 1999). Publishing maps for the best populations and habitats of Chiricahua leopard frog could cause or contribute to similar declines or extirpations. The evidence shows, therefore, that threat of collection would increase substantially if we disclosed specific location information for all or the most important Chiricahua leopard frog populations and habitats.

Publishing locality data could also facilitate vandalism of habitats where Chiricahua leopard frogs occur. Platz (1995) noted the disappearance of large tadpoles at a Ramsey Canyon leopard frog site in Brown Canyon, Huachuca Mountains, in 1991–1992, and suggested their disappearance may have, in part, resulted from an act of vandalism. Many Chiricahua leopard frog habitats are small and could be easily contaminated with toxicants or taken over by nonnative predators, resulting in extirpation of frog populations. The majority of extant populations also occur on public lands (primarily National Forest lands) with public access routes that lead to the populations or pass nearby. Public access to these sites is reasonably expected to facilitate collections or vandalism.

Publishing maps of Chiricahua leopard frog sites could also facilitate disease transmission. Chytridiomycosis and other amphibian diseases can be spread by transporting mud, water, or frogs from one site to another. If a person visits a site where disease is present and then travels to another site, disease can be spread via muddy or wet boots, nets, vehicles or other equipment (Speare *et al.* 1998, David Green, National Wildlife Health Center, Madison, Wisconsin, pers. comm. 2000). Although other hypotheses have been proposed (Carey *et al.* 1999), Daszak *et al.* (1999) find that the pattern of amphibian deaths and population declines associated with chytridiomycosis is consistent with an introduced pathogen. The chytrid fungus is not known to have an airborne spore, but rather disperses among individuals and populations via zoospores that swim through water or during contact between individual frogs (Daszak 1998). If chytridiomycosis is a recent introduction on a global scale, then dispersal by way of global or regional commerce; translocation of frogs and other organisms; and travel among areas by anglers, scientists, tourists, and others are viable scenarios for transmission of this disease (Daszak *et al.* 1999, Halliday 1998). Until the spread of chytridiomycosis is better understood, and the role of this and other diseases in the decline of the Chiricahua leopard frog is clarified, visitation of Chiricahua leopard frog sites should not be encouraged. Publishing maps of Chiricahua leopard frog sites could facilitate visitation by collectors or those who want to view the frog. Increased visitation increases the risk of disease transmission.

The prohibition of destruction or adverse modification of critical habitat is provided under section 7 of the Act and, therefore applies only to actions funded, authorized, or carried out by Federal agencies. "Destruction or adverse modification" is defined under 50 CFR 402.02 as an action that appreciably diminishes the value of critical habitat for the survival and recovery of the listed species. Similarly, section 7 prohibits jeopardizing the continued existence of a listed species. "Jeopardize the continued existence" is defined as an action that would be expected to reduce appreciably the likelihood of survival and recovery of a listed species.

Given the similarity in the above definitions, in most cases Federal actions that would appreciably reduce the value of critical habitat for the survival and recovery of the Chiricahua leopard frog would also reduce appreciably the likelihood of survival and recovery of the species. The Chiricahua leopard frog occurs mostly in relatively small populations that are highly vulnerable to extirpation. Habitat alteration of a severity to result in destruction or adverse modification of critical habitat would likely also jeopardize the continued existence of the species. Similarly, reasonable and prudent alternative actions that would remove the likelihood of jeopardy would also remove the likelihood of destruction or adverse modification of critical habitat. While a critical habitat designation for habitat currently occupied by this species would not be likely to change the section 7 consultation outcome because an action that destroys or adversely modifies such critical habitat would also be likely to result in jeopardy to the species, in some situations section 7 consultation might be triggered only if critical habitat is designated. Examples could include unoccupied habitat or occupied habitat that may become unoccupied in the future. However, we investigated whether designating unoccupied habitat would provide some potential benefit. We are aware of only a few unoccupied sites that would be essential for the conservation of the Chiricahua leopard frog; the vast majority of essential sites are occupied. As a result, we see little benefit from the designation of unoccupied habitat. Designating critical habitat may also provide some educational or informational benefits. However, any added benefit would be outweighed by the publication of these additional areas in detailed maps that would subject the species to the threat of collecting, vandalism, and disease transmission.

In balancing the benefits of critical habitat designation against the increased threats, we believe the records show that few, if any, benefits would be derived in this particular instance from designation of critical habitat. We believe that any potential benefits of critical habitat designation, beyond those afforded by listing, when weighed against the negative impacts of disclosing site-specific localities, does not yield an overall benefit. We, therefore, determine that critical habitat designation is not prudent for the Chiricahua leopard frog.

Special Rule

As a means to promote conservation efforts on behalf of the Chiricahua leopard frog, we are proposing a special rule under section 4(d) of the Act. Under the rule, take of Chiricahua leopard frog caused by livestock use of or maintenance activities at livestock tanks located on private or tribal lands would be exempt from section 9 of the Act. The rule targets tanks on private and tribal lands to encourage landowners and ranchers to continue to maintain these tanks that are not only important for livestock operations, but also provide habitat for leopard frogs. Livestock use and maintenance of tanks on Federal lands will be addressed through the section 7 process.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices.

Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, 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. If a species is listed or critical habitat is designated subsequently, Section 7(a)(2) requires Federal agencies to ensure that activities 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 must enter into consultation with us.

The Chiricahua leopard frog occurs on Federal lands managed by the Coronado, Apache-Sitgreaves, Tonto, Coconino, and Gila National Forests; the Bureau of Land Management; and our refuges. Examples of Federal actions that may affect the Chiricahua leopard frog include dredge-and-fill activities, grazing programs, construction and maintenance of stock tanks, logging and other vegetation removal activities, management of recreation, road construction, fish stocking, issuance of rights-of-ways, prescribed fire and fire suppression, and discretionary actions authorizing mining. These and other Federal actions require Section 7 consultation if the action agency determines that the proposed action may affect listed species.

Development on private or State lands requiring permits from Federal agencies, such as permits from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act, would also be subject to the Section 7 consultation process. Federal actions not affecting the species, as well as actions that are not federally funded or permitted would not require Section 7 consultation. However, prohibitions under Section 9 of the Act (discussed below) would apply.

Important regional efforts are currently under way to establish viable metapopulations of Chiricahua leopard frogs. We are currently working with the Arizona Game and Fish Department, New Mexico Department of Game and Fish, and several Federal and private landowners in these efforts. An ongoing regional conservation planning effort in the San Bernardino Valley, Arizona, being undertaken by this agency, the Forest Service, State, and private individuals is a good example of such efforts. Owners of the Magoffin Ranch, in particular, have devoted extensive efforts to conserving leopard frogs and habitat at stock tanks on that ranch. As part of the San Bernardino Valley conservation effort, a high school teacher and his students rear tadpoles in Douglas, Arizona, and established populations of Chiricahua leopard frogs in small constructed wetlands at Douglas area public schools (Biology 150 Class, Douglas High School 1998). In another regional conservation effort, the Tonto National Forest, Arizona, Arizona Game and Fish Department, and the Phoenix Zoo have developed a Chiricahua leopard frog "conservation and management zone" in which frogs have been reared and released into the wild to establish new populations (Sredl and Healy 1999). A similar regional conservation plan, involving The Nature Conservancy, Randy Jennings, and the New Mexico Game and Fish Department, is under way on the Mimbres River, New Mexico.

We commend the individuals involved in these efforts. These regional conservation plans are proving grounds for developing the techniques to recover the species rangewide. As such, we strongly support them and encourage others to develop regional conservation plans; we will provide assistance and use our authorities to help develop and implement site-specific conservation activities for this species. If the Chiricahua leopard frog is listed, handling, rearing, translocation or other forms of direct or incidental take resulting from conservation activities can continue under section 10 permits from us. Incidental take associated with conservation plans may also be permitted pursuant to an incidental take statement in a biological opinion for activities under Federal jurisdiction. If the species is listed, we will work with the individuals involved in these conservation efforts to ensure that permits are issued promptly and that the process does not interrupt or hinder ongoing recovery actions.

We are also exploring other opportunities to permit conservation activities. In particular, we encourage the public to comment on the desirability of promulgating a special rule under section 4(d) of the Act that would exempt from the section 9 take prohibitions activities associated with conservation plans. Eligible conservation plans would need to promote recovery and be approved by us and the appropriate State game and fish agency. Activities potentially addressed under such a plan, and which would be exempt from the section 9 take provisions, could include, but are not limited to, construction of new habitats or modification of existing habitats, fencing, enhancement or control of vegetation, translocation of frogs, and monitoring of frog populations.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to all threatened wildlife. These prohibitions, codified at 50 CFR 17.31, 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, or collect, or attempt any such conduct), import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any threatened species unless provided for under a special rule. To possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally is also illegal. Certain exceptions will apply to persons acting in an agency capacity on the behalf of the Service and to activities associated with cooperative State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. For threatened species, permits also are available for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

Our policy (July 1, 1994; 59 FR 34272) is to identify to the maximum extent practicable at the time a species is listed those activities that would or would not likely constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of the listing on proposed and ongoing activities within a species'

range. Based on the best available information, the following are examples of actions that would not likely result in a violation of section 9:

(1) Actions that may affect Chiricahua leopard frog that are authorized, funded, or carried out by a Federal agency when the action is conducted in accordance with an incidental take statement issued by us pursuant to section 7 of the Act;

(2) Actions that may result in take of Chiricahua leopard frog when the action is conducted in accordance with a permit under section 10 of the Act;

(3) Recreational activities that do not destroy or significantly degrade occupied habitat, and do not result in take of frogs;

(4) Release, diversion, or withdrawal of water from or near occupied habitat in a manner that does not displace or result in desiccation or death of eggs, tadpoles, or adults; does not disrupt breeding activities of adults; does not favor introduction of nonnative predators; and does not alter vegetation characteristics at or near occupied sites to an extent that exposes the frogs to increased predation; and

(5) Logging activities that do not result in erosion or siltation of stream beds and other aquatic habitats occupied by Chiricahua leopard frogs, do not adversely affect water quality, and do not denude shoreline vegetation or terrestrial vegetation in occupied habitat.

Activities that we believe could potentially result in "take" of the Chiricahua leopard frog, include, but are not limited to the following:

(1) Unauthorized collection, capture or handling of the species;

(2) Intentional introduction of nonnative predators, such as nonnative fish, bullfrogs, crayfish, or tiger salamanders;

(3) Any activity not carried out pursuant to the proposed special rule (described at the end of this document) in "§ 17.43 Special rules-amphibians" that results in destruction or significant alteration of habitat of Chiricahua leopard frog including, but not limited to, the discharge of fill material, the diversion or alteration of stream flows and aquatic habitats occupied by the species or withdrawal of water to the point at which habitat becomes unsuitable for the species, and the alteration of the physical channels within the stream segments and aquatic habitats occupied by the species;

(4) Water diversions, groundwater pumping, water releases, or other water management activities that result in displacement or death of eggs, tadpoles, or adult frogs; disruption of breeding activities; introduction of nonnative predators; or significant alteration of vegetation characteristics at or near occupied sites. However, pursuant to the proposed special rule for this species, operation and maintenance of livestock tanks on private or tribal lands that result in incidental mortality of frogs would not be considered a violation of section 9;

(5) Discharge or dumping of hazardous materials, silt, or other pollutants into waters supporting the species;

(6) Possession, sale, delivery, transport, or shipment of illegally taken Chiricahua leopard frogs; and

(7) Actions that take Chiricahua leopard frogs that are not authorized by either a permit under section 10 of the Act or an incidental take statement under section 7 of the Act, or are identified as prohibited in the special rule "§ 17.43 Special rules-amphibians" for this species; the term "take" includes harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capture, or collecting, or attempting any of these actions.

In the description of activities above, a violation of section 9 would occur if those activities occur to an extent that would result in "take" of Chiricahua leopard frog. Not all of the activities mentioned above will result in violation of section 9 of the Act; only those activities that result in "take" of Chiricahua leopard frog would be considered violations of section 9. Direct your questions regarding whether specific activities will constitute a violation of section 9 to the Field Supervisor, Arizona Ecological Services Field Office (see **ADDRESSES** section). Address your requests for copies of the regulations on listed wildlife and inquiries about prohibitions and permits to the U.S. Fish and Wildlife Service, Branch of Endangered Species/Permits, P.O. Box 1306, Albuquerque, New Mexico 87103 (telephone (505)248–6920, facsimile (505)248–6922).

Public Comments Solicited

We intend for any final action resulting from this proposal to be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the Chiricahua leopard frog;

(2) The location of any additional populations of Chiricahua leopard frog and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of the Chiricahua leopard frog;

(4) Current or planned activities in the subject area and their possible impacts on the Chiricahua leopard frog; and

(5) Additional information pertaining to the promulgation of a special rule to exempt from the section 9 take prohibitions livestock use of and maintenance activities at livestock tanks located on private or tribal lands. Although beyond the scope of the currently proposed special rule, we also solicit comment on the desirability of a special rule that would exempt from the section 9 take prohibitions activities associated with conservation plans that promote recovery and are approved by us and the appropriate State game and fish agency.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours (see **ADDRESSES** section).

In making a final decision on this proposed rule, we will take into consideration the comments and any additional information we receive. The final rule may differ as a result of this process.

The Act provides for one or more public hearings on this proposal, if requested. We must receive requests within 45 days of the date of publication of the proposal in the **Federal Register**. Such requests must be made in writing and be addressed to the Field Supervisor (see **ADDRESSES** section).

Executive Order 12866 requires each agency to write regulations and notices that are easy to understand. We invite

your comments on how to make this proposed rule easier to understand including answers to questions such as the following: (1) Are the requirements in the proposed rule clearly stated? (2) Does the proposed rule contain technical language or jargon that interferes with the clarity? (3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Is the description of the proposed rule in the "Supplementary Information" section of the preamble helpful in understanding the notice? What else could we do to make the proposed rule easier to understand?

Send a copy of any comments that concern how we could make this proposed rule easier to understand to the Field Supervisor (see **ADDRESSES** section).

Required Determinations

Prior to publication of the final rule, we will analyze the economic effects of the special rule and will determine whether the special rule is in compliance with the following. We will announce the availability of our analysis in a separate **Federal Register** notice:

(1) Regulatory Planning and Review

(2) Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

(3) Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2))

(4) Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*)

(5) Taking Personal Property Rights (Executive Order 12630)

(6) Federalism (Executive Order 13132)

Civil Justice Reform

In accordance with Executive Order 12988, the Department of the Interior's Office of the Solicitor determined that this proposed special rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. The Office of the Solicitor will review the final special rule. We will make every effort to ensure that the final special rule contains no drafting errors, provides clear standards, simplifies procedures, reduces burden, and is clearly written such that litigation risk is minimized.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

This proposed rule and special rule does not contain any information collection requirements for which Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is required. An information collection related to the rule pertaining to permits for endangered and threatened species has OMB approval and is assigned clearance number 1018–0094. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This proposed rule and special rule does not alter that information collection requirement. For additional information concerning permits and associated requirements for threatened species, see 50 CFR 17.32.

National Environmental Policy Act

We determined that we do not need to prepare Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. We published a notice outlining the basis for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of all references cited in this rule is available upon request from the Arizona Ecological Services Field Office (see **ADDRESSES** section).

Author: The primary author of this notice is James Rorabaugh (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

We propose to 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. Amend section 17.11(h) by adding the following in alphabetical order, under AMPHIBIANS, to the List of Endangered and Threatened Wildlife:

§ 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						
AMPHIBIANS							
*	*	*	*	*		*	*
Frog, Chiricahua leopard.	*Rana chiricahuensis.*	U.S.A. (AZ, NM), Mexico.	Entire	T		NA	§ 17.43(b)
*	*	*	*	*		*	*

3. We propose to amend 50 CFR 17.43 by adding paragraph (b) to read as follows:

§ 17.43 Special rules—amphibians.

* * * * *

(b) *What species is covered by this special rule?* Chiricahua leopard frog (*Rana chiricahuensis*).

(1) *What activities are prohibited?* Except as noted in paragraph (b)(2) of this section, all prohibitions of § 17.31 will apply to the Chiricahua leopard frog.

(2) *What activities are allowed on private or tribal land?* Incidental take of the Chiricahua leopard frog will not be considered a violation of section 9 of the Act, if the incidental take results from livestock use of or maintenance activities at livestock tanks located on private or tribal lands. A livestock tank is defined as an existing or future impoundment in an ephemeral drainage or upland site constructed primarily as a watering site for livestock.

Dated: May 19, 2000.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 00–14972 Filed 6–13–00; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 65, No. 115
Wednesday, June 14, 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

Commodity Credit Corporation

Upland Cotton Domestic User/Exporter Agreement

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: The purpose of this notice is to advise current and potential Upland Cotton Domestic User/Exporter Agreement (Step 2 Agreement) holders and other interested parties of the implementation and effective date of new payment rates for reginned motes and loose cotton under the program authorized by the Federal Agriculture Improvement and Reform Act of 1996, as amended.

EFFECTIVE DATE: May 5, 2000.

FOR FURTHER INFORMATION CONTACT: Barry Klein, Warehouse and Inventory Division, Farm Service Agency, United States Department of Agriculture, 1400 Independence Avenue, SW, STOP 0553, Washington, DC 20250–0553, telephone (202) 720–4647, or FAX (202) 690–0014, E-Mail: Barry_Klein@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Under the current Step 2 Agreement reginned motes are eligible for payments at 40 percent of the full payment rate for baled lint cotton. Loose cotton is currently paid at 75 percent of the full payment rate. Due to unusual current market conditions, the Commodity Credit Corporation, will for reginned motes and loose cotton pay until further notice, 100 percent of the Step 2 payment rate for baled lint cotton. All current Step 2 Agreement holders have received actual notice of this change and were required to return an amended Step 2 Agreement by June 2, 2000, to qualify for these new rates. Interested parties without a current Step 2 Agreement should contact Mr. Klein at the above address. Persons executing a new Step 2 Agreement will receive the new rates applicable to reginned motes and loose cotton. Electronic copies of all current Step 2 dispatches are available on the World Wide Web at www.fsa.usda.gov/daco/step2.

Signed at Washington, DC, on June 6, 2000.

Parks Shackelford,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 00–14927 Filed 6–13–00; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Revised Notice of Intent for the South Fourth of July Timber Sale Environmental Impact Statement

SUMMARY: A Notice of Intent was published in the **Federal Register**, Vol. 64, No. 215, Monday, November 8, 1999, P. 60764, announcing the preparation of an Environmental Impact Statement for the South Fourth of July Timber Sale. Since the publication of the Notice of Intent, the name of the proposal has been changed to the South Fourth of July Ecosystem Restoration Project. Publication of the Draft and Final Environmental Impact Statements will be under that name.

DATES: June 2, 2000.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and Environmental Impact Statement should be directed to Barbara Levesque at the Salmon-Cobalt Ranger District, Salmon-Challis National Forest, RR2 Box 600, Salmon, Idaho 83467.

George Matejko,

Forest Supervisor.

[FR Doc. 00–14582 Filed 6–13–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

International Buyer Program: Application and Exhibitor Data; Proposed Collection; Comment Request

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 35068(2)(A)).

DATES: Written comments must be submitted on or before August 14, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th & Constitution Avenue, NW, Washington, DC 20230. Phone number: (202) 482–3272.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: Jim Boney, U.S. & Foreign Commercial Service, Export Promotion Services, Room 2116, 14th & Constitution Avenue, NW., Washington, DC 20230; Phone number: (202) 482–0146, and fax number: (202) 482–0115.

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Trade Administration's International Buyer Program (IBP) encourages international buyers to attend selected domestic trade shows in high export potential industries and to facilitate contact between U.S. exhibitors and foreign visitors. The program has been successful having substantially increased the number of foreign visitors attending these selected shows as compared to the attendance when not supported by the program. The number of shows selected to the program increased form 10 in 1986 to 28 in 2001. Among the criteria used to select these shows are: export potential, international interest, scope of show, stature of show, exhibitor interest, overseas marketing, logistics, and cooperation of show organizers.

II. Method of Collection

Form ITA–4014P, Exhibitor Data, is used to determine which U.S. firms are interested in meeting with international business visitors and the overseas business interest of the exhibitors. The exhibitor data form is completed by U.S. exhibitors participating in an IBP domestic trade show and is used to list the firm and its products in and Export Interest Directory which is distributed worldwide for use by Foreign

Commercial Officers in recruiting delegations of international buyers to attend the show.

The Form ITA–4102P, Application, is used by a potential show organizer to provide (1) His/her experience, (2) ability to meet the special conditions of the IBP, and (3) information about the domestic trade show such as the number of U.S. exhibitors and the percentage of net exhibit space occupied by U.S. companies vis-a-vis non-U.S. exhibitors.

III. Data

OMB Number: 0625–0151.

Form Number: ITA–4014P and ITA–4102P.

Type of Review: Regular.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 4,760.

Estimated Time Per Response: 10 minutes and 180 minutes (Avg.).

Estimated Total Annual Burden Hours: 1,020 hours.

Estimated Total Annual Costs: $51,450.

The estimated annual cost for this collection is $51,450 ($35,700 for respondents and $15,750 for federal government).

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 costs) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or forms of information technology.

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

Dated: June 8, 2000.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 00–14939 Filed 6–13–00; 8:45 am]

BILLING CODE 3510–FP–U

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–805]

Extruded Rubber Thread From Malaysia: Notice of Extension of Time Limits for Antidumping Duty Administrative Review

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

SUMMARY: The Department of Commerce is extending the time limits of the preliminary results of the antidumping duty administrative review of extruded rubber thread from Malaysia. The review covers three producers/exporters of the subject merchandise to the United States. The period of review is October 1, 1998, through September 30, 1999.

EFFECTIVE DATE: July 14, 2000.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson at (202) 482–1776, or Irina Itkin at (202) 482–0656, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete this administrative review within the time limits mandated by section 751(a)(3)(A) of Tariff Act of 1930, as amended by the Uruguay Round Agreements Act, the Department is extending the time limit for completion of the preliminary results. In this review, the respondents will not have their audited financial statements ready until after the scheduled date for the preliminary results. Because the Department intends to incorporate the auditors' adjustments into its calculations, we have extended the deadline until October 30, 2000.

This extension is in accordance with section 751(a)(3)(A) of the Act (19 U.S.C. 1675(a)(3)(A)) and 19 CFR 351.213(h)(2).

Dated: June 8, 2000.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 00–15052 Filed 6–13–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Certain Stainless Steel Flanges From India: Extension of Time Limit for Preliminary Results of New Shipper Review

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

ACTION: Extension of Time Limit For Preliminary Results of New Shipper Review.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of a new shipper review of certain stainless steel flanges from India. This review covers one Indian exporter, Bhansali Ferromet Pvt. Ltd., and the period August 1, 1998 through July 31, 1999.

EFFECTIVE DATE: June 14, 2000.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam or Robert James, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482–5222, or (202) 482–0649, respectively.

Applicable Statute

Unless otherwise indicated, all citations to the statute refer to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, all citations to the Department's regulations are to the current regulations, codified at 19 CFR Part 351 (1999).

Background

Based on a request from Bhansali, and pursuant to section 351.214, on February 17, 2000 the Department published a notice of initiation of a new shipper review of the antidumping duty order on certain stainless steel flanges from India, covering the period August 1, 1998 through July 31, 1999 (65 FR 8120). The preliminary results are currently due no later than June 7, 2000.

Postponement of Preliminary Results

The Department has determined that the issues of this case are extraordinarily complicated and it is not practicable to issue the preliminary results of the new shipper review within the original time limit of June 7, 2000. *See* Memorandum from Richard A. Weible to Joseph A. Spetrini, Deputy

Assistant Secretary, Enforcement Group III, June 7, 2000. Accordingly, the Department is extending the time limit for completion of the preliminary results until September 5, 2000, in accordance with section 751(a)(2)(B)(iv) of the Act and 351.214(i)(2) of the Department's regulations. The deadline for the final results of this review will continue to be 90 days after the signature date of the preliminary results.

Dated: June 7, 2000.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 00–15051 Filed 6–13–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 00–00001]

Export Trade Certificate of Review; Notice of Issuance of an Export Trade Certificate of Review

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to North America Export Trading, LLC ("NAXT"). This notice summarizes the conduct for which certification has been granted.

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.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 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 a Certificate 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 Certified Conduct

Export Trade

1. Products

All products.

2. Services

All services.

3. Technology Rights

Technology rights including, but not limited to: Patents, trademarks, copyrights and trade secrets that relate to Products and Services.

4. Export Trade Facilitation Services (as They Relate to the Export of Products, Services and Technology Rights)

Export Trade Facilitation Services, including, but not limited to: Professional services in the areas of government relations and assistance with state and federal export programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping and export management; export licensing; advertising; grantsmanship; documentation and services related to compliance with customs requirements; insurance and financing; bonding; warehousing; export trade promotion; trade show exhibitions and organization; organizational development; management and labor strategies; transfer of technology, transportation; and facilitating the formation of shippers' associations.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

NAXT may:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;

2. Engage in promotion and marketing activities and collect and distribute information on trade opportunities in Mexico, Latin America, and all other Export Markets;

3. Enter into exclusive and/or non-exclusive agreements with distributors, foreign buyers, and/or sales representatives in Export Markets;

4. Enter into exclusive or non-exclusive sales agreements with Suppliers, Export Intermediaries, or other persons for the sale of Products and Services;

5. Enter into exclusive or non-exclusive agreements with Suppliers, Export Intermediaries, or other persons for licensing Technology Rights in Export Markets;

6. Assign sales to or among Suppliers, Export Intermediaries, or other persons, provided that NAXT does not intentionally disclose to any Supplier any information about other Suppliers' sales to NAXT for export;

7. Assign the licensing of Technology Rights in Export Markets among Suppliers, Export Intermediaries, or other persons, provided that NAXT does not intentionally disclose to any Supplier any information about other Suppliers' licenses;

8. Establish the price of Products and Services for sale in Export Markets;

9. Establish the fee for licensing of Technology Rights in Export Markets, as well as maintenance and financing commitments;

10. Negotiate, enter into, and/or manage licensing agreements and long-term purchase arrangements involving the export of Technology Rights; and

11. Provide extensive intergovernmental services to facilitate the grants and funding involvement of public and nongovernmental funding sources for private sector benefits in terms of export activity for goods and services.

Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operation, NAXT will not intentionally disclose, directly or indirectly, to any Supplier any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.

2. NAXT will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of Section 303(a) of the Act.

Definitions

1. "Export Intermediary" means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. "Supplier" means a person who produces, provides, or sells a Product and/or a Service.

A copy of this 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, N.W., Washington, D.C. 20230.

Dated: June 8, 2000.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 00–14984 Filed 6–13–00; 8:45 am]

BILLING CODE 3510–DR–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Olympic Coast National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary Program (NMSP) National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for application.

SUMMARY: The Olympic Coast National Marine Sanctuary is seeking applicants for the education seat on its Sanctuary Advisory Council (Council). Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the conservation and management of marine resources; and the length of residence in the area affected by the Secretary. Applicants who are chosen as members should expect to serve a three-year term, pursuant to the Council's Charter.

DATES: Applications are due by July 15, 2000.

ADDRESSES: Application kits may be obtained by contacting: Nancy Beres, SAC Coordinator, Olympic Coast National Marine Sanctuary, 138 West 1st Street, Port Angeles, Washington, 98362. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Nancy Beres, SAC Coordinator, Olympic Coast National Marine Sanctuary, 138 West 1st Street, Port Angeles, Washington, 98362. Telephone: (360) 457–66722 x 30 E-mail: *nancy.beres@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Olympic Coast National Marine Sanctuary Advisory Council is comprised of nineteen representatives of various local and regional organizations and agencies whose role is to advise the Sanctuary Manager on matters of policy and in reviewing strategic plans.

Authority: 16 U.S.C. Section 1431 *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: June 8, 2000.

Ted Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 00–14907 Filed 6–13–00; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051600C]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches

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

ACTION: Notice of issuance of a letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a 1-year letter of authorization to take small numbers of seals and sea lions was issued on May 31, 2000, to the 30th Space Wing, U.S. Air Force.

ADDRESSES: The letter of authorization and supporting documentation are available for review during regular business hours in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and the Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713–2055, or Christina Fahy, NMFS, (562) 980–4023.

SUPPLEMENTARY INFORMATION: Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of seals and sea lions incidental to missile and rocket launches, aircraft flight test operations, and helicopter operations at Vandenberg Air Force Base, CA were published on March 1, 1999 (64 FR 9925), and remain in effect until December 31, 2003.

Issuance of this letter of authorization is based on a finding that the total takings will have no more than a negligible impact on the seal and sea lion populations off the Vandenberg coast and on the Northern Channel Islands.

Dated: May 31, 2000.

Donald R. Knowles,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–15022 Filed 6–13–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 050500E]

Marine Mammals; File No. 909–1465–00

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

ACTION: Receipt of application for amendment.

SUMMARY: Notice is hereby given that Daniel Engelhaupt, Biological Sciences Department, University of Durham, Science Laboratories, South Road, Durham, DH1 3LE, England, has requested an amendment to Scientific Research Permit No. 909–1465–00.

DATES: Written or telefaxed comments must be received on or before July 14, 2000.

ADDRESSES: The amendment request and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301) 713–2289);

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, Florida 33702–2432, (727) 570–5301.

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

FOR FURTHER INFORMATION CONTACT: Jill Lewandowski or Jeannie Drevenak, (301) 713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 909–1465–00, issued on June 14, 1999 (63 FR 39272) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226). Permit No. 909–1465–00 authorizes the applicant to conduct photo-identification and skin biopsy sampling activities on several species of cetaceans, including the sperm whale (*Physeter catodon*), in the Gulf of Mexico over a five year period. Samples collected via biopsy sampling, as well as extant samples of stored material obtained from National Marine Fisheries Services' Southeast Regions, may be exported to England for genetic analyses. The authority of this permit expires on April 30, 2004.

The applicant is now requesting authorization for the following: (1) Extend the study for sperm whales only to waters of the southern Gulf of Mexico, Caribbean Sea and mid-western Atlantic, allowing for documentation of genetic variability of additional sperm whale populations thought to be residents in the northern Gulf of Mexico; (2) biopsy females with calves present as long as the calves are at least 4.5 meters in length; (3) expand the draw weight of the crossbow used for biopsy from 35–45 kg to a maximum of 150 kg; (4) increase sperm whale takes by an additional 250 individuals by biopsy and 750 individuals by incidental harassment; and (5) export all collected samples, including those from the increased geographic area, to England for genetic analysis.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 8, 2000.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–15020 Filed 6–13–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011300D]

Marine Mammals; File No. P624

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

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Dr. Michael J. Moore, Woods Hole Oceanographic Institution, Woods Hole, MA 02543, has been issued an amendment to scientific research Permit No. 1032.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281–9250); and

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432 (813/570–5312).

FOR FURTHER INFORMATION CONTACT: Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: On December 10, 1999, notice was published in the **Federal Register** (64 FR 73523) that an amendment of Permit No. 1032, issued April 18, 1997 (62 FR 23229), had been requested by the above-named individual. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The Permit, as amended, authorizes at-sea biopsy darting of large whales, blubber acoustic assay, passive acoustic listening, and inadvertent harassment of large whales in Atlantic Ocean, international waters and Caribbean.

Issuance of this amendment, as required by the ESA was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 8, 2000.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–15021 Filed 6–13–00; 8:45 am]

BILLING CODE 3510–22–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

The Corporation for National and Community Service (hereinafter the

"Corporation"), has submitted the following public information collection requests (ICRs) to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13. (44 U.S.C. Chapter 35)). Copies of these individual ICRs, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Office of Evaluation, Marcia Scott, (202) 606–5000, extension 100. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 606–5256 between the hours of 9:00 a.m. and 4:30 p.m. Eastern time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: Mr. Danny Werfel, OMB Desk Officer for the Corporation for National and Community Service, Office of Management and Budget, Room 10235, Washington, D.C. 20503, (202) 395–7326, within 30 days of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information to those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Long-term Study of Member Outcomes.

OMB Number: None.

Agency Number: None.

Affected Public: AmeriCorps members, comparison group individuals, AmeriCorps program administrators.

Total Respondents: 3,456.

- 1,792 AmeriCorps members (1,410 State/National and 382 NCCC).
- 1,552 individuals in the comparison groups (1,223 individuals who inquired about AmeriCorps through the CNS inquiry line for the State/National comparison group; 329 individuals from the NCCC program's wait list for the NCCC comparison group).
- 112 AmeriCorps program administrators.

Frequency:

- AmeriCorps members at post-program (eight months after baseline).
- Comparison group individuals eight months after baseline.
- Program characteristics from AmeriCorps administrators at post-program.
- AmeriCorps member and comparison group follow-up at three years after baseline (approximately two years after the post-program survey).

Average Time Per Response:

- The Post-program survey of members will require an average of 45 minutes per respondent.
- The initial follow-up survey of individuals in the comparison groups will take an average of 30 minutes per respondent.
- The survey of AmeriCorps program administrators will take an average of 20 minutes per program.
- Follow-up surveys of AmeriCorps members and individuals in the comparison group at three years after baseline will take an average of 30 minutes per respondent.

Estimated Total Burden Hours: 3,831 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Description: The Corporation seeks approval to continue to study the impact of AmeriCorps*State/National and AmeriCorps*NCCC on members over time. The objectives of this study are to describe the outcomes that are associated with participating and document changes in those outcomes over time; to identify factors explaining variation in outcomes at different stages of time; and to identify relationships between selected program features and member outcomes. Outcome domains will include civic engagement, educational skill aspiration and achievements, employment skill aspiration and achievements, and life skills. To meet these objectives, the study has selected a nationally representative sample of incoming AmeriCorps members from over 100 programs to ensure generalizability to the overall population. The study is collecting baseline data from a self-report survey measuring a variety of life outcomes for AmeriCorps members of State/National and NCCC programs as well as individual background characteristics.

To fully understand the impacts that cause change in outcomes, the study has selected a comparison group for both programs and has completed collecting baseline information on those individuals. The initial round of data collection for this study was authorized under OMB approval 3045–0060 which expires September 30, 2002. This is a request to conduct two additional rounds of data collection on the study: (1) surveys of treatment and comparison group members at two time points: ten months and two years after baseline; and (2) a survey of AmeriCorps program administrators at the end of the 1999–2000 program year.

Dated: June 9, 2000.

William H. Bentley,

Director, Department of Evaluation and Effective Practices.

[FR Doc. 00–15008 Filed 6–13–00; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF EDUCATION

Web-based Education Commission; Hearing

AGENCY: Office of Postsecondary Education, Education.

SUMMARY: This notice announces the next hearing of the Web-based Education Commission. Notice of this hearing is required under Section 10 (a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend this hearing.

DATES: The hearing will be held on June 26, 2000, from 1:00 p.m.–3:30 p.m. in conjunction with the National Educational Computing Conference in Atlanta, GA. The hearing location is in the Georgia World Congress Center (Hall G).

FOR FURTHER INFORMATION CONTACT: David Byer, Executive Director, Web-based Education Commission, U.S. Department of Education, 1990 K Street, NW, Washington, DC 20006–8533. Telephone: (202) 219–7045. Fax: (202) 502–7873. Email: *web__commission@ed.gov*.

SUPPLEMENTARY INFORMATION: The Web-based Education Commission is authorized by Title VIII, Part J of the Higher Education Amendments of 1998, as amended by the Fiscal 2000 Appropriations Act for the Departments of Labor, Health, and Human Services, and Education, and Related Agencies. The Commission is required to conduct a thorough study to assess the critical pedagogical and policy issues affecting the creation and use of web-based and

other technology-mediated content and learning strategies to transform and improve teaching and achievement at the K–12 and postsecondary education levels. The Commission must issue a final report to the President and the Congress, not later than 12 months after the first meeting of the Commission, which occurred November 16–17, 1999. The final report will contain a detailed statement of the Commission's findings and conclusions, as well as recommendations.

The June 26 hearing will cover a range of K–12 technology-related issues. These issues will include access for underserved populations, accreditation, evaluation of effectiveness, online courses and schools, online privacy, professional development, standards and assessment.

The hearing and meeting are open to the public. Records are kept of all Commission proceedings and are available for public inspection at the office of the Web-based Education Commission, Room 8089, 1990 K Street, NW, Washington, DC 20006–8533 from the hours of 9:00 a.m. to 5:30 p.m.

Assistance to Individuals With Disabilities

The hearing site is accessible to individuals With disabilities. Individuals who will need an auxiliary aid or service to participate in the hearing (e.g., interpreting services, assistive listening devices, or materials in alternative format) should contact the person listed in this notice at least two weeks before the scheduled hearing date. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation.

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 the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previously mentioned sites. If you have questions about using the 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/indes.html

Dated: June 6, 2000.

A. Lee Fritschler,

Assistant Secretary Office of Postsecondary Education.

[FR Doc. 00–14946 Filed 6–13–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Science; High Energy Physics Advisory Panel

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the High Energy Physics Advisory Panel (HEPAP). Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **FEDERAL REGISTER**.

DATES: Monday, July 17, 2000; 9 a.m. to 6 p.m. and Tuesday, July 18, 2000; 8:30 a.m. to 4 p.m.

ADDRESS: University of California at Los Angeles Faculty Center, 480 Circle Drive, Los Angeles, California 90095.

FOR FURTHER INFORMATION CONTACT: Glen Crawford, Executive Secretary; High Energy Physics Advisory Panel; U.S. Department of Energy; 19901 Germantown Road; Germantown, Maryland 20874–1290; Telephone: 301–903–9458

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda: Agenda will include discussions of the following: Monday, July 17, 2000, and Tuesday, July 18, 2000.

- Discussion of Department of Energy High Energy Physics Programs
- Discussion of National Science Foundation Elementary Particle Physics Program
- Discussion of High Energy Physics University Programs
- Reports on and Discussion of U.S. Large Hadron Collider Activities
- Reports on and Discussions of Topics of General Interest in High Energy Physics
- Public Comment (10-minute rule)

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Panel, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Glen Crawford, 301–903–9458 or Glen.Crawford@science.doe.gov (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Panel will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room; Room 1E–190; Forrestal Building; 1000 Independence Avenue, SW.; Washington, DC., between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on June 9, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–14977 Filed 6–13–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96–152–026]

Kansas Pipeline Company; Notice of Waiver

June 8, 2000.

Take notice that on May 26, 2000, Kansas Pipeline Company (KPC) tendered for filing a request for waiver of the EDI format requirement of the GISB standards. KPC has requested that its current waiver, until August 1, 2000, be extended for an additional one year, until August 1, 2001.

KPC states that copies of this filing have been served on all parties to the proceeding in Docket No. CP96–152.

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 on or before June 15, 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. 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. 00–14921 Filed 6–13–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM99–1–8–003]

South Georgia Natural Gas Company; Notice of Refund Report

June 8, 2000.

Take notice that on May 31, 2000 South Georgia Natural Gas Company (South Georgia) tendered for filing a Refund Report in the amount of $480,672.

South Georgia states that the amount was refunded on May 31, 2000. This refund is attributable to the difference between the annualization of the December to April 1999 Lost and Unaccounted For (LAUF) volumes and the actual LAUF volumes. The annualization resulted in South Georgia retaining from its customers an extra 186,818 Mcf of gas.

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 on or before June 15, 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. 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. 00–14926 Filed 6–13–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–370–000]

Transcontinental Gas Pipe Line Corporation and Columbia Gas Transmission Corporation; Notice of Application

June 8, 2000.

Take notice that on May 26, 2000, Transcontinental Gas Pipe Line Corporation (Transco), One Williams Center, Suite 4100, Tulsa, Oklahoma, 74172 and Columbia Gas Transmission Corporation, 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–1046 (Columbia) (jointly referred to as Applicants), tendered for filing a joint application pursuant to Section 7(b) of the Natural Gas Act (NGA) to abandon a natural gas transportation and exchange agreement under Transco's Rate Schedule X–98 and Columbia's Rate Schedule X–45, all as more fully set forth in the application, which is on file and open to public inspection. The application may be viewed on the web at *www.ferc.fed.us/online/rims.htm* (call (202) 208–2222 for assistance).

Applicants assert that no construction or abandonment of any facility is proposed. Applicants also state that a Pipeline Interconnect Balancing Agreement (OBA) covering all active interconnections between the two respective systems became effective December 1, 1999, which rendered Columbia's Rate Schedule X–45 and Transco's Rate Schedule X–98 unnecessary. Therefore, Applicants herein seek Commission authorization for the abandonment of the above-mentioned Rate Schedules and the transportation service provided thereunder.

Any questions regarding this application should be directed to Bruce B. Glendening, Senior Attorney, 12801 Fair Lakes Parkway, P.O. Box 10146, Fairfax, Virginia 22030–0146 (703) 227–3360 for Columbia Gas, and Stephen A. Hatridge, Senior Counsel, P.O. Box 1396, Houston, Texas, 77251–1396 at (713) 215–2312 for Transco.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, on or before June 22, 2000, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and 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 proceeding. 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act 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 permission and approval for the proposed abandonment 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 Applicants to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 00–14987 Filed 6–13–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR00–16–000]

Transok, LLC; Notice of Petition for Rate Approval

June 8, 2000.

Take notice that on June 1, 2000, Transok, LLC (Transok) filed, pursuant to section 284.123(b)(2) of the Commission's regulations, a petition for market-based rate approval for natural gas storage services which Transok provides under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA), from its Greasy Creek Storage Facility. Transok is currently authorized to provide up to 4 Bcf of natural gas storage services at market-based rates. See Transok, Inc., 64 FERC § 61,095 (1993). By the referenced petition, Transok proposes to increase the capacity used to support market-based storage services to the full amount of working gas capacity available at the Greasy Creek Storage Facility.

Transok's petition states that it is an intrastate pipeline within the meaning

of section 2(16) of the NGPA. The Greasy Creek Storage Facility has an estimated total capacity of 26 Bcf, an estimated working gas capacity of 18 Bcf, and a maximum daily deliverability of 450,000 Mcf at a maximum operation pressure of 790 psig. The Greasy Creek Storage Facility consists of 33 injection/withdrawal wells and 6 observation wells, and is connected to Transok's Oklahoma Transmission System by 10.5 miles of pipeline.

Transok avers that it continues to have no market power in any relevant product or geographic market for storage services, and has submitted with its petition a study which, according to Transok, supports this conclusion.

Transok also proposes to make certain minor changes, clarifications and corrections to the Transok Statement of Conditions for Gas Storage (Statement) and General Terms and Conditions to Transok's Storage Service Agreements (GT&C) in order to update those documents. Transok has submitted a revised Statement and GT&C with its petition for market-based storage rates.

Questions concerning Transok's petition should be directed to James F. Bowe, Jr., Dewey Ballantine LLP, 1775 Pennsylvania Avenue, NW., Washington, DC 20006–4605, telephone (202) 429–1444, fax (202) 429–1579, e-mail *jbowe@deweyballantine.com*.

Pursuant to section 284.123(b)(2)(ii) of the Commission's regulations, if the Commission does not act within 150 days of the filing date, the rates Transok proposes will be deemed to be fair and equitable. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All motions must be filed with the Secretary of the Commission on or before June 22, 2000. This petition for rate approval is on file with the Commission and is available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14924 Filed 6–13–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–249–000 and RP00–249–001]

Transwestern Pipeline Company; Notice of Technical Conference

June 8, 2000.

In the Commission's order issued on May 12, 2000,[1] the Commission directed that a technical conference be held to address issues raised by the filing.

Take notice that the technical conference will be held on tuesday, June 27, 2000, at 10:00 a.m. to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street NE., Wasington, DC 20426.

All interested parties and Staff are permitted to attend.

David P. Boergers,

Secretary.

[FR Doc. 00–14925 Filed 6–13–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–114–000]

Trunkline Gas Company; Notice of Intent To Prepare an Environment Assessment for the Proposed Line 100–1 Abandonment Project and Request for Comments on Environmental Issues

June 8, 2000.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Trunkline Gas Company's (Trunkline) proposal to abandon 720 miles of 26-inch-diameter pipeline (Line 100–1) by transfer to its affiliate CMS Trunkline Pipeline Holdings, Inc. (TPH). The EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

TPH has entered into an agreement with Centennial Pipeline [a joint venture between Texas Eastern Products Pipeline Company, L.P. (TEPPCO) and Marathon Ashland Petroleum, L.L.C. (Marathon)] to convert and jointly operate the pipeline to transport refined petroleum products from Texas-Louisiana Gulf Coast area to the Midwest. Line 100–1 extends from Douglas County, Illinois through Kentucky, Tennessee, Arkansas, and Mississippi, and terminates in Beauregard Parish, Louisiana.

If you are a landowner on Trunkline's route and receive this notice, you may be contacted by a pipeline company representative about the work that may be necessary on your property to disconnect the 26-inch-diameter pipeline from the remainder of Trunkline's system. Trunkline states that the existing easements permit this transfer of ownership and change in use.

This notice is being sent to landowners of property crossed by Trunkline's Line 100–1; landowners likely to be affected by Centennial Pipeline's planned facilities; Federal, state, and local agencies; elected officials; environmental and public interest groups; Indian tribes that might attach religious and cultural significance to historic properties in the area of potential effects; and local libraries and newspapers. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

Additionally, with this notice we are asking those Federal, state, local and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their agencies' responsibilities. Agencies who would like to request cooperating agency status should follow the instructions for filing comments described below.

Summary of the Proposed Project

Minor ground disturbing activities would be necessary at 113 sites along Trunkline's Line 100–1 to disconnect it from the other two pipelines on this portion of its system. The majority of the work would be conducted at existing compressor station and meter station sites or within Trunkline's existing right-of-away. A total of approximately 99 acres would be disturbed by these activities.

Once the pipeline has been disconnected from Trunkline's system, Centennial Pipeline plans to build:

- A new crossing of the Ouachita River in Caldwell Parish, Louisiana to replace the existing Line 100–1.
- Three new pumping stations at currently unidentified locations adjacent to the converted line;
- A 17-tank, 2-million-barrel petroleum storage facility near Creal Springs, Illinois; an interconnection between the Centennial Pipeline and

[1] 91 FERC ¶61,125 (2000).

Marathon's facilities near Effingham, Illinois; and

• About 75 miles of new 24-inch-diameter pipeline between TEPPCO's existing products terminal near Beaumont, Texas and the terminus of Line 100–1 in Longville, Louisiana.

The general location of Trunkline's existing facilities and the location of the planned Centennial Pipeline facilities are shown on the maps attached as appendices 1 and 2, respectively.[1]

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[2] to solicit and address concerns the public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

Our independent analysis of the issues will be in the EA. Depending on the comments received during scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

Currently Identified Environmental Issues

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project. We have already identified a number of issues that we think deserve attention based on a preliminary review of the proposed activities and the environmental information provided by Trunkline. These issues are listed below. This is a preliminary list of issues and may be changed based on your comments and our analysis.

• Impact on wetland hydrology.

• Potential impact on Federal- and State-listed threatened or endangered species and U.S. Forest Service-listed sensitive species.

• Impact on public lands and special use areas including the Kisatchie National Forest in Louisiana and the Shawnee National Forest in Illinois.

We have made a preliminary decision to not provide a detailed analysis of the environmental impacts of the facilities to be built by Centennial Pipeline. However, the EA will describe their location, status, any known environmental impacts, and a list of the responsible agencies. We are specifically seeking comment on this decision.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

• Send *two* copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Room 1A, Washington, DC 20426.

• Label *one* copy of the comments for the attention of the Gas 1, PJ–11.1;

• Reference Docket No. CP00–114–000;

• Mail your comments so that they will be received in Washington, DC on or before July 12, 2000.

All commenters will be retained on our mailing list. If you do not want to send comments at this time but still want to stay on the mailing list, you must return the attached Information Request (appendix 4). If you do not send comments or return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor." Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a cop of its filings to all other parties on the Commission's service list for this proceeding. If you want to become a intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in the proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS Menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 00–14923 Filed 6–13–00; 8:45 am]

BILLING CODE 6717–01–M

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the "RIMS" link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[2] "Us", "we", and "our" refer to the environmental staff of the FERC's Office of Energy Projects.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–150–001]

Millennium Pipeline Company, L.P.; Notice of Meeting

June 8, 2000.

The Commission staff, Millennium Pipeline Company, L.P. (Millennium) and interested parties will meet on June 21, 2000, at 2:00 p.m. in Room 3M–2B at the Commission's offices at 888 First, Street, NE, Washington, DC 20426. Millennium previously filed on May 9, 2000, in Docket No. CP98–150–001 to amend its pending application to reflect a route variation in Westchester County, New York. That application to amend was rejected as incomplete by letter dated May 16, 2000, without prejudice to Millennium refiling a complete application.

Millennium has requested a meeting in anticipation of refiling of the application to amend.

David P. Boergers,

Secretary.

[FR Doc. 00–14922 Filed 6–13–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6715–7]

Adequacy Status of Submitted State Implementation Plans for Transportation Conformity Purposes: Houston-Galveston Area (HGA) Attainment Demonstration SIP for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy status.

SUMMARY: In this notice, the EPA is announcing that the motor vehicle emissions budgets contained in the submitted HGA Attainment Demonstration State Implementation Plan (SIP) for ozone are adequate for transportation conformity purposes. As a result of this determination, the budgets from the submitted attainment SIP must be used for transportation conformity determinations in the HGA. The EPA received two public comment letters.

DATES: These budgets are effective June 29, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P. E., The U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; telephone (214) 665–7247.

SUPPLEMENTARY INFORMATION: Transportation conformity is required by section 176(c) of the Clean Air Act. The EPA's conformity rule, 40 CFR part 93, requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. The criteria by which EPA determines whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). An adequacy review is separate from EPA's completeness review, and it should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

On March 2, 1999, the D. C. Circuit Court of Appeals ruled that budgets contained in submitted SIPs cannot be used for conformity determinations unless EPA has affirmatively found the conformity budget adequate. We have described our process for determining the adequacy of submitted SIP budgets in the policy guidance dated May 14, 1999, and titled *Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision*. You may obtain a copy of this guidance from EPA's conformity web site: http://www.epa.gov/oms/traq (once there, click on "conformity" and then scroll down) or by contacting us at the address above.

By this notice, we are simply announcing the adequacy determination that we have already made. On November 15, 1999, we received the HGA attainment SIP which contained a volatile organic compounds budget of 79.00 tons/day and a nitrogen oxides budget of 195.00 tons/day. The public comment period closed on May 1, 2000. We received two public comment letters. We responded to all comments. After the public comment process, we sent a letter to the Texas Natural Resource Conservation Commission stating that these budgets are adequate and they must be used for transportation conformity determinations, and we enclosed a copy of our response to comments.

Therefore, the budgets contained in the submitted HGA attainment SIP as referenced above must be used for transportation conformity by the Metropolitan Planning Organization for the Houston-Galveston Area.

Dated: May 31, 2000.

Gregg A. Cooke,

Regional Administrator, Region 6.

[FR Doc. 00–15030 Filed 6–13–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6716–2]

2000 National Resource Conservation and Recovery Act Program Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Invitation to Plenary Sessions of RCRA National Meeting and to Environmental Indicator Forum Sessions.

SUMMARY: Notice is hereby given of public invitation to the plenary sessions of the regular meeting of the National Resource Conservation and Recovery Act (RCRA) Program, "RCRA: Visions for the Future." This meeting, August 15–18, 2000, brings together RCRA program representatives from the Environmental Protection Agency (EPA), state government, and tribes. The National Meeting will explore future management issues of hazardous and nonhazardous (industrial, municipal, and other) waste. A long-standing tradition, the National RCRA Program Meeting continues to be a great opportunity to share with, and learn from, each other. It promotes new EPA Headquarters initiatives, and fosters discussion and education concerning regional and state issues.

Although attendance at the National Meeting breakout sessions is limited to regulators, the general public is invited to attend the two plenary sessions. An Environmental Indicator Forum will be held during the Meeting. The Forum attempts to improve our efforts to ensure the protection of public health, and to control the migration of contaminated water.

DATES: The two plenary sessions at the 2000 National RCRA Program Meeting are open to the public. The first plenary starts at 8:30 a.m. on Tuesday, August 15, 2000 and ends at noon. The second plenary starts at 8:30 am on Thursday, August 17, 2000 and ends at 10:00 am. The Environmental Indicator Forum, will start at 1:00 pm on August 15, and continue through August 17. It is also open to the public.

ADDRESSES: The 2000 National RCRA Program Meeting and the Environmental Indicator Forum will both be held at the

Hyatt Regency Capitol Hill Hotel at 400 New Jersey Avenue, NW, Washington, D.C. Information on the room location of the plenary sessions will be provided upon registration.

FOR FURTHER INFORMATION CONTACT: Carlos Lago, (703–308–8642), or Mike Fitzpatrick (703–308–8411), Office of Solid Waste, Mail Code 5303W, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington D.C. 20460. You may also contact them by e-mail at "lago.carlos@epamail.epa.gov" Or "fitzpatrick.mike@epamail.epa.gov".

SUPPLEMENTARY INFORMATION:

Status

The public is invited only to the two plenary sessions at the National Meeting. At the plenary sessions, federal, state, and tribal officials, and representatives from industry and public interest groups, will discuss current topics related to the RCRA program and the latest Agency initiatives. The public is invited to attend all the Environmental Indicator Forum sessions.

Preregistration is required for the plenary and the Environmental Indicator Forum sessions. There is no cost to register. No registration will occur at the door. Seating is limited, so early registration is recommended. To reduce costs and minimize paper, we encourage everyone to register electronically for the meetings and at the Hyatt hotel using the meeting web site: <www.epa.gov/osw/meeting/index.htm>. If electronic registration is not possible, please contact Christine Milerson at HAZMED, (301) 577–9339, ext. 234. The address is Hazmed, 10001 Derekwood Lane, Suite 115, Lanham, MD 20706.

Dated: June 6, 2000.

Elizabeth Cotsworth,

Director, Office of Solid Waste.

[FR Doc. 00–15027 Filed 6–13–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00294; FRL–6591–3]

Forum on State and Tribal Toxics Action (FOSTTA); June Meeting Planned for Work Groups

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: The Tribal Affairs Work Group and the Environmental Justice Work Group will meet during the Forum on State and Tribal Toxics Action (FOSTTA) session in June. The three FOSTTA projects: Chemical Management, Pollution Prevention, and Toxics Release Inventory will not meet at this time. These projects met in October and March of this fiscal year. The next meeting of the entire FOSTTA membership will be in October 2000. OPPT will issue a **Federal Register** notice in late September to announce the details of the October meeting.

DATES: The Tribal Affairs Work Group and the Environmental Justice Work Group will meet concurrently on June 22, 2000, from 9 a.m. to 5 p.m. and on June 23, 2000, from 9 a.m. to noon.

ADDRESSES: The meetings will be held at the Holiday Inn Old Town, 480 King Street, Alexandria, VA.

FOR FURTHER INFORMATION CONTACT: George Hagevik, National Conference of State Legislatures, 1560 Broadway, Suite 700, Denver, CO 80202; telephone: (303) 839–0273: fax: (303) 863–8003; e-mail: george.hagevik@ncsl.org or Darlene Harrod, Liaison Branch, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC; telephone: (202) 260–6904; fax: (202) 260–2219; e-mail: harrod.darlene@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. All parties interested in FOSTTA and hearing more about the perspectives of the States and Tribes on EPA programs and the information exchange regarding important issues related to human health and environmental exposure to toxics are invited and encouraged to attend. The public is encouraged to attend the proceedings as observers. However, in the interest of time and efficiency, the meetings are structured to provide maximum opportunity for State, Tribal, and EPA participants to discuss items on the predetermined agenda. At the discretion of the chair of the work group, an effort will be made to accommodate participation by observers attending the proceedings.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of minutes, and certain other related documents that might be available electronically, from the National Conference of State Legislatures (NCSL) Web site at http://www.ncsl.org/programs/esnr/fostta/fostta.htm. To access this document on the EPA Internet Home Page go to http://www.epa.gov and select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register** Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/FOSTTA.

2. *Facsimile.* Notify the contacts listed above if you would like any of the documents sent to you via fax.

III. Background

The NCSL and the EPA co-sponsor the meetings. As part of a co-sponsorship agreement, NCSL facilitates ongoing efforts of the States and Tribes to identify, discuss, and address toxics-related issues, and to continue the dialogue on how Federal environmental programs can best be implemented.

FOSTTA, a group of State and Tribal toxics environmental managers, is intended to foster the exchange of toxics-related program and enforcement information among the States, Tribes, EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS), and the Office of Enforcement and Compliance Assurance (OECA). In addition to the two work groups, FOSTTA currently is composed of the Coordinating Committee and three issue-specific projects: the Chemical Management, Pollution Prevention, and Toxics Release Inventory.

The Tribal Affairs Work Group will focus on issues of particular interest to the Tribal representatives as well as on OPPT orientation and organizational matters. FOSTTA will also host a stakeholder meeting on logistical issues associated with the implementation of Title VI of the Civil Rights Act in the States.

IV. Purpose of Meeting

Tentative agenda items identified by NCSL, the States, and the Tribes for the Tribal Affairs Work Group meeting:

1. AIEO's Baseline Assessment project.

2. OECA's American Indian Land Environmental Support project.

3. Subsistence Food Assessment project.

4. OPPT 101.

The tentative agenda item identified for the Environmental Justice Work Group meeting:

Logistical issues associated with the implementation of Title VI of the Civil Rights Act in the States.

List of Subjects

Environmental protection.

Dated: June 8, 2000.

Clarence O. Lewis, III,

Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics.

[FR Doc. 00–15163 Filed 6–12–00; 2:22 pm]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6716–3]

Notice of Superfund Recycling Equity Act Stakeholders Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Meeting.

SUMMARY: The Environmental Protection Agency (EPA) will hold a public meeting to examine whether or not to issue guidance dealing with prospective (*i.e.*, post-enactment) recycling transactions covered by the Superfund Recycling Equity Act (SREA). To address this question, EPA will hear views on whether such guidance is needed, what type of guidance might be needed, and what the content of any such guidance should be. More specifically, attendees will be given an opportunity to share their views with EPA on the issue of what constitutes "reasonable care" as contemplated by sections 127(c)(5), (6) of the SREA. Accordingly, EPA is seeking relevant factual information on standard practices in the recycling industry, quantity and quality of publicly available environmental compliance information, and information useful to the agency and industry to implement the reasonable care standard contemplated in the SREA. This notice identifies a contact person for registration, and includes information on the topic, place, date and time of the meeting.

DATES: The public meeting will be held on July 17, 2000, 8:30 a.m. to 5 p.m. If you would like to attend the meeting, you must notify the Agency by July 10, 2000. Any written comments you wish to submit, whether or not you attend the meeting, must be submitted as set forth below and before July 10, 2000.

ADDRESSES: The public meeting will be held at U.S. EPA Headquarters, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W. (entrance on 12th Street N.W.), in the NETI Conference Room No. 6226, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Sherry Green, Environmental Protection Agency, Office of Site Remediation Enforcement, Subject: Recycling Meeting, 1200 Pennsylvania Avenue, NW, Mailcode 2272A, Washington, DC 20460, 202–564–4303, Fax 202–564–0461, or e-mail: green.sherry@epa.gov. Registration: there is no registration fee for this public meeting, but, to assure room capacity for all those attending, notice of your intention to attend must be received by July 10, 2000. Due to possible limitations on space in the meeting room, up to two participants per organization is requested, unless special arrangements are made with the Agency in advance of the meeting. All interested persons may give notice of their intention to attend via email to: green.sherry@epa.gov, Subject: Recycling Meeting, Fax 202–564–0461, or regular mail to the address noted above, and should provide the following information: Name, Affiliation (if applicable), Address, Phone, Fax, and Email address (if available). All timely comments, both oral and written, will be considered.

SUPPLEMENTARY INFORMATION:

I. Background

The Superfund Recycling Equity Act (SREA) was enacted on November 29, 1999, amending the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 42 U.S.C. § 9601 *et seq.* SREA may also in some uses be referenced as the "D.C. Appropriations Act 2000, § 6001," the "Consolidated Appropriations Act for FY 2000, § 6001," or P.L. 106–113, Section 6001, and is codified at 42 U.S.C. § 9627. The purpose of this meeting is to listen to the views of all concerned on the issues raised by the SREA pertaining to post-enactment transactions, in particular, the issue of the reasonable care standard under sections 127(c)(5), (6) of the Act. Accordingly, the questions listed below have been provided to serve as the framework for the dialogue and information exchange at the meeting on July 17, 2000. To assure adequate time for all participants, oral remarks will be limited to seven minutes per individual or organization. Oral remarks may be supplemented with a written statement. All written statements (whether you plan to attend the meeting or not) must be received in electronic format by EPA by July 10, 2000 (seven days before the meeting). Written statements will be made available for public access at www.epa.gov/oeca/osre/recycle.html, once received by EPA. We encourage all persons planning to attend the meeting to read as many of these statements as have been posted before attending the meeting since it will inform the group dialogue. Copies of written statements are likely to be too voluminous to be provided by EPA at the meeting, so please bring your own copies if you intend to refer to them during the meeting. Following the presentations, if time permits, EPA will invite group discussion of the issues raised to further assist it in considering the questions to be addressed.

II. Questions To Be Addressed at the Public Meeting

(1) How does a generator of scrap material currently exercise reasonable care in determining whether a consuming facility has been in compliance with substantive provisions of Federal, State or local environmental laws?

(2) What factors does a generator of scrap material currently take into account when evaluating the compliance status of a consuming facility?

(3) What prevailing industrial practices are used when assessing a facility's compliance status?

(4) How much inquiry does a generator of scrap material generally believe is needed to be reasonably comfortable that it has sufficient information to make a decision about a consuming facility's compliance status?

(5) As part of the assessment of what constitutes sufficient information, how much weight should standard industrial practices or prior business relationships with a particular facility or company be given in determining an individual consuming facility's behavior and compliance status?

(6) How do the criteria contained in section 127(c)(6) regarding "reasonable care" shape or direct the type of inquiry that is necessary to determine that a consuming facility is in compliance with substantive provisions of Federal, State or local environmental laws?

(7) Under what circumstances should site visits be required?

(8) What compliance information is available from state and local authorities? From other authorities?

(9) How often/frequently should generators be required to re-check the compliance status of consuming facilities?

(10) Under what circumstances is it appropriate/sufficient to rely on a consuming facility's checklist or self-certification to satisfy the "reasonable care" standard?

Dated: June 8, 2000.

Barry Breen,

Office Director, Office of Site Remediation Enforcement.

[FR Doc. 00–15029 Filed 6–13–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34228; FRL–6593–4]

Organophosphate Pesticide; Availability of Revised Risk Assessments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notices announces the availability of the revised risk assessments and related documents for one organophosphate pesticide, dircrotophos. In addition, this notice starts a 60-day public participation period during which the public is encouraged to submit risk management ideas or proposals. These actions are in response to a joint initiative between EPA and the Department of Agriculture (USDA) to increase transparency in the tolerance reassessment process for organophosphate pesticides.

DATES: Comments, identified by docket control number OPP–34228 must be received by EPA on or before August 14, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the "SUPPLEMENTARY INFORMATION." To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–34228 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Karen Angulo, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8004; e-mail address: angulo.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the revised risk assessments and submitting risk management comments on dicrotophos, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. As such, the Agency has not attempted to specifically describe all the entities potentially affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under "FOR FURTHER INFORMATION CONTACT."

II. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

A. *Electronically.* You may obtain electronic copies of this document and other related documents from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

To access information about organophosphate pesticides and obtain electronic copies of the revised risk assessments and related documents mentioned in this notice, you can also go directly to the Home Page for the Office of Pesticide Programs (OPP) at http://www.epa.gov/pesticides/op/.

B. *In person.* The Agency has established an official record for this action under docket control number OPP–34228. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as CBI. This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. How Can I Respond to this Action?

A. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–34228 in the subject line on the first page of your response.

1. *By mail.* Submit comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver comments to: Public Information and Records Integrity Branch, Information Resources and Services Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* Submit electronic comments by e-mail to: "opp-docket@epa.gov," or you can submit a computer disk as described in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by the docket control number OPP–34228. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI Information that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under "FOR FURTHER INFORMATION CONTACT."

IV. What Action is EPA Taking in this Notice?

EPA is making available for public viewing the revised risk assessments and related documents for one organophosphate pesticide, dicrotophos. These documents have been developed as part of the pilot public participation process that EPA and USDA are now

using for involving the public in the reassessment of pesticide tolerances under the Food Quality Protection Act (FQPA), and the reregistration of individual organophosphate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The pilot public participation process was developed as part of the EPA-USDA Tolerance Reassessment Advisory Committee (TRAC), which was established in April 1998, as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. A goal of the pilot public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development of organophosphate pesticide risk assessments and risk management decisions. EPA and USDA began implementing this pilot process in August 1998, to increase transparency and opportunities for stakeholder consultation. The documents being released to the public through this notice provide information on the revisions that were made to the dicrotophos preliminary risk assessments, which was released to the public September 2, 1999 (64 FR 170) (FRL–6380–9) through a notice in the **Federal Register**.

In addition, this notice starts a 60-day public participation period during which the public is encouraged to submit risk management proposals or otherwise comment on risk management for dicrotophos. The Agency is providing an opportunity, through this notice, for interested parties to provide written risk management proposals or ideas to the Agency on the chemical specified in this notice. Such comments and proposals could address ideas about how to manage dietary, occupational, or ecological risks on specific dicrotophos use sites or crops across the United States or in a particular geographic region of the country. To address dietary risk, for example, commenters may choose to discuss the feasibility of lower application rates, increasing the time interval between application and harvest ("pre-harvest intervals"), modifications in use, or suggest alternative measures to reduce residues contributing to dietary exposure. For occupational risks, commenters may suggest personal protective equipment or technologies to reduce exposure to workers and pesticide handlers. For ecological risks, commenters may suggest ways to reduce environmental exposure, e.g., exposure to birds, fish, mammals, and other non-target organisms. EPA will provide other opportunities for public participation and comment on issues associated with the organophosphate pesticide tolerance reassessment program. Failure to participate or comment as part of this opportunity will in no way prejudice or limit a commenter's opportunity to participate fully in later notice and comment processes. All comments and proposals must be received by EPA on or before August 14, 2000 at the addresses given under the "ADDRESSES" section. Comments and proposals will become part of the Agency record for the organophosphate pesticide specified in this notice.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: June 8, 2000.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 00–15033 Filed 6–13–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–66277; FRL–6589–9]

Notice of Receipt of Requests to Voluntary Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations.

DATES: Unless a request is withdrawn by, December 11, 2000, orders will be issued canceling all of these registrations.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. Office location for commercial courier delivery, telephone number and e-mail address: Rm. 224, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305–5761; e-mail: hollins.james@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this apply to me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed in the FOR FURTHER INFORMATION CONTACT.

B. How can I get additional information or copies of support documents?

1. *Electronically.* You may obtain electronic copies of this document and various support documents are available from the EPA Home Page at the **Federal Register**-Environmental Documents entry for this document under "Laws and Regulations" (http://www.epa.gov/fedrgstr/).

2. *In person.* Contact James A. Hollins at 1921 Jefferson Davis Highway, Crystal Mall 2, Rm. 224, Arlington, VA, telephone number (703) 305–5761. Available from 7:30 a.m. to 4:45 p.m., Monday thru Friday, excluding legal holidays.

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applications from registrants to cancel some 60 pesticide products registered under section 3 or 24 of FIFRA. These registrations are listed in sequence by registration number (or company number and 24 number) in the following Table 1.

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product Name	Chemical Name
WA–00–0002		Gas cartidge (as a device for burrowing animal control)
000016–00121	Dragon Sevin-Dipel Insect & Worm Dust	*Bacillus thuringiensis* subsp. kurstaki 1-Naphthyl-*N*-methylcarbamate
000239–00568	Ortho Home Orchard Spray	Methoxychlor (2,2-bis(*p*-methoxyphenyl) -1,1,1-trichloroethane) *O,O*-Dimethyl phosphorodithioate of diethyl mercaptosuccinate cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Product Name	Chemical Name
000239–00729	Orthocide Garden Fungicide	cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide
000264–00551	Buctril + Atrazine Gel	3,5-Dibromo-4-hydroxybenzonitrile octanoate 2-Chloro-4-(ethylamino)-6-(isopropylamino)-*s*-triazine 3,5-Dibromo-4-hydroxybenzonitrile heptanoate
000264 AL–94–0004.		Dimethyl *N,N'* (thiobis ((methylimino)carbonyloxy))bis (ethanimidothioate)
000264 CT–89–0001.	Larvin Brand 3.2 Thiodicarb Insecticide/Ovicide	Dimethyl *N,N'*-(thiobis ((methylimino)carbonyloxy))bis (ethanimidothioate)
000264 DE–87–0002.	Larvin 3.2 Thiodicarb Insecticide Aqueous Flowable	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy)) bis(ethanimidothioate)
000264 GA–87–0004.	Larvin 3.2 Thiodicarb Insecticide Aqueous Flowable	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy)) bis(ethanimidothioate)
000264 LA–86–0006.	Larvin 3.2 Thiodicarb Insecticide Aqueous Flowable	Dimethyl *N,N'*-(thiobis((methylimino) carbonyloxy))bis(ethanimidothioate)
000264 MD–88–0003.	Larvin Brand 3.2 Thiodicarb Insecticide/Ovicide	Dimethyl *N,N'*-(thiobis((methylimino) carbonyloxy)) bis(ethanimidothioate)
000264 ME–91–0006.	Larvin Brand 3.2 Thiodicarb Insecticide/Ovicide	Dimethyl *N,N'*- (thiobis ((methylimino) carbonyloxy))bis (ethanimidothioate)
000264 MI–86–0005.	Larvin 3.2 Thiodicarb Insecticide Aqueous Flowable	Dimethyl *N,N'*-(thiobis((methylimino) carbonyloxy)) bis(ethanimidothioate)
000264 MS–86–0002.	Larvin 3.2 Thiodicarb Insecticide Aqueous Flowable	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy))bis(ethanimidothioate)
000264 NC–86–0002.	Larvin 3.2 Thiodicarb Insecticide Aqueous Flowable	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy))bis(ethanimidothioate)
000264 NH–92–0002.	Larvin Brand 3.2 Thiodicarb Insecticide/Ovicide	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy))bis(ethanimidothioate)
000264 NJ–92–0001.	Larvin Brand 3.2 Thiodicarb Insecticide/Ovicide	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy))bis(ethanimidothioate)
000264 NY–86–0002.	Larvin 3.2 Thiodicarb Insecticide Aqueous Flowable	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy))bis(ethanimidothioate)
000264 OH–89–0005.	Larvin Brand 3.2 Thiodicarb Insecticide/Ovicide	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy))bis(ethanimidothioate)
000264 PA–87–0004.	Larvin 3.2 Thiodicarb Insecticide Aqueous Flowable	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy))bis(ethanimidothioate)
000264 PR–91–0001.	Larvin Brand 3.2 Thiodicarb Insecticide/Ovicide	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy))bis(ethanimidothioate)
000264 RI–95–0001.	Larvin Brand 3.2 Thiodicarb Insecticide/Ovicide	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy))bis(ethanimidothioate)
000264 VA–87–0005.	Larvin 3.2 Thiodicarb Insecticide Aqueous Flowable	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy))bis(ethanimidothioate)
000264 VT–92–0002.	Larvin Brand 3.2 Thiodicarb Insecticide/Ovicide	Dimethyl *N,N'*-(thiobis((methylimino)carbonyloxy))bis(ethanimidothioate)
000432–00951	Acclaim 1EC Herbicide	2-(4-((6-Chloro-2-benzoxazolyl)oxy)phenoxy)propionic acid, ethyl ester, (+-)-
000432–00952	Acclaim 0.5 WE Herbicide	2-(4-((6-Chloro-2-benzoxazolyl)oxy)phenoxy)propionic acid. ethyl ester, (+-)-
000432–00953	Acclaim 0.75EC Herbicide	2-(4-((6-Chloro-2-benzoxazolyl)oxy)phenoxy)propionic acid, ethyl ester, (+-)-
000769–00645	SMCP TTC Turf Fungicide	Pentachloronitrobenzene Tetramethyl thiuramdisulfide cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide
001015–00051	88 Farm Bin Spray Improved	Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane) *O,O*-Dimethyl phosphorodithioate of diethyl mercaptosuccinate
001448–00387	M–5–3	2-(Thiocyanomethylthio)benzothiazole Methylene bis(thiocyanate)
003125–00400	Dylox 6.2% Insecticide Granules	Dimethyl (2,2,2-trichloro-1-hydroxyethyl)phosphonate
003125 WA–81–0041.	Sencor 4 Flowable Herbicide	1,2,4-Triazin-5(4*H*)-one, 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-
003125 WA–87–0007.	Sencor 4 Flowable Herbicide	1,2,4-Triazin-5(4*H*)-one, 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-
005481–00083	Durham Duratex H. R. Granules 1	*O,O*-Dimethyl *O*-(4-(methylthio)-m-tolyl) phosphorothioate
005481–00084	Durham Duratex Granules 1	*O,O*-Dimethyl *O*-(4-(methylthio)-m-tolyl) phosphorothioate
005481–00101	Durham Duratex Granules 2	*O,O*-Dimethyl *O*-(4-(methylthio)-m-tolyl) phosphorothioate
005481–00250	Captan 7.5 Dust	*cis-N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide
007401–00355	Ferti-Loam Improved Rose Spray	Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane) *O,O*-Dimethyl phosphorodithioate of diethyl mercaptosuccinate cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide
007501 OR–99–0059.	Evolve Potato Seed—Piece Treatment	Gas cartidge (as a device for burrowing animal control) Zinc ion and manganese ethylenebisdithiocarbamate, coordination product Dimethyl ((1,2-phenylene)bis(iminocarbonothioyl))bis(carbamate) 2-Cyano-*N*-((ethylamino)carbonyl)-2-(methoxyimino)acetamide

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Product Name	Chemical Name
007969 WA–90–0014.	Banvel SGF Herbicide	Sodium 3,6-dichloro-*o*-anisate
007969 WA–91–0032.	Banvel Herbicide	Dimethylamine 3,6-dichloro-*o*-anisate
009779–00308	Trific 60–DF	Trifluralin (α,α,α-trifluro-2,6-dinitro-*N*,*N*-dipropyl-*p*-toluidine) (Note: a = alpha)
010163 WA–95–0016.	Imidan 70–WSB	*N*-(Mercaptomethyl)phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate)
010182 ME–96–0004.	Diquat Herbicide	6,7-Dihydrodipyrido(1,2-a:2',1'-c)pyrazinediium dibromide
010182 WA–97–0028.	Ambush Insecticide	Cyclopropanecarboxylic acid, 3-(2,2-dichloroethenyl)-2,2-dimethyl-,
028293–00014	Unicorn Flea & Tick Powder for Dogs and Cats #3	Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane) 1-Naphthyl-*N*-methylcarbamate
028293–00102	Unicorn Flea and Tick Powder I	Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane) 1-Naphthyl-*N*-methylcarbamate
028293–00108	Unicorn Equine Spray and Rub-On	Butoxypolypropylene glycol Methoxychlor (2,2-bis(p-methoxyphenyl)-1,1,1-trichloroethane) (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% Pyrethrins
029964–00002	Flowable Captan Seed Protectant	*cis*-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide
034704–00612	Sprout Nip Ag	Isopropyl *N*-(3-chlorophenyl)carbamate
034704 LA–96–0010.	Diazinon 500–AG	*O*,*O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate
039702–00003	Muralo Lumber Jacket Stain and Wood Preservative	*N*-((Trichloromethyl)thio)phthalimide Bis(tributyltin) oxide
050534 WA–93–0017.	Bravo Plus (Bravo C/M)	Basic copper chloride Manganese ethylenebis(dithiocarbamate) Tetrachloroisophthalonitrile
058185–00018	Dycarb 76 Wp Insecticide for Horticulture Plants	Bendiocarb (2,2-dimethyl-1,3-benzoldioxol-4-yl methylcarbamate)
058266 AZ–98–0011.	Tri-Clor Fumigant	Chloropicrin
062719–00042	Reldan F Insecticidal Chemical	*O*,*O*-Dimethyl *O*-(3,5,6-trichloro-2-pyridyl) phosophorothioate
062719–00043	Reldan 4E	*O*,*O*-Dimethyl *O*-(3,5,6-trichloro-2-pyridyl) phosophorothioate
066222–00014	Prometryne 80W	2,4-Bis(isopropylamino)-6-(methylthio)-*s*-triazine
069575–00002	BT-Xtra	*Bacillus thuringiensis* subsp. kurstaki CryIA (c) delta-endotoxin and the

Unless a request is withdrawn by the registrant within 180 days (30 days when requested by registrant) of publication of this notice, orders will be issued canceling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant during this comment period.

The following Table 2, includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number:

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
000016 ..	Dragon Chemical Corp., 7033 Walrond Drive, NW, Box 7311, Roanoke, VA 24019.
000239 ..	The Scotts Co., D/B/A The Ortho Group, Box 1749, Columbus, OH 43216.
000264 ..	Rhone-Poulenc Ag Co., Box 12014, Research Triangle Park, NC 27709.
000432 ..	Agrevo Environmental Health, 95 Chestnut Ridge Rd, Montvale, NJ 07645.
000769 ..	Verdant Brands, Inc., 213 S.W. Columbia St., Bend, OR 97702.
001015 ..	Douglas Products & Packaging Co., 1550 E. Old 210 Highway, Liberty, MO 64068.
001448 ..	Buckman Laboratories Inc., 1256 North Mclean Blvd, Memphis, TN 38108.
003125 ..	Bayer Corp., Agriculture Division, 8400 Hawthorn Rd, Box 4913, Kansas City, MO 64120.
005481 ..	AMVAC Chemical Corp., Attn: Jon C. Wood, 2110 Davie Ave., Commerce, CA 90040.
007401 ..	Brazos Associates, Inc.. c/o Voluntary Purchasing Groups, Inc., Box 460, Bonham, TX 75418.
007501 ..	Gustafson LLC, 1400 Preston Rd., Suite 400, Planos, TX 75093.
007969 ..	BASF Corp., Agricultural Products, Box 13528, Research Triangle Park, NC 27709.
009779 ..	CENEX/Land-O-Lakes Agronomy Co., 5600 Cenex Drive, Box 64089, Inver Grove Heights, MN 55164.
010163 ..	Gowan Co, Box 5569, Yuma, AZ 85366.
010182 ..	Zeneca Ag Products, Box 15458, Wilmington, DE 19850.
028293 ..	Unicorn Laboratories, 12385 Automobile Blvd., Clearwater, FL 33762.
029964 ..	Pioneer Hi-Bred International Inc., Box 14458, Des Moines, IA 50306.
034704 ..	Jane Cogswell, Agent For: Platte Chemical Co Inc., Box 667, Greeley, CO 80632.
039702 ..	Muralo Co Inc., 148 E. Fifth St., Box 455, Bayonne, NJ 07002.

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA Company No.	Company Name and Address
050534 ..	GB Biosciences Corp., c/o Zeneca Ag Products, 1800 Concord Pike, Box 15458, Wilmington, DE 19850.
058185 .	Scotts-Sierra Crop Protection Co, Attn: Vincent Snyder, Jr, 14111 Scottslawn Rd, Marysville, OH 43041.
058266 ..	Shadow Mountain Products Corp., Box 1327, Hollister, CA 95024.
062719 ..	Dow Agrosciences LLC, 9330 Zionsville Rd 308/3E, Indianapolis, IN 46268.
066222 ..	Makhteshim-Agan of North America Inc., 551 Fifth Ave.- Ste 1100, New York, NY 10176.
069575 ..	Dekalb Genetics Corp., Biotechnology Regulatory Affairs, 3100 Sycamore Rd, Dekalb, IL 60115.

III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

IV. Loss of Active Ingredient

Unless the request for cancellation is withdrawn, one pesticide active ingredient will no longer appear in any registered products. Those who are concerned about the potential loss of this active ingredient for pesticidal use are encouraged to work directly with the registrant to explore the possibility of withdrawing their request for cancellation. The active ingredient is listed in the following Table 3, with the EPA company and CAS number.

TABLE 3.—DISAPPEARING ACTIVE INGREDIENT

CAS No.	Chemical Name	EPA Company No.
Unknown	*Bacillus thuringiensis* subsp. kurstaki CryIA	069575

V. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked before December 11, 2000. This written withdrawal of the request for cancellation will apply only to the applicable 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

VI. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1 year after the date the cancellation request was received by the Agency. This policy is in accordance with the Agency's statement of policy as prescribed in **Federal Register** (56 FR 29362) June 26, 1991; (FRL 3846–4). Exception to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product(s). Exceptions to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: May 31, 2000.

Richard D. Schmitt,

Associate Director, Information Resources Services Division, Office of Pesticide Programs.

[FR Doc. 00–15035 Filed 6–13–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34221; FRL–6556–5]

Pesticide Reregistration Performance Measures and Goals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's progress in meeting its performance measures and goals for pesticide reregistration during 1999. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires EPA to publish this information annually. The notice discusses the integration of tolerance reassessment with the reregistration process, and describes the status of various regulatory activities associated with reregistration and tolerance reassessment. The notice gives total numbers of chemicals and products reregistered, tolerances reassessed, Data Call-Ins issued, and products registered under the "fast-track" provisions of FIFRA. Finally, this notice contains the schedule for completion of activities for specific chemicals during the next two fiscal years.

DATES: This notice is not subject to a formal comment period. Nevertheless, EPA welcomes input from stakeholders and the general public. Written comments, identified by the docket

number [OPP–34221], should be received on or before August 14, 2000.

ADDRESSES: Comments may be submitted by regular mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I of the SUPPLEMENTARY INFORMATION section of this notice.

FOR FURTHER INFORMATION CONTACT: Carol P. Stangel, U.S. Environmental Protection Agency (7508C), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone: (703) 308–8007, e-mail: stangel.carol@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Important Information

A. Does this apply to me?

This action is directed to the public in general. Although this action may be of particular interest to persons who are interested in the progress and status of EPA's pesticide reregistration and tolerance reassessment programs, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed in the FOR FURTHER INFORMATION CONTACT section.

B. How can I get additional information or copies of support documents?

1. *Electronically.* You may obtain electronic copies of this document and various support documents from the EPA Internet Home page at www.epa.gov. On the Home Page, select "Laws and Regulations," and then look up the entry for this document under "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at www.epa.gov/fedrgstr.

To access information about pesticide reregistration, go directly to the Home Page for the Office of Pesticide Programs at www.epa.gov/pesticides and select "Pesticide Reregistration" under "Select Topic From List," the pull-down menu at the top of the screen.

2. *In person.* The official record for this notice, as well as the public version, has been established under docket control number [OPP–34221] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection in Rm. 119, Crystal Mall #2 (CM #2), 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Public Information and Records Integrity Branch telephone number is (703) 305–5805.

C. How and to whom do I submit comments to?

You may submit comments through the mail, in person, or electronically:

1. *By mail.* Submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

2. *In person.* Deliver written comments to Public Information and Records Integrity Branch, in Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

3. *Electronically.* Submit your comments and/or data electronically to opp-docket@epa.gov. Please note that you should not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 6.1/8.0 or ASCII file format. All comments and data in electronic form must be identified by the docket control number [OPP–34221]. Electronic comments on this notice may also be filed online at many Federal Depository Libraries.

D. How should I handle information that I believe is confidential?

You may claim information that you submit in response to this document as confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed, except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice.

II. Background

EPA must establish and publish annually in the **Federal Register** its performance measures and goals for pesticide reregistration, tolerance reassessment, and expedited registration, under section 4(l) of FIFRA, as amended by the Food Quality Protection Act of 1996 (FQPA). Specifically, such measures and goals are to include:

a. The status of reregistration;

b. The number of products reregistered, canceled, or amended;

c. The number and type of data requests or Data Call-In notices (DCIs) under section 3(c)(2)(B) issued to support product reregistration by active ingredient;

d. Progress in reducing the number of unreviewed, required reregistration studies;

e. The aggregate status of tolerances reassessed;

f. The number of applications for registration submitted under subsection (k)(3), expedited processing and review of similar applications, that were approved or disapproved;

g. The future schedule for reregistrations in the current and succeeding fiscal year; and

h. The projected year of completion of the reregistrations under section 4.

FIFRA, as amended in 1988, authorizes EPA to conduct a comprehensive pesticide reregistration program—a complete review of the human health and environmental effects of older pesticides originally registered prior to November 1, 1984. Those pesticides meeting today's scientific and regulatory standards may be declared "eligible" for reregistration. In order to be so designated, an older pesticide must have a substantially complete data base, and must be found not to cause unreasonable risks to human health or the environment when used in accordance with Agency approved label directions and precautions.

In addition, all pesticides with food uses must meet the safety standard of the Food Quality Protection Act (FQPA) of 1996. Under FQPA, EPA must make a determination that pesticide residues remaining in or on food are "safe"; that is, "that there is reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue" from dietary and other sources. In determining allowable levels of pesticide residues in food, EPA must perform a more comprehensive assessment of each pesticide's risks, considering:

- Aggregate exposure (from food, drinking water, and residential uses);
- Cumulative effects from all pesticides sharing a common mechanism of toxicity;
- Possible increased susceptibility of infants and children; and
- Possible endocrine or estrogenic effects.

FQPA requires the reassessment of all existing tolerances (pesticide residue limits in food) and tolerance exemptions within 10 years, to ensure that they meet the safety standard of the law. EPA was directed to give priority to the

review of those pesticides that appear to pose the greatest risk to public health, and to reassess 33% of the 9,721 [1] existing tolerances and exemptions within three years (by August 3, 1999), 66% within 6 years (by August 3, 2002), and 100% in 10 years (by August 3, 2006).

EPA is meeting FQPA's tolerance reassessment requirements through reregistration and several other key program activities. Schedules have been coordinated and integrated so that, in the course of making reregistration eligibility decisions, the Agency also is completing much of tolerance reassessment within the time frames mandated by the new law. Last summer, EPA met the FQPA goal of reassessing the first 33% of all food tolerances by August 3, 1999. Over 66% of these first completed tolerance reassessments are for pesticides identified as posing the greatest potential risks—i.e., pesticides in priority Group 1. EPA is focusing attention particularly on priority Group 1 pesticides; over half of the universe of tolerances to be reassessed are included in this category, including tolerances for the organophosphate pesticides (the Agency's highest priority for review), as well as the carbamates, organochlorines, and B_2 (probable human) carcinogens. EPA's approach to tolerance reassessment under FQPA, including the three priority Groups, is described fully in the Agency's document entitled, "Raw and Processed Food Schedule for Pesticide Tolerance Reassessment" (62 FR 42020, August 4, 1997) (FRL 5734 6).

III. FQPA and Program Accountability

One of the hallmarks of FQPA is enhanced accountability. EPA has incurred several additional obligations under this law, including the requirement to publish annually a summary of the program's performance measures and goals for reregistration, tolerance reassessment, and expedited registration. The following sections describe EPA's progress in the areas specifically identified by FIFRA section 4(l).

A. Status of Reregistration

Through the reregistration program, EPA is reviewing current scientific data for older pesticides and requiring changes to improve their safety. Pesticides that have sufficient supporting human health and environmental effects data and do not pose unreasonable risks may be declared "eligible" for reregistration. EPA presents these findings in Reregistration Eligibility Decision (RED) documents. At the end of fiscal year 1999 (FY '99) (that is, as of September 30, 1999), the Agency had completed 198 REDs out of a universe of 612 cases, or groups of related pesticide active ingredients subject to reregistration. Fifteen of the 198 decisions were voluntary cancellations that were counted as REDs because significant progress had been made in developing RED documents for these pesticides by the time the requests for their cancellation were received. An additional 231 reregistration cases were voluntarily canceled before EPA invested significant resources in developing their REDs. A total of 429 reregistration cases (70%), therefore, had completed the reregistration eligibility decision-making process by the end of the fiscal year, leaving 183 cases (30%) awaiting such decisions.

The 198 REDs completed by the end of FY '99 include 296 active ingredients and encompass over 7,000 pesticide products. Ninety-three (93) of these REDs have food uses. Between August 3, 1996, the date when FQPA was enacted, and September 30, 1999, EPA completed 57 REDs, 40 with food uses. According to EPA's Tolerance Reassessment Tracking System (TORTS), which was completed and began operating during FY '99, the Agency has reassessed 999 tolerances for these post-FQPA REDs.

[Note: Tolerances associated with the 53 food use REDs that were completed before FQPA was enacted will be revisited to ensure that they meet the safety standard of the new law, as set forth in the Agency's August 4, 1997, Schedule for Pesticide Tolerance Reassessment.]

The 14 REDs completed during FY '99 include seven decisions in which some or all uses of the pesticides were found to be eligible for reregistration, and seven voluntary cancellations. The first organophosphate (OP) pesticide RED, for Sulfotepp, is among these 14 decisions. The FY '99 REDs with their reregistration case numbers are listed below.

List—Reregistration Eligibility Decisions (REDs) Completed in FY '99

1. Bendiocarb (case 0409)—Voluntary Cancellation
2. Captan (case 0120)
3. *S*-Ethyl dipropylthiocarbamate (EPTC) (case 0064)
4. Folpet (case 0630)
5. Fonofos (case 0105) Voluntary Cancellation (OP)
6. Isofenphos (case 2345)—Voluntary Cancellation (OP)
7. Niclosamide (case 2455)
8. Oxythioquinox (case 2495)—Voluntary Cancellation
9. Pebulate (case 2500)
10. Ryanodine (case 2595)—Voluntary Cancellation
11. Sulfotepp (case 0338)—Voluntary Cancellation (OP) with phase-out
12. 3-trifluoromethyl-4-nitrophenol (TFM or Lamprecide) (case 3082)
13. Triphenyltin Hydroxide (TPTH) (case 0099)
14. Vernolate (case 2735)—Voluntary Cancellation

While not completed REDs, highlights of the reregistration program during FY '99 included EPA's actions in early August to increase protection for children and families by mitigating the risks posed by two OP pesticides, methyl parathion and azinphos-methyl. Agreements with the registrants resulted in voluntary cancellation of many of the most significant food crop uses of methyl parathion, one of the most toxic and widely used OPs. Removing all fruit and many vegetable crop uses considerably reduced risks to children from residues in food, as well as risks to workers and the environment. The Agency also accepted voluntary measures to reduce both food and worker risks of azinphos-methyl, an OP used on a wide variety of fruits and vegetables. Both methyl parathion and azinphos-methyl currently are part of the Agency's ongoing review of all OP pesticides.

EPA also intends to issue "interim REDs" for most OPs which will include risk management decisions to address occupational and ecological risks, as well as food/water/residential risks on an individual chemical basis. The first two of these, for profenofos and bensulide, will be issued shortly. Final regulatory decisions or final REDs cannot be made until a cumulative risk assessment is conducted for all OPs, which are being analyzed on the basis of a common mechanism of toxicity.

At the end of FY '99, the Agency also had recently reached an agreement with the registrant to reduce dietary, worker, and ecological risks of the carbamate pesticide, formetanate hydrochloride.

Reducing pesticide risks is an important aspect of the reregistration program. In developing REDs, EPA works with stakeholders including pesticide registrants, growers, USDA, and others to develop voluntary measures or regulatory controls needed to effectively reduce risks of concern. Every RED includes some measures or modifications to reduce risks. The options for such risk reduction are extensive and include voluntary

[1] Although the total number of tolerances existing on August 3, 1996, and subject to FQPA reassessment was initially reported as 9,728, the correct number based on the Agency's more recently completed Tolerance Reassessment Tracking System is 9,721.

cancellation of pesticide products or deletion of uses; declaring certain uses ineligible or not yet eligible (and then proceeding with follow-up action to cancel the uses or require additional supporting data); restricting use of products to certified applicators; limiting the amount or frequency of use; improving use directions and precautions; adding more protective clothing and equipment requirements; requiring special packaging or engineering controls; requiring no-treatment buifer zones; employing ground water, surface water, or other environmental and ecological safeguards; and other measures.

EPA's current goal in conducting the reregistration program is to complete 20 REDs in FY 2000 and 30 in FY 2001. EPA intends to reassess tolerances within time frames set forth in FQPA, building on the reassessment of 33% of the existing tolerances by August 3, 1999, giving priority to those food use pesticides that appear to pose the greatest risk. As noted above, the integration of these two programs has added complexity to the reregistration process for food use pesticides.

B. Product Reregistration; Numbers of Products Reregistered, Canceled, and Amended

At the end of the reregistration process, after EPA has issued a RED and declared a pesticide reregistration case eligible for reregistration, individual end-use products that contain pesticide active ingredients included in the case still must be reregistered. This concluding part of the reregistration process is called "product reregistration."

In issuing a completed RED document, EPA calls in any product-specific data and revised labeling needed to make final reregistration decisions for each of the individual pesticide products covered by the RED. Based on the results of EPA's review of this data and labeling, products that are found to meet FIFRA and FQPA standards may be reregistered.

A variety of outcomes are possible for pesticide products completing this final phase of the reregistration process. Ideally, in response to the Data Call-In (DCI) accompanying the RED document, the pesticide producer, or registrant, will submit the required product-specific data and revised labeling, which EPA will review and find acceptable. At that point, the Agency may reregister the pesticide product. If, however, the product contains multiple active ingredients, the Agency instead issues an amendment to the product's registration, incorporating the labeling changes specified in the RED; a product with multiple active ingredients may not be fully reregistered until the last active ingredient in its formulation is eligible for reregistration. In other situations, the Agency may temporarily suspend a product's registration if the registrant has not submitted required product specific studies within the time frame specified. The Agency may cancel a product's registration because the registrant did not pay the required registration maintenance fee. Alternatively, the registrant may request a voluntary cancellation of their end-use product registration.

1. *Product reregistration actions in FY '99.* EPA counts each of the outcomes described above as a product reregistration action. A single pesticide product may be the subject of several product reregistration actions within the same year. For example, through this process, a product's registration initially may be amended, then the product may be reregistered, and later the product may be voluntarily canceled, all within the same year. During FY '99, EPA completed 748 product reregistration actions, as detailed in the following Table 1. The program nearly met its goal, to complete 750 product reregistration actions during the fiscal year.

TABLE 1.—PRODUCT REREGISTRATION ACTIONS COMPLETED DURING FY 1999

Product Reregistration Actions	167
Product Amendment Actions	70
Product Cancellation Actions ...	511
TOTAL Actions in FY '99	**748**

2. *Status of the product reregistration universe.* At present, a universe of over 7,000 pesticide products is subject to product reregistration based on REDs completed as of September 30, 1999. The current status of these products is shown in Table 2 below. This overall status information is not "cumulative"— it is not derived from summing up a series of annual actions. Adding annual actions would result in a larger overall number since each individual product is subject to multiple actions—it can be amended, reregistered, and/or canceled, over time. Instead, the "big picture" status information in Table 2 should be considered a snapshot in time. As registrants and EPA make marketing and regulatory decisions in the future, the status of individual products may change, and numbers in this table are expected to fluctuate.

TABLE 2.—STATUS OF THE UNIVERSE OF PRODUCTS SUBJECT TO PRODUCT REREGISTRATION, AS OF SEPTEMBER 30, 1999.

Products Reregistered	1,281
Products Amended	185
Products Canceled	2,671
Products Sent for Suspension ..	144
TOTAL Products with Actions Completed	4,281
Products with Actions Pending	2,764
TOTAL Products in Product Reregistration Universe	**7,045**

The universe of 7,045 products in product reregistration at the end of FY '99 represents an increase of 249 products from the FY '98 universe of 6,796 products. The increase consists of 237 products associated with FY '99 REDs, plus 12 products that were added as a result of data call-in activities and processing for several previously issued REDs.

At the end of FY '99, 2,764 products had product reregistration decisions pending. Some of these products are awaiting science reviews, label reviews, or reregistration decisions by EPA. Other products are not yet ready for product reregistration actions; they are associated with more recently completed REDs, and their product specific data are not yet due to be submitted to or reviewed by the Agency. EPA's goal is to complete 750 product reregistration actions during fiscal year 2000.

C. Number and Type of DCIs Issued to Support Product Reregistration by Active Ingredient.

The number and type of data requests or Data Call-In notices (DCIs) issued by EPA under FIFRA section 3(c)(2)(B) to support product reregistration for pesticide active ingredients included in FY 1999 REDs are shown in Table 3. The FY '99 REDs that consisted of voluntary cancellations are not included in this table because products containing these pesticides will not be reregistered and therefore do not require DCIs.

TABLE 3.—DATA CALL-INS ISSUED TO SUPPORT PRODUCT REREGISTRATION FOR FY 1999 REDs

Case No.	Case Name	Number of Products Covered by the RED [1]	Number of Product Chemistry Studies Required [2]	Number of Acute Toxicology Studies Required [3]	Number of Efficacy Studies Required
0120	Captan	159	21	384 (17 batches/47 not batched)	0
0064	EPTC	31	21	30 (2 batches/3 not batched)	0
0630	Folpet	16	17	66 (2 batches/ 9 not batched)	0
2455	Niclosamide	7	21	18 (3 batches)	0
2500	Pebulate	2	21	12 (2 not batched)	0
3082	TFM	2	21	12 (2 batches)	0
0099	TPTH	2 0	21	30 (3 batches/ 2 not batched)	0

[1] The number of registered products containing a pesticide active ingredient can change over time. The number of products that appears in the RED document (counted when the RED is signed) may be different than the number of products that EPA is tracking for product reregistration (counted later, when the RED is issued). This table reflects the final number of products associated with each RED, as they are being tracked for product reregistration.

[2] This column shows the number of product chemistry studies that are required for each product covered by the RED.

[3] In an effort to reduce the time, resources, and number of animals needed to fulfill acute toxicity data requirements, EPA "batches" products that can be considered similar from an acute toxicity standpoint. For example, one batch could contain five products. In this instance, if sixacute toxicology studies usually were required per product, only six studies (rather than 30 studies) would be required for the entire batch. Factors considered in the sorting process include each product's active and inert ingredients (e.g., identity, percent composition, and biological activity), type of formulation (e.g., emulsifiable concentrate, aerosol, wettable powder, granular, etc.), and labeling (e.g., signal word, use classification, precautionary labeling, etc.). The Agency does not describe batched products as "substantially similar," because all products within a batch may not be considered chemically similar or have identical use patterns.

D. Progress in Reducing the Number of Unreviewed, Required Reregistration Studies

EPA is making good progress in reviewing scientific studies submitted by registrants in support of pesticides undergoing reregistration. As of October 1999, 27,926 studies have been received by the Agency through the reregistration program. Over 75% (21,001) of these studies either have been reviewed (19,732 or 70.7%), or have been found to be extraneous (1,269 or 4.5%). (Extraneous studies is a term used to classify those studies that are not needed because the guideline or data requirement has been satisfied by other studies or has changed.) Less than 25% (6,925) of all studies received are "awaiting review" for future REDs, to complete the reregistration program. A more detailed account of the number and percent of studies received, reviewed, and awaiting review by reregistration list appears in Table 4 below.

The overall universe of studies to be reviewed has increased during the past two years, while the proportion of studies reviewed by EPA has also increased somewhat. A number of studies have been submitted voluntarily by pesticide registrants, to address new FQPA provisions during reregistration and tolerance reassessment. At the end of 1999, over 75% of all studies received by the Agency in support of reregistration had been reviewed, compared to less than 75% at the end of 1997. Thus, the reregistration study review "backlog" decreased slightly during 1999 but remained fairly constant.

TABLE 4.—REVIEW STATUS OF STUDIES SUBMITTED FOR PESTICIDE REREGISTRATION

List	Studies Reviewed + Extraneous	Studies Awaiting Review	Total Studies Received
List A	10,490 + 292 = 10,782 (80.2%)	2,656 (19.8%)	13,438
List B	5,795 + 655 = 6,450 (68.8%)	2,924 (31.2%)	9,374
List C	2,140 + 228 = 2,368 (70%)	1,012 (30%)	3,380
List D	1,307 + 94 = 1,401 (80.8%)	333 (19.2%)	1,734
TOTAL Lists A–D	**21,001 (75.2%)**	**6,925 (24.8%)**	**27,926**

E. Aggregate Status of Tolerances Reassessed

Last summer, EPA met and surpassed the FQPA goal of reassessing 33% of all food tolerances by August 3, 1999, including many tolerances for pesticides identified as posing the greatest potential risks. At the end of FY '99, EPA had completed 3,430 tolerance reassessment decisions, covering over 35% of the 9,721 tolerances that require reassessment. The Agency is well on its way to meeting the next FQPA goal to complete 66% of all tolerance reassessment decisions by August 3, 2002.

As required by FQPA, 2 years ago, the Agency announced its general schedule for tolerance reassessment in the **Federal Register** on August 4, 1997. This document identified three groups of pesticides to be reviewed; the grouping reflects EPA's overall scheduling priorities for tolerance reassessment. The Agency has given priority to pesticides in Group 1, particularly to the organophosphate pesticides (OPs).

1. *Tolerance reassessment and the organophosphates.* Because of the intense public interest in tolerance reassessment for the OPs, EPA and USDA created the Tolerance Reassessment Advisory Committee (TRAC) in 1998, to advise us on the best way to enhance public participation in the tolerance reassessment process, beginning with this class of pesticides (see List 1). With guidance from TRAC, EPA piloted an approach to tolerance reassessment that allows for much greater transparency and public

involvement in developing both our risk assessments and risk management decisions. Scientific analyses, risk assessments and related information for the OPs have been made far more accessible to the public through a systematic notice and comment process, complemented by an Agency website (www.epa.gov/pesticides/op/) and supplemented by public meetings and technical briefings.

List 1. The Organophosphate Pesticides

Acephate
Azinphos-methyl
Bensulide
*++Cadusafos
++Chlorethoxyfos
**Chlorfenvinphos
Chlorpyrifos
++Chlorpyrifos-methyl
**Chlorthiophos
+Coumaphos
**Dialifor
Diazinon
Dichlorvos (DDVP)
Dicrotophos
Dimethoate
**Dioxathion
Disulfoton
Ethion
Ethoprop
Ethyl parathion
Fenamiphos
+Fenitrothion
Fenthion
**+Fonofos
**++Isazophos
**+Isofenphos
Malathion
Methamidophos
Methidathion
Methyl parathion
**+Mevinphos
**Monocrotophos
Naled
Oxydemeton-methyl
Phorate
**Phosalone
Phosmet
**+Phosphamidon
++Phostebupirim
Pirimiphos-methyl
Profenofos
Propetamphos
**+Sulfotepp
**+Sulprofos
Temephos
Terbufos
+Tetrachlorvinphos
Tribufos (DEF)
+Trichlorfon

* Import tolerances only; no U.S. registrations.
** Canceled or proposed for cancellation; will be included in the organophosphate risk assessment if import tolerances remain after other tolerances are revoked.
+ Reregistration Eligibility Decision has been completed.
++ Registered post-'84 (not subject to reregistration).

During FY '99, through the ongoing public participation process for the OPs, EPA obtained additional health and environmental effects data, use data, and other information that has been valuable in revising and completing many of our risk assessments. EPA initiated action in early August 1999 to reduce the risks associated with two OPs, methyl parathion and azinphos methyl, based partly on information developed through this process. Near the end of the fiscal year, EPA began examining the results of the pilot process, and considering ways to amend the process so that it will be most effective in the future. During FY 2000, the Agency proposed for comment (65 FR 14199, March 15, 2000) and plans to establish a final public participation process for pesticides in tolerance reassessment and reregistration, encompassing both the OPs and other types of chemicals. Our goal is to develop a process that fully involves stakeholders, starting early and continuing throughout the development of risk assessments and risk mitigation options, for all pesticides still awaiting reregistration and tolerance reassessment decisions.

EPA expects to present its risk management conclusions for the first several OP pesticides early in 2000, elucidating both risk mitigation measures and possible transition strategies to alternative pest control approaches. The Agency also is developing an approach for assessing cumulative risk for the OPs as a group as required by FQPA, and expects to issue draft guidance in 2000 for review and comment. EPA presented a comprehensive guidance document on cumulative risk assessment to the Scientific Advisory Panel in December 1999, and will revise its guidance as necessary based on the panel's recommendations.

Although all individual OP tolerances were not reassessed in the first one-third, EPA is making significant progress with this group of chemicals. We expect to complete the risk assessments for each of the individual OP pesticides during calendar year 2000. The Agency will develop a cumulative assessment for all the OPs once the individual assessments are complete and a cumulative assessment methodology is available.

2. *Fiscal Year 1999 accomplishments.* During FY '99, EPA reassessed 1,445 tolerances through the reregistration and registration programs and in conducting follow-up activities to revoke tolerances for pesticides that had been canceled previously, many as a result of reregistration. EPA also completed the Tolerance Reassessment Tracking System (TORTS), which is making it possible for the Agency to compile and report, accurately and consistently, numbers of tolerance reassessment accomplishments. We have a high degree of confidence in TORTS, which was designed, created, and quality controlled internally and is being operated in-house. Based on records for all 9,721 permanent tolerances subject to reassessment under FQPA, TORTS is providing timely, detailed, accurate reports highlighting many important aspects of completed tolerance reassessments.

Of EPA's 1,445 tolerance reassessment actions during FY '99, 513 were tolerance revocation decisions, implemented through rule-making. The Agency made decisions to revoke these tolerances, signed final rule-making to effect these decisions, and published the relevant rules in the **Federal Register** during the fiscal year. Other FY '99 reassessments occurred through reregistration/REDs (359), through registration (340), and through other actions not directly related to either registration or reregistration (233). During FY '99, over 61% of the tolerance reassessment decisions completed were for pesticides in priority Group 1 (883); others were for pesticides in Group 2 (216) and Group 3 (346). EPA reassessed 180 OP tolerances, 77 carbamate tolerances, 50 organochlorine tolerances, and 266 carcinogen tolerances during FY '99. The Agency completed 243 tolerance reassessments for children's foods (i.e., foods among the top 20 raw agricultural commodities eaten by children age one to six years old, and among the top 20 commodities consumed by infants, according to a 1989–1991 survey). Of the tolerances reassessed, 837 were for pesticide minor uses. Please see the following Table 5 for a summary of these FY '99 accomplishments.

Sources of FY '99 Tolerance Reassessments.	
Reregistration/ REDs ..	359
Registration Actions	340
Tolerance Revocations	513
Other	233
TOTAL	**1,445**
Numbers of Reassessments by Priority Group.	
Group 1	883 (61%)
Group 2	216 (15%)
Group 3	346 (24%)
TOTAL	**1,445 (100%)**

Tolerances Reassessed for Certain Types of Pesticides and Groups.	
Organophosphates	180
Carbamates	77
Organochlorines	50
Carcinogens	266
Kids Foods	243
Minor Uses	837

3. *Cumulative accomplishments.* EPA is conducting a variety of tolerance reassessment activities throughout the pesticide program that are enabling the Agency to meet its FQPA goals. As of September 30, 1999, of the 9,721 tolerances subject to reassessment, EPA had reassessed a net total of 3,430, over 35% of all tolerances requiring reassessment. The Agency is accomplishing tolerance reassessment through the registration and reregistration programs; by revoking tolerances for pesticides that have been canceled (many as a result of reregistration); and through other decisions not directly related to registration or reregistration (described further below). (Please see Table 6.)

TABLE 6.—TOLERANCE REASSESSMENTS COMPLETED POST-FQPA BY FISCAL YEAR, AS OF SEPTEMBER 30, 1999

Tolerances Reassessed Through	During Late FY '96	During FY '97	During FY '98	During FY '99	Total, End of FY '99
Reregistration/REDs	25	337	278	359	999
Registration	0	221	311	340	872
Tolerance Revocations	3	0	809	513	1,325
Other Decisions	0	1	0	233	234
TOTAL Tolerances Reassessed	**28**	**559**	**1,398**	**1,445**	**3,430**

i. *Reregistration/REDs.* EPA is using the reregistration program to accomplish much of tolerance reassessment. As of September 30, 1999, a total of 999 tolerance reassessment decisions had been completed through reregistration. EPA has reviewed each of these existing tolerances and made the finding that there is a reasonable certainty of no harm, as required by FQPA. Many of the tolerances reassessed through reregistration will remain the same while others are subject to modification, i.e., they may be raised, lowered, or revoked.

ii. *Registration.* Like older pesticides, all new pesticide registrations must meet the safety standard of FQPA. Many of the registration applications EPA receives are for new uses of pesticides already registered for other uses. To reach a decision on a proposed new food use of an already registered pesticide, EPA must reassess the existing tolerances, as well as the proposed new tolerances, to make sure there is reasonable certainty that no harm will result to the public from aggregate exposure from all uses. As of September 30, 1999, a total of 872 tolerances were reassessed as a result of the registration process. The Agency has specifically discouraged submission of applications and petitions for any new uses of the organophosphate pesticides, given the associated risk concerns.

iii. *Tolerance Revocations.* EPA also has formally revoked,through rule-making, a total of 1,325 tolerances. These revoked tolerances represent uses of many different pesticide active ingredients that have been canceled in the past. Some pesticides were canceled due to the Agency's risk concerns. Others were canceled voluntarily by their manufacturers, based on lack of support for reregistration. In this situation, tolerances were revoked because there is no longer a need for them. No registered uses of the pesticides remain in the U.S., and tolerances are not required to cover residues in or on either domestic or imported food commodities. Tolerance revocations are important; although many of the pesticides are no longer used in the United States, commodities treated with them could still have been imported before the revocations became effective.

iv. *Other Reassessment Decisions.* In addition to those described above, a total of 234 additional tolerance reassessment decisions have been made, not directly related to registration or reregistration. These include 65 tolerances reassessed through the Plant Growth Regulator Rule which were scientifically reviewed and the exemption was retained (64 FR 31501; June 11, 1999) (FRL–6076–5); 80 organophosphate meat, milk, poultry, and egg tolerances that were determined to have no reasonable expectation of finite residue on July 7, 1999; 73 Inert Polymer Tolerances that were determined on July 20, 1999, to meet the terms and criteria of the Toxic Substances Control Act Polymer Exemption Rule (and so they also meet the FQPA safety standard); 13 tolerance exemptions for *Trichoderma harzianum* KRL-AG2 (64 FR 16856; April 7, 1999) (FRL–6070–3); one tolerance exemption for *Bacillus thuringiensis* subspecies Kurstake CryIA(c) (62 FR 17722; April 11, 1997) (FRL–5596–7); one tolerance exemption for Red Pepper (63 FR 66999; December 4, 1998) (FRL–6039–5); and one tolerance exemption for Cinnamaldehyde (64 FR 7801; February 17, 1999) (FRL–6049–9).

F. Applications for Registration Requiring Expedited Processing; Numbers Approvedand Disapproved

By law, EPA must expedite its processing of certain types of applications for pesticide product registration, i.e., applications for end use products that would be identical or substantially similar to a currently registered product; amendments to current product registrations that do not require review of scientific data; and products for public health pesticide uses. During FY '99, EPA considered and approved the following numbers of applications for registration requiring expedited processing (also known as "fast track" applications):

- Me-too product registrations/fast track: 513
- Amendments/fast track: 3,141
- Total applications processed by expedited means: 3,654

Regarding numbers of applications disapproved, the Agency generally notifies the registrant of any deficiencies in the application that need to be corrected or addressed before the application can be approved. Applications may have been withdrawn after discussions with the Agency, but none were formally "disapproved" during FY '99.

On a financial accounting basis, EPA devoted approximately 33.3 full-time equivalents (FTEs) to reviewing and processing applications for me-too product registrations and fast-track label amendments. The Agency spent $2.8 million in direct costs (not including administrative expenses, computer systems, management overhead, and

other indirect costs) during FY '99 on expedited processing and reviews.

G. Future Schedule for Reregistrations

EPA is now conducting reregistration in conjunction with tolerance reassessment under FQPA. That law requires the Agency to reassess all existing tolerances over a 10 year period to ensure consistency with the new safety standard, and to consider pesticides that appear to pose the greatest risk first. In prioritizing pesticides for reregistration eligibility review and tolerance reassessment, EPA is continuing to consider their potential risks, as reflected in the Agency's tolerance reassessment schedule published in the **Federal Register** on August 4, 1997. EPA is giving highest priority to pesticides in Group 1, particularly the organophosphates (OPs).

1. *OP REDs.* The organophosphate pesticides are the focal point of EPA's reregistration and tolerance reassessment programs at present. EPA currently is reviewing the OP pesticides individually, and expects to complete individual risk assessments and risk management decisions for each of these pesticides during calendar year 2000 (see List 2). Although the Agency is not making final reregistration decisions for most of the OP pesticides now, the results of the individual OP assessments will include risk mitigation measures, and any resulting tolerance revocations will be counted as completed tolerance reassessments. EPA will conduct a cumulative assessment for the OP pesticides when the individual assessments and necessary methodology are complete, and will encourage the public to participate in this assessment. The Agency's final decisions for the OP pesticides will be made at the conclusion of the cumulative assessment process.

EPA generally will not count individual OP decisions as completed REDs or tolerance reassessments until the Agency completes the cumulative risk assessment and risk management decision for all the OP pesticides. Decisions for individual OP pesticides with no FQPA-related uses (i.e., no uses resulting in food, drinking water, residential, or bystander exposure) may be counted as REDs prior to the cumulative decision. In addition, when the Agency accept requests for voluntary cancellation of individual OP pesticides, EPA will count these actions as REDs, and will count the associated tolerances as reassessed when they are revoked.

List 2. OP RED Candidate Pesticides

1. Acephate
2. Azinphos-methyl
3. Bensulide
4. Chlorpyrifos
5. Diazinon
6. Dichlorvos (DDVP)
7. Dicrotophos
8. Dimethoate
9. Disulfoton
10. Ethion
11. Ethoprop
12. Ethyl Parathion
13. Fenamiphos
14. Fenthion
15. Malathion
16. Methamidophos
17. Methidathion
18. Methyl Parathion
19. Naled
20. Oxydemeton-methyl
21. Phorate
22. Phosmet
23. Pirimiphos-methyl
24. Profenofos
25. Propetamphos
26. Temephos
27. Terbufos
28. Tribufos (DEF)

2. *Non-OP RED candidates for FY 2000.* REDs for pesticides other than the OPs also are in preparation. EPA expects to complete REDs for most or all of the non-OP RED candidate pesticides in List 3 below, and perhaps some other pesticides, during FY 2000.The Agency will be increasing opportunities for public involvement in the development of non-OP REDs during FY 2000 and beyond.

List 3. Non-OP RED Candidate Pesticides for Fiscal Year 2000

1. Aldicarb
2. Atrazine
3. Benomyl
4. Bis (bromoacetoxy)-2-butene
5. Carbofuran
6. Diclofop methyl
7. Endosulfan
8. Etridiazole (Terrazole)
9. Imazalil
10. Molinate
11. Omadine Salts
12. Oxamyl
13. Propargite
14. Propylene oxide
15. Sodium acifluorfen
16. Thiabendazole
17. Thiophanate methyl
18. Thiram
19. Triallate
20. Vinclozolin

3. *Non-OP RED candidate pesticides for FY 2001.* EPA's goal is to complete 30 REDs during FY 2001. Although it is based on many variables and can be expected to change, our tentative list of RED candidate pesticides for FY 2001 appears in List 4 below.

List 4. RED Candidate Pesticides for Fiscal Year 2001

1. Amical 48
2. 4-t Amylphenol
3. Benfluralin
4. Benzisothiazolin-3-one
5. Cacodylic acid
6. Carbaryl
7. Chlorine dioxide
8. Chloropicrin
9. Chromated Arsenicals
10. Coal Tar/Creosote
11. Cycloate
12. Cypermethrin
13. Dazomet
14. Dimethipin
15. Dimethyldithiocarbamate salts including Ferbam, Ziram, and Sodium dimethyldithiocarbamate
16. Dinocap
17. Dipropyl isocinchomeronate or MGK 326
18. Ethylene oxide
19. Formetanate hydrochloride
20. Irgasan DP-300
21. Lindane
22. Mancozeb
23. Maneb
24. Methanearsonic acid, salts including CAMA, DSMA, MSMA
25. Methyl bromide
26. Methyl isothiocyanate
27. Methyldithiocarbamate salts including metam-sodium
28. Metiram
29. MGK-264
30. Napthaleneacetic acid
31. Oxadiazon
32. Oxyfluorfen
33. Pentachloronitrobenzene or PCNB
34. Pentachlorophenol
35. Permethrin
36. Phenol and salts
37. Phenylphenol
38. Piperonyl butoxide
39. Propiconazole
40. Pyrethrin
41. Simazine
42. TCMTB or 2-(Thiocyanomethylthio) benzothiazole
43. Triadimefon

4. *Voluntary cancellations as REDs.* When for business or other reasons a pesticide registrant requests that the Agency cancel all remaining registered products containing a pesticide in reregistration, EPA stops work on the development of a reregistration eligibility decision document for the pesticide and counts the RED as completed. Voluntary cancellations are counted as REDs on the date when an Agency official signs and dates a decision memorandum documenting the Agency's intent to accept the registrant's request for cancellation. EPA then publishes in the **Federal Register** for public comment a FIFRA section 6(f) notice of receipt of the request for voluntary cancellation. The cancellations requested do not become effective until a designated time after the public comment period closes.

5. *Tolerance reassessment decision documents.* When EPA reassesses the tolerances for a pesticide that is not in the queue for reregistration (that is, a pesticide for which a RED was

completed prior to FQPA, or a pesticide initially registered after 1984 and not subject to reregistration), the Agency will produce a document explaining the basis for these decisions. During FY 2000 and FY 2001, the Agency expects to complete tolerance reassessment decision documents for the pesticides in Lists 5 and 6 below.

List 5. Tolerance Reassessment Decisions for Fiscal Year 2000

1. Butylate
2. Lactofen
3. Several OPs going through the pilot process, including Cadusafos and Chlorethoxyfos

List 6. Tolerance Reassessment Decisions for Fiscal Year 2001

1. Acetochlor
2. Amitraz
3. Asulam
4. Bromine
5. Chlorpropham
6. Cyhexatin
7. Desmedipham
8. Diphenamid
9. Inorganic Bromide
10. Linuron
11. Norflurazon
12. Oxadixyl
13. Procymidone
14. Propamide
15. Triadimenol
16. Tribenuron methyl
17. Tridiphane

H. Projected Year of Completion of Reregistrations

EPA is now conducting reregistration in conjunction with tolerance reassessment, which FQPA mandates be completed by 2006. EPA plans to complete reregistration of pesticide active ingredients and products prior to the statutory deadline for completing tolerance reassessment.

List of Subjects

Environmental protection.

Dated: May 31, 2000.

Susan H. Wayland,

Acting Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP–00654; FRL–6553–4]

Pesticides; Guidance for Pesticide Registrants on Disposal Instructions on Residential/Household Use Pesticide Product Labels

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Agency seeks public comment on a draft Pesticide Registration (PR) Notice entitled "Disposal Instructions on Residential/Household Use Product Labels." This draft notice would provide guidance to registrants concerning disposal instructions for residential/household products and how to determine what is a residential/household product. The Agency has discovered that the existing instructions may conflict with the laws, regulations, or practices of some states and localities which tell consumers to direct these materials away from their landfills and instead to their local household hazardous waste (HHW) management facilities or programs. Through the revised instructions in the PR Notice, EPA addresses this issue.

DATES: Comments, identified by docket control number OPP–00654, must be received on or before August 14, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the "SUPPLEMENTARY INFORMATION." To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00654 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Amy Breedlove (7506C), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–9069; fax number: (703) 305–5884; e-mail address: breedlove.amy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who are required to register, regulate, or label pesticides, or who manage or regulate household hazardous waste facilities or collection events, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under "FOR FURTHER INFORMATION CONTACT."

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document and the PR Notice from the Office of Pesticide Programs' Home Page at http://www.epa.gov/pesticides. You can also go directly to the listings from the EPA Internet Home Page at http://www.epa.gov. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr.

2. *Fax-on-demand.* You may request a faxed copy of the draft PR Notice entitled "Disposal Instructions on Residential/Household Use Pesticide Product Labels," by using a faxphone to call (202) 401–0527 and selecting item 6127. You may also follow the automated menu.

3. *In person.* The Agency has established an official record for this action under docket control number OPP–00654. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00654 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6, Suite 8, or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00654. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under "FOR FURTHER INFORMATION CONTACT."

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. What Guidance Does this PR Notice Provide?

Since the early 1980's, the Agency has directed that products intended for residential or household-use-only contain the following, or a similar, disposal instruction: "Securely wrap original container in several layers of newspaper and discard in trash." Some registered disinfectant product disposal instructions were allowed to say instead, "pour down the drain with plenty of water."

In 1996, EPA began the Consumer Labeling Initiative (CLI) to foster pollution prevention, empower consumer choice, and improve consumer understanding of safe use, environmental, and health information on household consumer product labels, including indoor insecticides, outdoor pesticides, and household hard surface cleaners. To achieve this goal, the CLI conducted consumer research, with its project Partners, to identify how to provide consumers with clear information on product labels.

During Phase I of the CLI research, the Agency discovered that states and localities often direct the disposal of residential/household use pesticides to their local household hazardous waste (HHW) management facilities or programs rather than to landfills. While some HHW management programs are based on State laws, more frequently municipal codes, local practices and educational programs have been developed that tell consumers what to do with these materials. Understandably, the differences in disposal instructions may confuse consumers, complicate local educational efforts, and interfere with state and local responsibilities. Consensus could not be reached by the CLI partners on revised disposal language, so this issue was removed from the CLI project and is being addressed through this PR Notice process instead.

In this PR Notice, the Agency is proposing instructions that direct consumers to call their local solid waste agency or a toll-free phone number for disposal instructions for partly filled containers.

B. What Questions/Issues Should You Consider?

1. Toll-free numbers. (a) When considering issues related to label language, it may be relevant to remember the average size of consumer product labels and the other labeling requirements that already exist. Is there value in including a toll-free number (or an optional web site reference) in the disposal instruction?

(b) The Agency has proposed the 1–800–CLEANUP number for consumer information. Is this an appropriate number? Are there others that should be considered or allowed?

2. *Providing a reason for correct disposal.* Should the label provide information telling consumers why they should follow the instructions? For example, the Agency could encourage the use of statements concerning the potential for water pollution or hazards to people or wildlife.

3. Additional statements. Is a statement needed telling people not to dispose of aerosol products in home trash compacters?

4. Instructions for partly filled containers. (a) EPA has proposed to use "solid waste agency"as the preferred term for consumers to identify their local authority. Should the Agency also refer to public health, environmental, or recycling agencies in order to provide consumers with other options?

(b) Should the instructions say "call your local solid waste agency . . ." and not make any reference to putting products in the trash at all? What instructions should be included to address the situation where there may be no local source of information?

(c) The Agency proposes instructions that are generic for all products, regardless of risk profile. If such instructions were, instead, based on an Agency evaluation of risk of individual products, how would such instructions differ among products of significantly different risk? If a risk assessment approach were used, what data or information would the Agency need, and what level of risk assessment should be used to arrive at a risk-based disposal instruction?

(d) Should products with certain physical characteristics, such as ant or roach baits, flea collars, or traps containing pheromones, be excluded

automatically from the requirement to "call your local solid waste agency"? If so, what types of products should be excluded?

5. Rinsing and recycling of containers. (a) Many ready-to-use products are in containers that can't be opened, so rinsing the container or removing the sprayer head is not feasible. Furthermore, recycling of pesticide containers, where it occurs, is very much a market-driven activity. For these reasons, should the Agency simply direct consumers to call their local authorities for recycling instructions?

(b) Is the phrase "Do not rinse, unless required for recycling" useful?

C. Why is a PR Notice Guidance and Not a Rule?

The draft PR Notice discussed in this notice is intended to provide guidance to EPA personnel and decision-makers, and to the public. As a guidance document and not a rule, this policy is not binding on either EPA or any outside parties. Although the guidance document provides a starting point for EPA decisions, EPA will depart from this policy where the facts or circumstances warrant. In such cases, EPA will explain why a different course was taken. Similarly, outside parties remain free to assert that this policy is not appropriate for a specific pesticide or that the specific circumstances demonstrate that this policy should be modified.

EPA has stated in this notice that it will make available revised guidance after consideration of public comment. Public comment is not being solicited for the purpose of converting this guidance document into a binding rule. EPA will not be codifying this policy in the Code of Federal Regulations. EPA is soliciting public comment so that it can make fully informed decisions regarding the content of this guidance.

The "revised" guidance will not be an unalterable document. Once a "revised" guidance document is issued, EPA will continue to treat it as guidance, not a rule. Accordingly, on a case-by-case basis EPA will decide whether it is appropriate to depart from the guidance or to modify the overall approach in the guidance. In the course of commenting on this guidance document, EPA would welcome comments that specifically address how the guidance document can be structured so that it provides meaningful guidance without imposing binding requirements.

List of Subjects

Environmental protection, Administrative practice and procedure, Pesticides and pest.

Dated: June 2, 2000.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 00–14870 Filed 6–13–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6716–1]

New York State Prohibition on Marine Discharges of Vessel Sewage; Notice of Final Affirmative Determination

Notice is hereby given that a final affirmative determination has been made 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 Greater Huntington-Northport Bay Complex, County of Suffolk, State of New York. The waterbodies included in this determination are Lower Huntington Bay, Northport Bay, Centerport Harbor, Northport Harbor, Duck Island Harbor and Price Bend. A Notice of Receipt of Petition and Tentative Determination was published in the **Federal Register** on April 3, 2000 and public comments regarding the tentative determination were accepted through May 3, 2000. No comments were received by EPA as of May 15, 2000.

This petition was made by the New York State Department of Environmental Conservation (NYSDEC) in cooperation with the Town of Huntington. Upon receipt of this affirmative determination, NYSDEC will completely prohibit the discharge of sewage, whether treated or not, from any vessel in Greater Huntington-Northport Bay Complex in accordance with Section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a).

The Greater Huntington-Northport Bay Complex is located on the north shore of Long Island with approximately 64 miles of tidal shoreline contiguous to Long Island Sound. Huntington's marine waters are comprised of approximately 8,000 acres of harbors, bays and tidal wetlands that support some of the most productive shellfish growing lands in New York State. Adjacent shores also serve as private and public bathing beaches. The northern boundary line for the No Discharge Area (NDA) shall extend from the southernmost point at East Beach (Lloyd Harbor) easterly to the southernmost point at West Beach or "Sand City Beach".

Information submitted by the State of New York and the Town of Huntington indicate that there are ten existing pumpout facilities and two pumpout boats available to service vessels which use the Greater Huntington-Northport Bay Complex. Mill Dam Marina (Huntington Harbor), located on Mill Dam Road, Huntington, operates a pumpout. The pumpout is available 24 hours a day beginning May 1 through October 31 and is self-service. No fee is charged for the use of the pumpout. Halesite Marina (Huntington Harbor), located on Route 110, Halesite, operates a pumpout. The pumpout is available 24 hours a day and twelve months a year and is self-service. No fee is charged for the use of the pumpout. South Town Dock (Huntington Harbor), located on Route 110, Halesite, operates a pumpout. The pumpout is available from 8:00 a.m. to 8:00 p.m. beginning May 1 through October 31 and is self-service. No fee is charged for the use of the pumpout. Gold Star Mooring and Launch Service (Huntington Harbor), located at West Shore Road and Browns Road, Huntington, operates a pumpout. The pumpout is available from 8:00 a.m. to 8:00 p.m. beginning April 1 through November 15 and is self-service. No fee is charged for the use of the pumpout. West Shore Marina (Huntington Harbor), located at 100 West Shore Road, Huntington, operates a pumpout. The pumpout is available by appointment only from 10 a.m. to 4 p.m. year round. A $10.00 fee is charged for the use of the pumpout. Huntington Yacht Club (Huntington Harbor), located at 95 East Shore Road, Huntington Bay, operates a pumpout. The pumpout is available from 9:00 a.m. to 5:00 p.m. beginning March 1 through November. A fee of $5.00 is charged for the use of the pumpout. Knutson's West Marine (Huntington Harbor), located at 41 East Shore Road, Halesite, operates a pumpout. The pumpout is available from 8:00 a.m. to 6:00 p.m. beginning May 30 through October 31. A fee of $10.00 is charged for the use of the pumpout. The Town of Huntington operates a mobile pumpout vessel which serves the Greater Bay Complex from May 15 through October 12. No fee is charged for the service. The Town of Huntington is in the process of procuring an additional mobile pumpout vessel. Woodbine Marina (Northport Harbor), located at Woodbine Avenue, Northport, operates a pumpout. The pumpout is available 24 hours a day beginning May 1 through October 31 and is self-service. No fee is charged

for the use of the pumpout. Seymour's Boat Yard (Northport Harbor), located on Bayview Avenue, Northport, operates a pumpout. The pumpout is available from 8:00 a.m. to 4:30 p.m. by appointment beginning May 1 through October 31. A fee of $25.00 is charged for the use of the pumpout. Brittania Yacht and Racquet Club (Northport Harbor), located at 81C Fort Salonga Road, Northport, operates a pumpout. The pumpout is available from 8:00 a.m. to 4:30 p.m. beginning April 15 through October 31. A fee of $20.00 is charged for the use of the pumpout. The Village of Northport operates a mobile pumpout vessel which serves Northport Harbor, Northport Bay and Duck Island Harbor beginning May 23 through October 12. No fee is charged for the service. Powles Marine Agency (Cold Spring Harbor), located at 74 Harbor Road, Cold Spring Harbor, operates a pumpout. The pumpout is available 24 hours a day beginning May 1 through October 31 and is self-service. No fee is charged for the use of the pumpout. This facility is located outside of the proposed NDA and is not included as one of the ten landside facility. The facility has been included in the application for information purposes.

Vessel waste generated from the pumpout facilities located at West Shore Marina, Knutson's West Marina, Huntington Yacht Club, Brittania Yacht and Seymour's are hauled by privately operated waste haulers. The Town of Huntington provides waste hauling service to the municipally owned pumpout facilities located at Cold Spring Harbor, Halesite Marina, Mill Dam Marina, Woodbine Marina, and Gold Star Mooring and Launch Service. All hauled waste from the pumpout facilities is discharged into and treated at the Town of Huntington sewage treatment plant (SPDES Permit No. NY0021342) located on Creek Road in Halesite.

According to the State's petition, the maximum daily vessel population for the waters of Greater Huntington-Northport Bay Complex is approximately 3200 vessels which are docked or moored with an additional 700 vessels accessing the greater harbor from boat ramps. An inventory was developed including the number of recreational, commercial and estimated transient vessels that occupy or traverse the Greater Bay complex. This estimate is based on (1) vessels (approximately 1600 vessels) docked or moored (including transients) in the proposed NDA, (2) vessels (approximately 1600 vessels) docked or moored (including transients) in the existing Huntington/Lloyd Harbor NDA and (3) vessels (approximately 700 vessels) which use the boat ramps in the Greater Bay Complex. While approximately one-third to one-half of the vessels operating in the Greater Bay Complex are not equipped with a marine sanitation device, the ratio of boats to pumpout facilities has been based on the total number of vessels which could be expected. With ten shore-side pumpout facilities and two pumpout facilities available to boaters, the ratio of docked or moored boats (including transients) is approximately 267 vessels per pumpout. If we include the vessels (approximately 700) using the available boat ramps, the ratio increase to 325 vessels per pumpout. Standard guidelines refer to acceptable ratios failing in the range of 300 to 600 vessels per pumpout.

A previous application which was approved by the Regional Administrator on April 21, 1994 designated Huntington Harbor and Lloyd Harbor as a NDA. Responses to comments were prepared and mailed to interested parties on April 21, 1994, along with a copy of the final determination. These two final determinations designate the entire Greater Huntington-Northport Harbor Complex as a NDA. The northern boundary line for the NDA extends from the southernmost point at East Branch (Lloyd Harbor) easterly to the southernmost point at West Beach or "Sand City Beach".

The EPA hereby makes a final affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Greater Huntington-Northport Bay Complex in the county of Suffolk, New York. This final determination on this matter will result in a New York State prohibition of any sewage discharges from vessels in Greater Huntington-Northport Bay Complex.

Dated: May 31, 2000.

William J. Muszynski,

Acting Regional Administrator, Region II.

[FR Doc. 00–15028 Filed 6–13–00; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

June 7, 2000.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0942.

Expiration Date: 12/31/2000.

Title: In the Matter of Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, Federal-State Joint Board on Universal Service.

Form No.: N/A.

Respondents: Business or other for profit.

Estimated Annual Burden: 27 respondents; 472.5 hours per response (avg). 12,758 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Quarterly; Annually; Recordkeeping; Third Party Disclosure.

Description: By adopting the Sixth Report and Order in CC Docket No. 96–262 (released May 31, 2000), the Commission took action to further accelerate the development of competition in the local and long-distance telecommunications markets, and to further establish explicit universal service support that will be sustainable in an increasingly competitive marketplace, pursuant to the mandate of the 1996 Act. The Commission requires the following information to be reported to the following entities under the CALLS Proposal: a. *Tariff Filing*: The Report and Order requires price cap LECs to modify their annual access tariff filings in the following ways: (1) Subtracting from their next tariff filings the estimated universal service support that they will receive from USAC over the next year; (2) consolidating the access revenues that they examine to determine whether to charge the new SLC cap or the actual cost of their access lines; (3) if they choose to deaverage their SLCs, adding up the components of their averaged traffic sensitive charges to test whether the charges have reached the target rate; (4) calculating their SLC rates by Unbundled Network Element Zone. (No. of respondents: 18; hours per response: 2 hours; total annual burden 36 hours). b. *Quarterly and Annual Data Filings*: The Report and Order requires each price cap or competitive LEC that wishes to receive support from the interstate access universal service support mechanism to

submit quarterly to USAC data showing the number of lines it served in a study area as of the last business day of the previous quarter. (Price Cap LECs—Line Counts—No. of respondents: 18; hours per response 5 hours; total annual burden: 360 hours). (Competitive LECs—No. of respondents: 9; hours per response: 20 hours; total annual burden: 180 hours). In addition to line count information, price cap LECs must file with USAC on June 30, 2000, October 15, 2000, April 16, 2001 and annually after that, price cap revenue data, prices for unbundled network element (UNE) loops and line ports, and UNE zone boundary information. (Price Cap LECs—Price and Revenue Data—No. of respondents: 18; hours per response: 675 average; total annual burden: 12,162 first year, 6081 annually thereafter). c. *Cost Support Information*: The Report and Order requires price cap LECs who choose not to follow the voluntary portions of the CALLS Proposal to submit cost support information, which the Commission would use to set their access rate levels. (No. of respondents: 2; hours per response: 10; total annual burden: 20 hours). The Commission will use the modified tariff information filed by the price cap LECs to ensure compliance with the various interstate access reforms of the CALLS proposal. USAC will use the line count and other information filed by price cap and competitive LECs to determine, on a per-line basis, the amount that the carrier will receive from the interstate access universal service support mechanism. The Commission will use the cost support information filed by the price cap LECs to ensure that their interstate access rates are just and reasonable, as required by section 201(b) of the Communications Act. Obligation to respond: Required to obtain or retain benefits. Public reporting burden for the collection of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–14983 Filed 6–13–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL EMERGENCY MANAGEMENT AGENCY

Open Meeting, Technical Mapping Advisory Council

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of teleconference 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: June 26, 2000.

Place: The FEMA Conference Operator in Washington, DC will administer the teleconference. Individuals interested in participating should call 1–800–320–4330 at the time of the teleconference. Callers will be prompted for the conference code, #15, and they will then be connected through to the teleconference.

Time: 2:00 p.m. to 4:00 p.m., EST.

Proposed Agenda:

1. Call to order.
2. Announcements.
3. Action on minutes from June 1–2, 2000, meeting.
4. Review draft annual report text.
5. Discuss agenda for July 2000 meetings.
6. New business.
7. Adjournment.

Status: This meeting is open to the public.

FOR FURTHER INFORMATION 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.

SUPPLEMENTARY INFORMATION: 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 July 2000.

Dated: June 7, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–15016 Filed 6–13–00; 8:45 am]

BILLING CODE 6718–04–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: July 12–14, 2000.

Place: Regal Harvest House, 1345 Twenty-Eighth Street, Boulder, Colorado 80302–6899.

Times: 8:00 a.m. to 5:00 p.m., each day.

Proposed Agenda:

1. Call to Order and Announcements.
2. Action on Minutes of Previous Meetings.
3. Discussion of Annual and Final Reports.
4. Field Trip in Boulder.
5. New Business.
6. 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.

Dated: June 7, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–15017 Filed 6–13–00; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011711.

Title: NINA/Tropical Shipping Slot Charter Agreement.

Parties: NINA ApS; Tropical Shipping and Construction Co., Ltd.

Synopsis: The Agreement establishes an arrangement whereby NINA may slot

charter space on Tropical's vessels in the Southbound trade between Palm Beach, Florida and the Dominican Republic, Haiti, and Turks and Caicos Islands.

Agreement No.: 011712.

Title: CMA CGM/CSG Slot Exchange, Sailing and Cooperative Working Agreement.

Parties: CMA CGM; China Shipping Container Lines Co., Ltd.

Synopsis: The proposed Agreement would permit the parties to charter space to one another and to coordinate their vessel operations in the trade between United States West Coast ports and ports in the Far East. They would also be permitted to engage in a limited range of cooperative activities related to their chartering activities.

Agreement No.: 011713.

Title: Evergreen/Lloyd Triestino Slot Charter Agreement.

Parties: Evergreen Marine Corp. (Taiwan) Ltd. ("Evergreen"); Lloyd Triestino Di Navigazione S.P.A. ("Lloyd").

Synopsis: The proposed Agreement would permit Evergreen to charter space to Lloyd in the trade between United States East Coast ports, and inland U.S. points via such ports, and ports and inland points in the Far East. The parties request expedited review.

Agreement No.: 011714.

Title: Evergreen/Lloyd Triestino Vessel Sharing Agreement.

Parties: Evergreen Marine Corp. (Taiwan) Ltd.; Lloyd Triestino Di Navigazione S.P.A.

Synopsis: The proposed Agreement would permit the parties to charter space to one another and to coordinate their vessel operations in the trade between United States West Coast ports and inland and coastal points served via such ports and ports and inland points in the Far East. They may also discuss and agree upon rate, terms, and conditions of service relative to the carriage of cargo in the trade, including cargo carried under the parties' individual service contracts.

Agreement No.: 201004–001.

Title: Indiana's International Port/ Burns Harbor General Cargo Terminal Operating Agreement.

Parties: Indiana Port Commission; Indiana Stevedoring and Distribution Corporation.

Synopsis: The proposed amendment changes the original demise and provides for changed payments. The agreement continues to run through December 31, 2008.

Dated: June 9, 2000.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–15057 Filed 6–13–00; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 00-08]

Safmarine Container Lines N.V. and Safmarine and CMBT Lines N.V. (SCL) Trading as CMBT v. Garden State Spices, Inc.; Notice of Filing of Compliant and Assignment

June 8, 2000.

Notice is given that a complaint was filed by Safmarine Container Lines N.V. ("Safmarine") and Safmarine and CMBT Lines N.V. (SCL) trading as CMBT ("CMBT") ("Complainants") against Garden State Spices, Inc. ("Respondent"). Complainants allege that Respondent violated section 10(a)(1) of the Shipping Act of 1984, 46 U.S.C. app. 1709(a)(1), by knowingly and willfully obtaining transportation for property at less than the properly applicable rates and charges by unjust and unfair devices or means in connection with five shipments carried on a freight collect basis from J.N. Port, India, to New York. Complainants contend that Respondent induced Complainants to relinquish their possessory lien on the cargoes at the port of discharge, based on Respondent tendering checks represented to be full payment of the collect freight and charges, which subsequently "bounced" due to insufficient funds, all to the detrimental reliance of Complainants.

Complainants state that they have been injured to their damage in the sum of $10,625. Complainants request that the Respondent be required to answer these charges; that after due hearing, an order be made commanding Respondents to pay reparations of $10,625 with interest from the respective dates of injury and attorney's fees or such other sum as the Commission may determine to be proper as an award of reparation.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by June 8, 2001, and the final decision of the Commission shall be issued by October 9, 2001.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–15058 Filed 6–13–00; 8:45 am]

BILLING CODE 6730–01–M

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 July 7, 2000.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200

North Pearl Street, Dallas, Texas 75201–2272:

1. *Century Bancshares, Inc.*, New Boston, Texas; to acquire 100 percent of the voting shares of First State Bank of Gurdon, Gurdon, Arkansas. The name of the bank will be changed to Century Bank—Arkansas, and the charter will be relocated to Texarkana, Arkansas, where it will be operated as a full service bank in that community.

Board of Governors of the Federal Reserve System, June 8, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–14932 Filed 6–13–00; 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 June 28, 2000.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *First Merchants Corporation*, Muncie, Indiana; to engage de novo in the permissible nonbank activity of reinsuring credit insurance, through its subsidiary, First Merchants Reinsurance Co., Ltd., Muncie, Indiana, pursuant to § 225.28(b)(11) of Regulation Y.

Board of Governors of the Federal Reserve System, June 8, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–14933 Filed 6–13–00; 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 June 29, 2000.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106–2204:

1. *The Royal Bank of Scotland Group plc;* Edinburgh, Scotland; to retain NatWest Group Holdings Corporation, New York, New York, and thereby indirectly retain shares of Cybuy LLC, New York, New York, and thereby engage in financial data processing activities, pursuant to § 225.28(b)(14) of Regulation Y; Identrus, LCC, New York, New York, a joint venture among several commercial banks and foreign banking organizations, and thereby engage in digital certification and data processing and data transmission activities in a manner, pursuant to § 225.28(b)(14) of Regulation Y; Greenwich Capital Holdings, Inc., Greenwich Connecticut, and thereby engage in nonbanking activities through the following subsidiaries: Greenwich Capital Markets, Inc., Greenwich, Connecticut (GCM), a Section 20 company, registered as a broker dealer and futures commission merchant, pursuant to § 225.28(b)(7)(iv) of Regulation Y. GCM has "Tier I" authority (see National Westminster Bank, PLC, 82 Fed. Res. Bull. 1044 (1996)), and in 1999, GCM received authority to exercise limited "Tier II" powers by underwriting and dealing to a limited extent in all types of debt securities (see J.P. Morgan & Co., Inc., 75, Fed. Res. Bull. 192 (1989)). In addition to underwriting and dealing in bank-ineligible securities, GCM underwrites and deals in "bank eligible" securities, pursuant to § 225.28(b)(8)(i) of Regulation Y. GCM also engages in lending activities, pursuant to § 225.28(b)(1) of Regulation Y; commercial real estate equity financing activities permitted by § 225.28(b)(2)(ii) of Regulation Y; financial and investment advisory activities, pursuant to § 225.28(b)(6) of Regulation Y; private placement, riskless principal and securities brokerage activities, and other transactional services, pursuant to § 225.28(b)(7) of Regulation Y; and trading foreign exchange, interest rate and currency swaps, and precious metals (and related derivative instruments), pursuant to § 225.28(b)(8) of Regulation Y; Greenwich Capital Acceptance, Inc., Greenwich, Connecticut, and thereby engage in lending and related activities, pursuant to § 225.28(b)(1) of Regulation Y; Greenwich Capital Financial Products, Inc., Greenwich, Connecticut, and engage in lending and related activities, pursuant to §§ 225.28(b)(1) and (b)(2) of Regulation Y, leasing activities, pursuant to § 225.28(b)(3) of Regulation Y, and financial and investment advisory activities, pursuant to § 225.28(b)(6) of Regulation Y; Financial Asset Securities Corp., Greenwich, Connecticut, a limited purpose finance company, and engage in lending activities, pursuant to § 225.28(b)(1) of Regulation Y; Greenwich Capital Derivatives, Inc., Greenwich, Connecticut, and engage in investment advisory activities, pursuant to § 225.28(b)(6)(iv) and other transactional services, pursuant to § 225.28(b)(7)(v) of Regulation Y, and in derivatives activities, pursuant to

§ 225.28(b)(8)(ii)(B) of Regulation Y; Greenwich NatWest Structured Financial Inc., Greenwich, Connecticut, and engage in permissible lending activities, pursuant to § 225.28(b)(1) of Regulation Y and leasing activities, pursuant to § 225.28(b)(6) of Regulation Y; and Greenwich Capital Commercial Funding Corp., Greenwich, Connecticut, a special purpose depository for commercial asset securitizations, which are lending activities pursuant to § 225.28(b)(1) of Regulation Y.

In addition, NatWest engages through Greenwich Capital Holdings, Inc., and its subsidiaries (or through any other subsidiary of NatWest) in acquiring debt in default, pursuant to § 225.28(b)(2)(vii) of Regulation Y.

Board of Governors of the Federal Reserve System, June 9, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–15053 Filed 6–13–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

FEDERAL RESERVE SYSTEM ACT MEETING

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System

TIME AND DATE: 11:00 a.m., Monday, June 19, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 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: June 9, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–15059 Filed 6–9–00; 4:25 pm]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

[Docket No. R–1072]

Privacy Act of 1974; Notice of New System of Records

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of new system of records; correction.

SUMMARY: In accordance with the Privacy Act, the Board of Governors of the Federal Reserve System (Board) is adopting in final a recently published new system of records, entitled Multi-rater Feedback Records (BGFRS–25). One minor revision has been made to the initial notice, which was published on May 30, 2000.

DATES: This correction is effective June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boutilier, Managing Senior Counsel, Legal Division (202/452–2418), or Chris Fields, Manager, Human Resources Function, Management Division (202/452–3654), Board of Governors of the Federal Reserve System, 20th and Constitution, NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Background

On May 30, 2000, the Board published a notice of a new system of records entitled Multi-rater Feedback Records (65 FR 34471). Comments on the proposed system of records were requested, and the notice stated that the new system of records would become effective on June 28, 2000, without further action, unless the Board published a notice to the contrary.

Need for Correction

In the **Federal Register** of May 30, 2000, in FR Doc. 00–13126, on page 34472, in the second column remove routine use "h," and redesignate routine uses "i" and "j" as "h" and "i", respectively. Otherwise, the system of records remains as proposed and will become effective on June 28, 2000, as stated in the earlier notice.

Because this is a minor change, no reports are required to be filed with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Governmental Affairs, or the Office of Management and Budget.

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, June 8, 2000.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–14934 Filed 6–3–00; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistic (NCVHS). Joint Meeting: National Health Information Infrastructure Workgroup and Health Statistics for the 21st Century Workgroup.

Time and Date: 9 a.m. to 5 p.m., July 10, 2000.

Place: The Westin Hotel O'Hare, 6100 River Road, Rosemont, IL 60018.

Status: Open.

Purpose: This meeting will be conducted as a hearing is to solicit opinions for the public, including oral and written testimony, about the issues raised in the interim reports of these two workgroups: "Toward a National Health Information Infrastructure" and "Shaping a Vision for 21st Century Health Statistics." The reports may be downloaded from the NCVHS homepage at *http://www.ncvhs.hhs.gov/.* The hearing will explore the overall concept that a National Health Information Infrastructure (NHII) is a framework that can link health improvements and information technologies. As envisioned in the interim report, the NHII is the set of technologies, standards, applications, systems, values, and law that support all facets of individual health, health care, and public health. The broad goal of the NHII is to deliver information to individuals—consumers, patients, and professionals—when and where they need it, so they can use this information to make informed decisions about health and health care.

The hearing will also seek comments about major trends and issues in population health and their implications for future information needs described in the report, "Shaping a Vision for 21st Century Health Statistics." The report outlines themes that have emerged from national consultations involving health statistics users, public health providers, advocacy groups and health care providers at local, state, and Federal levels. The national consultative process has helped to identify trends and gaps in shaping the vision, as well as cross-cutting issues involved. Ten principles have emerged as essential qualities to developing the health statistics Vision.

Person representing a variety of public and private sector interests will be invited to

present their views on the issues raised in the interim reports. There also will be an opportunity for comments from the audience. The July hearing is the first of a series of joint public hearings to be conducted in several regions of the country through the fall of 2000 to solicit testimony on the reports. Information from the hearings will be incorporated as definitive statements in the final reports expected to be completed in early 2001.

Persons who would like to make a brief oral comment (3–5 minutes) during the July hearing will be placed on the agenda as time permits. To be included on the agenda, please submit testimony by June 26, 2000, to Patrice Upchurch at (301) 458–4540, by e-mail at pupchurch@cdc.gov, or postal address at NCHS, Presidential Building, Room 1100, 6525 Belcrest Road, Hyattsville, Maryland 20782. Persons wishing to submit written testimony only (no more than 2–3 typewritten pages) should also adhere to the due date of June 26, 2000. Please consult Ms. Upchurch for further information about these arrangements. Additional information about the meeting will be provided on the NCVHS homepage at http://www.ncvhs.hhs.gov/ shortly before the meeting. All participants are encouraged to review the interim reports before the meeting.

For Further Information Contact: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from Ms. Upchurch at the address above; or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS home page of the HHS website: http://www.ncvhs.hhs.gov/ where an agenda for the meeting will be posted when available.

Dated: June 7, 2000.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 00–14985 Filed 6–13–00; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Program Announcement 00126]

Neurodevelopmental Test Methods Research; Notice of Availability of Funds

A. Purpose

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of fiscal year (FY) 2000 funds for a grant program for Neurodevelopmental Test Methods Research. This program addresses the "Healthy People 2010" focus area of Environmental Health. For the conference copy of the "Healthy People 2010." visit the internet site: http://www.health.gov/healthypeople.

The purpose of the program is to determine and validate a battery of neurodevelomental tests for use in assessing the effects of prenatal or postnatal exposure to developmental toxicants. The battery of tests should: (1) be applicable to a wide range of potential neurodevelopmental toxicants found at waste sites and in the environment including metals and solvents; (2) be applicable to a wide range of exposure levels found in the environment; and (3) cover a broad range of developmental domains including cognitive function, sensory function, motor function, and complex multi-tasking performance. These research methods will address an agency goal to develop methods and tools for evaluating human health consequences from exposure to toxic substances in the environment.

B. Eligible Applicants

Applications may be submitted by official public health agencies of the States, or their bona fide agents. This includes the District of Columbia, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Federated States of Micronesia, Guam, the Northern Mariana Islands, the Republic of the Marshall Island, the Republic of Palau, federally-recognized Indian tribal governments, public and private non-profit and for profit universities, colleges, and research institutions.

Note: Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $100,000 is available in Fiscal Year 2000 to fund one award. It is expected to begin on or about September 30, 2000, 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 the 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 may be expended for reasonable program purposes, such as personnel, travel, supplies and services. Funds for contractual services may be requested; however, the grantee, as the direct and primary recipient of ATSDR grant funds, must perform a substantive role in carrying out project activities and not merely serve as a conduit for an award to another party or provide funds to an ineligible party. Equipment may be purchased with grant funds. However, the equipment proposed should be appropriate and reasonable for the research activity to be conducted. Property may be acquired only when authorized in the grant. The grantee, as part of the application process, should provide a justification of need to acquire property, the description, and the cost of purchase versus lease.

D. Program Requirements

Applicant will conduct studies to develop and validate a battery of neurodevelopmental tests for use in assessing the effects of prenatal or postnatal exposure to developmental neurotoxicants. Investigations of adverse health effects in developing organisms that are attributable to neurotoxicant exposure require measures that are sensitive across a wide range of exposure levels.

The study should include children at risk for the kinds of performance deficits these tests endeavor to measure, *e.g.*, low birth weight children (<1000 grams), and/or children diagnosed as learning-disabled. Such a study will determine the ability of these tests and procedures to identify analogous deficits hypothesized to arise from developmental exposure to methylmercury and other neurotoxicants. Those components of the test battery that demonstrate validity, *i.e.*, prove successful at differentiating these children from a referent group of children, will then be incorporated into future studies of possible developmental neurotoxicants. Applicants should have primary access to data in children which can be used to facilitate the validation step.

The applicant will establish an ad hoc advisory group for the study. A major purpose of the group will be to provide advice on developing and distributing educational materials on the use and application of this test battery to a broad spectrum of health professionals.

E. 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. The narrative should be double-spaced pages, printed on one side, with one inch margin, and unreduced font.

F. Submission and Deadline

Submit the original and five copies of the application PHS Form 398 (OMB Number 0925–0001). Forms are available at the following Internet address: www.cdc.gov/od/pgo/forminfo.htm or in the application kit. On or before July 15, 2000, 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:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicant 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 which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

The application will be evaluated against the following criteria by an independent review group appointed by ATSDR.

Proposed Program—60 Percent of Total

The extent to which the applicant's application addresses:

1. The scientific merit of the hypothesis of the proposed project, including the originality of the approach and the feasibility, adequacy, and rationale of the design (the design of the study should ensure statistical validity for comparison with other research projects); (15 percent)

2. The technical merit of the methods and procedures for the proposed project, including the degree to which the project can be expected to yield results that meet the program objective as described in the PURPOSE section of this announcement; and demonstrate that an advisory group can be established at the onset of the project; (25 percent)

3. The proposed project schedule, including clearly established and obtainable project objectives for which progress toward attainment can and will be measured and plans for publishing research results in peer reviewed journals; (15 percent) and

4. 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 (5 percent).

This includes:

a. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

b. The proposed justification when representation is limited or absent.

c. A statement as to whether the design of the study is adequate to measure differences when warranted.

d. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

Program Personnel—30 Percent of Total

The extent to which the application has described:

(1) The qualifications, experience, and commitment of the Principal Investigator, and his/her ability to devote adequate time and effort to provide effective leadership; and

(2) The competence of associate investigators to accomplish the proposed study, their commitment, and time devoted to the study.

Institutional Resources and Commitment—10 Percent of Total

Description of the adequacy and commitment of the institutional resources to administer the program and the adequacy of the facilities as they impact on performance of the proposed study.

Program Budget—(NOT SCORED)

The extent to which the budget is reasonable, clearly justified, and consistent with intended use of funds.

Human Subjects—(NOT SCORED)

Does the application adequately address the requirements of 45 CFR part 46 for the protection of human subjects?

H. Other Requirements

Technical Reporting Requirements

Provide CDC with the original plus two copies of

1. An annual progress report

2. Financial status report, no more than 90 days after the end of the budget period

3. Final financial report and performance report, no more than 90 days after the end of the project period

Send all reports to Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

For description of the following Other Requirements, see Attachment I.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–17 Peer and Technical Reviews of Final Reports of Health Studies—ATSDR
AR–18 Cost Recovery-ATSDR
AR–19 Third Party Agreements—ATSDR

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Section 104(i)(5)and(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9604 by the Superfund Amendments and Reauthorization Act (SARA) of 1986. The Catalog of Federal Domestic Assistance number is 93.161.

J. Where to Obtain Additional Information

This and other CDC/ATSDR announcements can be found on the CDC home page, Internet Address-http://www.cdc.gov. Click on "Funding" then "Grants and Cooperative Agreements."

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest (00126).

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Nelda Godfrey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, Georgia 30341–4146, Telephone number (770)488–2722, Email address:NAG9@CDC.GOV.

For program technical assistance, contact: Dr. Mildred Williams-Johnson, Project Officer, Division of Toxicology, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE, Mailstop E–29, Atlanta, Georgia 30333, Telephone number: (404) 639–6306, E-mail address: MMW1@CDC.GOV.

Dated: June 8, 2000.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 00–14941 Filed 6–13–00; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–158]

Public Health Assessments Completed

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces those sites for which ATSDR has completed public health assessments during the period from January through March 2000. This list includes sites that are on or proposed for inclusion on the National Priorities List (NPL), and includes sites for which assessments were prepared in response to requests from the public.

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., DEE, Assistant Surgeon General, Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mailstop E–32, Atlanta, Georgia 30333, telephone (404) 639–0610.

SUPPLEMENTARY INFORMATION: The most recent list of completed public health assessments was published in the **Federal Register** on March 21, 2000 (65 FR15163). This announcement is the responsibility of ATSDR under the regulation, Public Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities (42 CFR part 90). This rule sets forth ATSDR's procedures for the conduct of public health assessments under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) (42 U.S.C. 9604(i)).

Availability

The completed public health assessments and addenda are available for public inspection at the Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Building 33, Executive Park Drive, Atlanta, Georgia (not a mailing address), between 8 a.m. and 4:30 p.m., Monday through Friday except legal holidays. The completed public health assessments are also available by mail through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (703) 605–6000. NTIS charges for copies of public health assessments and addenda. The NTIS order numbers are listed in parentheses following the site names.

Public Health Assesssments Completed or Issued

Between January 1 and March 31, 2000 public health assessments were issued for the sites listed below:

NPL Sites

Arizona

Klondyke Tailings (a/k/a Aravaipa Creek Mine Tailings)—Klondyke—(PB20–103287)

Tucson International Airport Area (a/k/a ElVado Residential Properties)—Tucson—(PB20–104079)

Colorado

Air Force Plant PJKS—Wateron—(PB20–105008)

Connecticut

Upjohn Co-Fine Chemicals Division—North Haven—(PB20–104239)

Illinois

Indian Refinery-Texaco Lawrenceville (a/k/a Texaco

Incorporated Lawrenceville Refinery)—Lawrenceville—(PB20–105551)

Parsons Casket Hardware Company—Belvidere—(PB20–103235)

Indiana

Vickers Warehouse Site—Anderson—(PB20–103286)

Kansas

Fort Riley (a/k/a Fort Riley Military Reservation)—Fort Riley—(PB20–104840)

Michigan

Lafarge Corporation-Alpena Plant—Alpena—(PB20–104078)

New York

Seneca Army Depot—Romulus—(PB20–104790)

Pennsylvania

Callery Chemical Company—Evans City—(PB20–104502)

Tennessee

Jersey Miniere Zinc Company (a/k/a Pasminco Clarksville Zinc Plant)—Clarksville—(PB20–104503)

Texas

City of Perryton Well No.2 (a/k/a Perryton Water Well Number 2)—Perryton—(PB20–103408)

Many Diversified Interests, Incorporated—Houston—(PB20–104791)

Non NPL Petitioned Sites

Massachusetts

Morse Cutting Tools—New Bedford—(PB20–105552)

Rock Avenue 21–E Dump (a/k/a Rock Avenue 21–E–Dump Site)—Winchester—(PB20–100632)

Dated: June 8, 2000.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 00–14940 Filed 6–13–00; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

CDC, Advisory Committee on HIV and STD Prevention: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Public Law 92–463) of October 6, 1972, that the CDC, Advisory Committee on HIV and STD Prevention of the Centers for Disease Control and Prevention, of the Department of Health and Human Services, has been renewed for a 2-year period beginning May 11, 2000, through May 11, 2002.

For further information, contact Ron Valdiserri, M.D., Executive Secretary, CDC, Advisory Committee on HIV and STD Prevention, 1600 Clifton Road, NE, m/s E–07, Atlanta, Georgia 30333. Telephone 404/639–8002, or fax 404/639–8600.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: June 8, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00–14949 Filed 6–13–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00146]

Cooperative Agreement With the Kenya Medical Research Institute; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of funds for fiscal year (FY) 2000 for a cooperative agreement program with the Kenya Medical Research Institute (KEMRI) to conduct complex research studies and related activities to control and prevent malaria, HIV/AIDS, and other diseases of public health importance in Kenya. 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 areas of HIV and Immunization and Infectious Diseases. For the conference copy of "Healthy People 2010", visit the internet site http://www.health.gov/healthypeople.

The objectives of this proposal are:

1. To assist KEMRI in the conduct of field and laboratory research on important human infectious diseases prevalent in Kenya with an emphasis on malaria and HIV.

2. To improve the training of students and public health professionals in basic and applied public health research and the training of students and other professionals in the areas that provide support to research efforts such as data and financial management.

3. To strengthen KEMRI institutional capacity to conduct research and training in public health.

4. To incorporate the results of research into operational disease prevention and control programs in the Republic of Kenya and insure sharing of expertise and research findings with other nations.

5. To determine national priority areas and develop human resources focused on public health.

B. Eligible Applicants

Assistance will be provided only to KEMRI. No other applications are solicited. KEMRI is the most appropriate and qualified agency to conduct the activities specified under this cooperative agreement because:

1. KEMRI is the only research organization in Kenya that possesses the requisite scientific and technical expertise, the infrastructure capacity and who has conducted longitudinal malaria and related HIV research in areas of high morbidity (20 years for malaria and 10 years for HIV/AIDS). These combined attributes make them the only organization in Kenya capable of effectively conducting the research proposed for this cooperative agreement.

2. A major operational unit of KEMRI is located in western Kenya in an area of extremely high level malaria and HIV transmission, and thus is ideally located to evaluate approaches to preventing and controlling these public health problems.

3. KEMRI was established through the Science and Technology Act of the Republic of Kenya and has a Board of Management appointed by the Minister of Health which is responsible for overseeing all research and which has a well-developed secretariat to provide administrative and technical support to research services.

4. KEMRI has been collaborating with health agencies on priority infectious disease research for over 20 years on the grounds of the KEMRI facility both in Nairobi and Kisumu. The KEMRI Facility has experienced staff, equipment, and facilities to support the collaboration.

C. Availability of Funds

Approximately $657,000 is available in FY 2000 to fund one award. It is expected that $574,000 will be available for malaria and infectious diseases and $83,000 will be for HIV/AIDS. It is expected that the award will begin on August 1, 2000, and will be made for a 5-month budget period within a project period of up to five years. The funding estimate 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

Indirect costs will not be provided on HHS Grants to international or foreign organizations where the grant is performed entirely outside the territorial limits of the United States.

D. Where to Obtain Additional Information

If you have any questions after reviewing the content of all documents, business management technical assistance may be obtained from: Juanita D. Crowder, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone: (770)488–2734, Email address: jdd2@cdc.gov.

For program technical assistance, contact: Sue Binder, M.D., Division of Parasitic Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention 1600 Clifton Road, Mailstop F–22, Atlanta, GA 30333, Telephone: (770)488–7793, Email address: sbinder@cdc.gov.

Dated: June 8, 2000.

Henry S. Cassell, III,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–14950 Filed 6–13–00; 8:45 am]

BILLING CODE 4162–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00098]

Grant To Support Natural Products Research on Phytomedicines at The University of Mississippi; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2000 funds for a grant program to Support Natural Products Research on Phytomedicines at the University of Mississippi.

B. Eligible Applicant(s)

Single Source

Assistance will be provided only to the National Center for Natural Products Research, Thad Cochran Research Center, University of Mississippi. No other applications are solicited. The Conference Report accompanying Public Law 106–113 (H.R. 3194), Consolidated Appropriations Act, 2000, found at H.R. Rep. No. 106–479, at 599 (1999) specified these funds for the University of Mississippi to establish a program to identify candidate phytomedicines for clinical evaluation.

C. Availability of Funds

Approximately $1,823,000 is available in FY 2000 to fund one award. It is expected that the award will begin on or about September 30, 2000 and will be made for a 12-month budget period within a project period of up to three years.

D. Where To Obtain Additional Information

Business management technical assistance may be obtained from: Van A. King, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), Announcement [00098], 2920 Brandywine Road, Room 3000, Atlanta, GA 30341, Telephone Number (770) 488–2751, Email Address vbk5@cdc.gov.

Program technical assistance may be obtained from: Earl Ford, Division of Nutrition and Physical Activity, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, MS K–26, Atlanta, GA 30341–3724, Telephone Number (770)488–6015, Email Address EFord@cdc.gov.

Dated: June 8, 2000.

Henry S. Cassell, III,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–14943 Filed 6–13–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00104]

National Tuberculosis Controllers Association; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2000 funds for a cooperative agreement program for the National Tuberculosis Controllers Association (NTCA). This program addresses the "Healthy People 2010", priority area of Immunization and Infectious Diseases.

The purpose of this program is to: (1) Maintain an effective communication capacity among the nation's tuberculosis (TB) control officials (TB Controllers) and TB nursing professionals; (2) to sustain a capacity for coordinating the rapid, comprehensive assessment of problems and opportunities in the field of TB prevention and control; (3) to maintain the capacity to coordinate the consultations and collaborations that produce a front line perspective on the fast moving programmatic, scientific, and technological issues affecting the goal of TB elimination; (4) to assist in identifying TB training needs; and (5) to continue the capacity for cataloging and tracking the public and private assets of the nation's TB elimination effort.

B. Eligible Applicants

Assistance will be provided only to the National Tuberculosis Controllers Association (NTCA). No other applications are solicited.

NTCA is the only organization that has an established relationship with state and local health department TB prevention and control programs, access to TB Controllers and TB nursing professionals, and expertise which is necessary to carry out the project. NTCA is a unique organization because of the technical expertise of its members, especially relating to its application amidst the complex and changing environment of front line health care delivery.

Note: Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $150,000 will be available in FY 2000 to fund this award. It is expected that the award will begin on or about September 30, 2000, and will be made for a 12-month budget period within a project period of up to 5 years. Funding estimates may change.

Continuation awards within an approved project will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

D. 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". An application kit will be provided to NTCA.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Carrie Clark, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone: (404) 488–2783, E-Mail Address: zri4@cdc.gov.

For program technical assistance, contact: John Seggerson, Office of the Director, Division of Tuberculosis Elimination, National Center for HIV, STD, and TB Prevention, Mail Stop E–10, Atlanta, GA 30333, Telephone: (404) 639–5328, E-Mail Address: jjs1@cdc.gov.

Dated: June 8, 2000.

Henry S. Cassell, III,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–14948 Filed 6–13–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Research To Strengthen Occupational Safety and Health Surveillance, RFA OH–00–005

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Research to Strengthen Occupational Safety and Health Surveillance, RFA OH–00–005.

Times and Dates:

9 a.m.–9:30 a.m., July 10, 2000 (Open).
9:30 a.m.–5 p.m., July 10, 2000 (Closed).
8 a.m.–Noon, July 11, 2000 (Closed).

Place: Embassy Suites, 1900 Diagonal Road, Alexandria, Virginia 22314.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to RFA–OH–00–005.

Contact Person for More Information: Michael J. Galvin, Jr., Ph.D., Health Science Administrator, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, 1600 Clifton Road, N.E., m/s D30 Atlanta, Georgia 30333. Telephone 404/639–3525, e-mail mtg3@cdc.gov.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: June 8, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–14947 Filed 6–13–00; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–1307]

Draft Guidance for Industry on Development of Parathyroid Hormone for the Prevention and Treatment of Osteoporosis; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled "Development of Parathyroid Hormone for the Prevention and Treatment of Osteoporosis." Parathyroid hormone (PTH) is being studied for use in the prevention and treatment of osteoporosis. In response to preclinical studies submitted to FDA in which osteosarcomas developed in rats and mice following administration of PTH and related peptides, the agency is developing guidance for the development of PTH as a drug for osteoporosis. This guidance is intended to improve the benefit to risk ratio of treatment with PTH and related peptides.

DATES: Submit written comments on the draft guidance by August 14, 2000. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Copies of this draft guidance for industry are available on the Internet at http://www.fda.gov/cder/guidance/index.htm. Submit written requests for single copies of the draft guidance to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Eric Colman, Center for Drug Evaluation and Research (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–6371.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a draft guidance for industry entitled "Development of Parathyroid Hormone for the Prevention and Treatment of Osteoporosis." This draft guidance is being issued in response to information submitted to the agency regarding the development of osteosarcomas in two strains of rats and one strain of mice following treatment with PTH and related peptides from weaning to 18 months. Given the uncertain clinical relevance of the findings in rodents, and in an effort to improve the benefit to risk ratio of PTH when used in studies of the prevention and/or treatment of osteoporosis, the draft guidance recommends that special consideration be given to the design and conduct of clinical trials evaluating the safety and effectiveness of PTH. These special considerations relate to inclusion and exclusion criteria, patient followup, and patient informed consent.

This draft guidance is being issued consistent with FDA's good guidance practices (62 FR 8961, February 27, 1997). The draft guidance represents the agency's current thinking on the development of parathyroid hormone in the prevention and treatment of osteoporosis. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes, regulations, or both.

Interested persons may submit to the Dockets Management Branch (address above) written comments on the draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 6, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00–14986 Filed 6–13–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review: Comment Request: National Institute of Diabetes and Digestive and Kidney Diseases Information Clearinghouses Customer Satisfaction Survey

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on January 19, 2000, pages 2967–1968 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection

Title: NIDDK Information Clearinghouses Customer Satisfaction Survey. *Type of Information Request:* NEW. *Need and Use of Information Collection:* NIDDK will conduct a survey to evaluate the efficiency and effectiveness of services provided its three information clearinghouses: National Diabetes Information Clearinghouse, National Digestive Diseases Information Clearinghouse, National Kidney and Urologic Diseases Information Clearinghouse. The survey responds to Executive Order 12862, "Setting Customer Services Standards," which requires agencies and departments to identify and "survey their customers to determine the kind and quality of service they want and their level of satisfaction with existing service." *Frequency of Response:* On occasion. *Affected Public:* Individuals or households; clinics or doctor's offices. *Type of Respondents:* Physicians, nurses, patients, family.

The annual reporting burden is as follows: *Estimated Number of Respondents:* 12,000; *Estimated Number of Responses per Respondent:* 1; *Estimated Average Burden Hours Per Response:* 0.1671; and *Estimated Total Annual Burden Hours Requested:* 2,000.

The annualized cost to respondents is estimated at $39,000. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Type of respondents	Number of respondents	Frequency of response	Estimated average response time	Estimated annual burden hours
Patients/Family	3,600	1.0	0.167	600
Phys. Asst	7,200	1.0	0.167	1,200
Physicians	1,200	1.0	0.167	200
Totals	12,000			2,000

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology.

Direct Comments to OMB

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Kathy Kranzfelder, Project Officer, NIDDK Information Clearinghouses, NIH, Building 31, Room 9A04, MSC2560, Bethesda, MD 20852, or call non-toll-free number (301) 435–8113 or E-mail your request, including your address, to: kranzfeldk@hq.niddk.nih.gov

Comments Due Date

Comments regarding this information are best assured of having their full effect if received within 30 days following the date of this publication.

Dated: May 25, 2000.

L. Earl Laurence,

Executive Officer, NIDDK.

[FR Doc. 00–14956 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, NCI Transition Career Development Award (K22 applications).

Date: June 16, 2000.

Time: 4:00 PM to 8:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Georgetown, 2101 Wisconsin Avenue, N.W., Washington, DC 20007.

Contact Person: Mary Bell, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8058, Bethesda, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer control, National Institutes of Health, HHS)

Dated: June 6, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–14962 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the Board of Scientific Counselors, National Cancer Institute.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(6) and 552b(c)(9)(B), Title 5 U.S.C., as amended. The discussions could reveal information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy and the premature disclosure of discussions related to personnel and programmatic issues would be likely to significantly frustrate the subsequent implementation of recommendations.

Name of Committee: Board of Scientific Counselors, National Cancer Institute, Subcommittee B—Basic Sciences.

Date: July 10, 2000.

Time: 8:00 AM to 5:30 PM.

Agenda: Chair's Remarks; Division Director's Report and Discussion of personnel and programmatic issues; Site Visit Reports; Review and evalaute individual Principal Investogators.

Place: National Cancer Institute, Building 31, C Wing, 6th Floor, Conference Room 6, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Elorence E. Farber, Executive Secretrary, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 7017, Bethesda, MD 20852, (301) 496–7628.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 8, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–14965 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Nome of Committee: National Cancer Institute Special Emphasis Panel, Bone Marrow Transplantation for Breast Cancer.

Date: July 7, 2000.

Time: 10:00 AM to 1:30 PM.

Agendo: To review and evaluate grant applications.

Ploce: National Cancer Institute, Grants Review Branch, 6116 Executive Blvd., 8th Floor, Room 8034, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: William D. Merritt, Scientific Review Administrator, Grants Review Branch, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8034, Bethesda, MD 20892, 301–496–9767.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support, 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Instutes of Health, HHS)

Dated: June 8, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–14966 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of person privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Molecular Pathways of Bladder Cancer Progression.

Dote: July 9–11, 2000.

Time: 7:00 PM to 12:00 PM.

Agendo: To review and evaluate grant applications.

Place: The Fitzpatrick Manhattan Hotel, 687 Lexington at E. 57th Street, New York, NY 10022.

Contact Person: Christopher L. Hatch, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8044, Bethesda, MD 20892, (301) 496–4964.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.397, Cancer Centers Support, 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Cancer Institute, HHS)

Dated: June 8, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–14967 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Nome of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Electrical Remodeling Novel Opportunities for Arrrhythmia Control.

Date: June 27, 2000.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Ploce: Holiday Inn—Chevy Chase, Palladian East and Center Rooms, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contoct Person: David T. George, Scientific Review Administrator, Review Branch, NIH, NHLBI, DEA, Rockledge II, 6701 Rockledge Drive, Suite 7188, Bethesda, MD 20892–7924, (301) 435–0280, georged@nih.gov.

Nome of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Inflammation in the Pathogenesis of Chronic Obstructive Pulmonary Disease (COPD).

Dote: July 12, 2000.

Time: 8:00 AM to 4:00 PM.

Agendo: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contoct Person: Anne P. Clark, NIH, NHLBI, DEA, Review Branch, Rockledge II, 6701 Rockledge Drive, Room 7186, Bethesda, MD 20892–7924, (301) 435–0280.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: June 6, 2000.

LaVerne Y. Stringfield,

Director, Office of Federol Advisory Committee Policy.

[FR Doc. 00–14961 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: June 22, 2000.

Time: 3:00 PM to 4:30 PM.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institute of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Sheila O'Malley, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, MSC 9606, Bethesda, MD 20892–9606, 301–443–6470.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: June 29, 2000.

Time: 2:00 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Houmam H. Araj, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award. 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: June 8, 2000.

Laverne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–14957 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: July 26, 2000.

Time: 8:00 AM to 6:00 PM.

Agenda: To review and evaluate grant applications.

Place: Governor's House Hotel, 17th & Rhode Island Avenue, NW, Washington, DC 20036.

Contact Person: Stanley C. Oaks, Jr., Scientific Review Branch, Division of Extramural Research, Executive Plaza South, Room 400C, 6120 Executive Blvd., Bethesda, MD 20892–7180, 301–496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93, 173, Biological Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: June 8, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–14958 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) to the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel ZDK1 GRB–5 (C1).

Date: June 20, 2000.

Time: 9:00 AM to 5:00 PM.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn, Chevy Chase, MD 20815.

Contact Person: Francisco O. Calvo, Deputy Chief, Review Branch, DEA, NIDDK, Room 655, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8897.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 8, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–14959 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice

is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB 4 (01).

Date: June 16, 2000.

Time: 8:00 am to 2:00 pm.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel, 1300 Concourse Drive, Linthicum, Maryland 21090.

Contact Person: William E. Elzinga, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 647, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8895.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 8, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–14960 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6). Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel, NINR Career Transitional Award Applications (K22s).

Date: June 21, 2000.

Time: 3:00 PM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20852.

Contact Person: Mary J. Stephens-Frazier, Scientific Review Administrator, National Institute of Nursing Research, National Institutes of Health, Natcher Building, Room 3AN32, (301) 594–5971.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institute of Health, HHS)

Dated: June 8, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy

[FR Doc. 00–14963 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel, NINR/ORMH Mentored Research Scientist Development Award for Minority Investigators (KO1s).

Date: June 21, 2000.

Time: 8:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mary J. Stephens-Frazier, Scientific Review Administrator, National Institute of Nursing Research, National Institutes of Health, Natcher Building, Room 3AN32, Bethesda, MD 20892, (301) 594–5971.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: June 8, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–14964 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH), National Toxicology Program (NTP); Notice of an International Workshop on In Vitro Methods for Assessing Acute Systemic Toxicity, co-sponsored by NIEHS, NTP and the U.S. Environmental Protection Agency (EPA): Request for Data and Suggested Expert Scientists

SUMMARY: Pursuant to Public Law 103–43, notice is hereby given of a public meeting sponsored by NIEHS, the NTP, and the EPA, and coordinated by the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) and the NTP Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM). The agenda topic is a scientific workshop to assess the current status of in vitro test methods for evaluating the acute systemic toxicity potential of chemicals, and to develop recommendations for future development and validation studies. The workshop will take place on October 17–20, 2000 at the Hyatt Regency Crystal City Hotel, 2799 Jefferson Davis Highway, Arlington, VA, 22202. The meeting will be open to the public.

In preparing for this Workshop, ICCVAM is requesting: (1) Information and data that should be considered at the Workshop, including relevant data on currently available in vitro methods for assessing acute systemic toxicity; and (2) nominations of expert scientists to participate in the Workshop. An agenda, registration information, and other details will be provided in a subsequent **Federal Register** notice.

Background

ICCVAM, with participation by 14 Federal regulatory and research agencies and programs, was established in 1997 to coordinate issues relating to the development, validation, acceptance, and national/international harmonization of toxicological test methods. ICCVAM seeks to promote the scientific validation and regulatory acceptance of new and improved test methods applicable to Federal agencies, including methods that may reduce or replace animal use, or that refine protocols to lessen animal pain and distress. The Committee's functions include the coordination of interagency reviews of toxicological test methods and communication with stakeholders throughout the process of test method development and validation. The following Federal regulatory and research agencies participate:

Consumer Product Safety Commission
Department of Defense
Department of Energy
Department of Health and Human Services
- Agency for Toxic Substances and Disease Registry
- Food and Drug Administration
- National Institute for Occupational Safety and Health/CDC
- National Institutes of Health
- National Cancer Institute
- National Institute of Environmental Health Sciences
- National Library of Medicine

Department of the Interior
Department of Labor
- Occupational Safety and Health Administration

Department of Transportation
- Research and Special Programs Administration

Environmental Protection Agency

NICEATM was established in 1998 and provides operational support for the ICCVAM. NICEATM and ICCVAM collaborate to carry out activities associated with the development, validation, and regulatory acceptance of proposed new and improved test methods. These activities may include:

- Test Method Workshops, which are convened as needed to evaluate the adequacy of current methods for assessing specific toxicities, to identify areas in need of improved or new testing methods, to identify research efforts that may be needed to develop new test methods, and to identify appropriate development and validation activities for proposed new methods.
- Expert Panel Meetings, which are typically convened to evaluate the validation status of a method following the completion of initial development and pre-validation studies. Expert Panels are asked to recommend additional validation studies that might be helpful in further characterizing the usefulness of a method, and to identify any additional research and development efforts that might enhance the effectiveness of a method.
- Independent Peer Review Panel Meetings, which are typically convened following the completion of comprehensive validations studies on a test method. Peer Review Panels are asked to develop scientific consensus on the usefulness and limitations of test methods to generate information for specific human health and/or ecological risk assessment purposes. Following the independent peer review of a test method, ICCVAM forwards recommendations on its usefulness to agencies for their consideration. Federal agencies then determine the regulatory acceptability of a method according to their mandates.

Additional information about ICCVAM and NICEATM can be found at the website: *http://iccvam.niehs.nih.gov.*

Workshop Background and Scope

A. Background

Federal regulatory agencies require toxicity testing to determine the safety or hazard of various chemicals and products prior to human exposure. Agencies use this information to properly classify and label products as to their hazard potential. Acute oral toxicity determinations are currently made using animals. However, recent studies (e.g., Spielmann et al., 1999) suggest that in vitro cytotoxicity methods may be useful in predicting a starting dose for in vivo studies, and thus may potentially reduce the number of animals necessary for such determinations.

Other studies (e.g., Ekwall et al., 2000) have indicated an association between in vitro cytotoxicity and human lethal blood concentrations. However, these in vitro methods have not yet been evaluated in validation studies to determine their usefulness and limitations for generating acute toxicity testing information necessary to meet regulatory testing requirements. Additionally, other in vitro methods would likely be necessary to establish accurate dose-response relationships before such methods could substantially reduce or replace animal use for acute toxicity determinations.

This workshop will examine the status of available in vitro methods and develop recommendations for validation efforts necessary to characterize the usefulness and limitations of existing methods. Recommendations for future research and development efforts that might further enhance the usefulness of in vitro assessments of acute systemic lethal toxicity will also be developed.

B. Objectives of the Workshop

Four major topics will be addressed:

1. General cytotoxicity methods predictive of acute lethal toxicity;
2. Toxicokinetic and organ specific toxicity methods;
3. Reference chemicals for validation of the above methods; and
4. The use of quantitative structure activity relationships (QSAR) and chemical/physical properties for predicting acute lethal toxicity.

The objectives of the meeting are to:

1 a. Identify and review the status of in vitro general cytotoxicity screening methods that may reduce animal use for assessing acute systemic toxicity;

b. Identify information from in vitro methods necessary to predict acute systemic toxicity and review the status of relevant methods (*e.g.*, in vitro methods to assess gut absorption, metabolism, blood-brain barrier penetration, volume distribution to critical target organs, and specific target organ toxicity);

2. Identify candidate methods for further evaluation in prevalidation and validation studies;

3. Identify reference chemicals useful for development and validation of in vitro methods for assessing acute systemic toxicity;

4. Identify validation study designs needed to adequately characterize the proposed methods in 2.; and

5. Identify priority research efforts necessary to support the development of in vitro methods to adequately assess acute systemic toxicity. Such efforts might include incorporation and evaluation of new technologies such as gene microarrays, and development of methods necessary to generate dose response information.

C. Methods for Consideration

Given the breadth of the workshop topics, many methods are likely to be considered relevant to the discussion. Methods will include but are not limited to those proposed in the Multicentre Evaluation of In Vitro Cytotoxicity (MEIC) battery (*http://www.ctlu.se*). A background document summarizing the data and performance characteristics for available methods is being prepared by NICEATM in collaboration with the ICCVAM interagency organizing committee. Information received as a result of this **Federal Register** notice will be

considered for inclusion in the background document. In formulating its recommendations, the Workshop participants will evaluate information in the background document and relevant information from other sources.

D. Test Method Data and Information Sought

Data are sought from completed, ongoing, or planned studies that provide comparative performance data for in vitro methods compared to currently accepted in vivo methods for determining acute lethal toxicity and hazard classification. Data from test methods that provide toxicokinetic and specific target organ toxicity information are also sought. Submissions should describe the extent to which established criteria for validation and regulatory acceptance have been addressed. These criteria are provided in "Validation and Regulatory Acceptance of Toxicological Test Methods: A Report of the ad hoc Interagency Coordinating Committee on the Validation of Alternative Methods," NIH publication 97–3981 (*http://ntp-server.niehs.nih.gov/htdocs/ICCVAM/iccvam.html*). Where possible, submitted data and information should adhere to the guidance provided in the document, "Evaluation of the Validation Status of Toxicological Methods: General Guidelines for Submissions to ICCVAM," NIH Publication 99–4496, (*http://iccvam.niehs.nih.gov/doc1.htm*). Both publications are also available on request from NICEATM at the address provided below. Relevant information submitted in response to this request will be incorporated into the background material provided to Workshop participants. A preliminary list of relevant studies is provided at the end of this announcement, and public comment and suggestions for additions are invited.

NICEATM and the ICCVAM interagency workshop organizing committee will compile information on the studies to be considered at the Workshop. All data should be submitted by July 15, 2000 in order to ensure full consideration.

E. Request for Nomination of Expert Scientists for the Test Method Workshop

NICEATM is soliciting nominations for expert scientists to participate in the Workshop. (See Guidelines for Submission of Comments below). Types of expertise likely to be relevant include acute toxicity testing in animals, evaluation and treatment of acute toxicity in humans, development and use of in vitro methodologies, statistical data analysis, knowledge of chemical data sets useful for validation of acute toxicity studies, and hazard classification of chemicals and products. Expertise need not be limited to these areas, nor will these areas necessarily be included on the Panel. An appropriate breadth of expertise will be sought. If other areas of scientific expertise are recommended, the rationale should be provided.

Nominations should be accompanied by complete contact information including name, address, institutional affiliation, telephone number, and e-mail address. The rationale for nomination should be provided. If possible, a biosketch or a curriculum vitae should be included. To avoid the potential for candidates being contacted by a large number of nominators, candidates need not be contacted prior to nomination.

Workshop experts will be selected by an ICCVAM interagency workshop organizing committee after considering all nominations received from the public as well as nominations developed internally. All nominees will be contacted for interest and availability, and curricula vitae will be solicited from the nominees. Candidates will be required to disclose potential conflicts of interest.

Schedule for the Workshop

The Workshop will take place on October 17–20, 2000 at the Hyatt Regency Crystal City Hotel, 2799 Jefferson Davis Highway, Arlington, VA 22202. The Workshop meeting will be open to the public, limited only by space available.

Submitted methods and supporting data will be reviewed during the July to August 2000 timeframe and a background review document will be prepared by NICEATM in collaboration with the ICCVAM interagency organizing committee. The background information will be made available to Workshop experts for discussion at the meeting and will be available to the Public in advance of the Workshop.

Public Input Invited

As described above, ICCVAM invites comments on the scope and process for the review; comments on the ICCVAM preliminary list of studies for consideration; the submission of other test methods for consideration; and the nomination of experts to participate in the Workshop. Nominations must be submitted within 30 days of the publication date of this notice, and other information should be submitted by July 15, 2000.

Guidelines for Submission of Public Comment

Correspondence should be directed to Dr. William S. Stokes, NTP Interagency Center for the Evaluation of Alternative Toxicological Methods, Environmental Toxicology Program, NIEHS/NTP, MD EC–17, PO Box 12233, Research Triangle Park, NC 27709; 919–541–3398 (phone); 919–541–0947 (fax); *iccvam@niehs.nih.gov* (e-mail). Public comments should be accompanied by complete contact information including name, (affiliation, if applicable), address, telephone number, and e-mail address.

Preliminary List of Studies to be Considered for the Workshop on In Vitro Methods for Assessing Acute Systemic Toxicity

ICCVAM has compiled a preliminary list of relevant studies. The public is invited to comment on this list, and suggestions for additions may be submitted. (See Section of this **Federal Register** announcement on Guidelines for Submission of Public Comments).

Studies that may be completed but not published are not included here. This list provides examples of studies and information that may be appropriate for consideration by the Workshop experts.

Balls, M., Blaauboer, B.J., Fentem, J.H., Bruner, L., Combes, R.D., Ekwall, B., Fielder, R.J., Guillouzo, A., Lewis, R.W., Lovell, D.P., Reinhardt, C.A., Repetto, G., Sladowski, D., Spielmann, H., and Zucco, F. (1995) Practical aspects of the validation of toxicity test procedures—The report and recommendations of ECVAM Workshop 5. ATLA 23, 129–147.

Bernson, V., Bondesson, I., Ekwall, B., Stenberg, K., and Walum, E. (1987) A multicenter evaluation study of *in vitro* cytotoxicity. ATLA, 14, 144–145.

Bondesson, I., Ekwall, B., Stenberg, K., Romert, L., and Walum, E. (1988) Instruction for participants in the multicenter evaluation study of *in vitro* cytotoxicity (MEIC). ATLA, 15, 191–193.

Bondesson, I., Ekwall, B., Hellberg, S., Romert, L., Stenberg, K., and Walum, E. (1989) MEIC—A new international multicenter project to evaluate the relevance to human toxicity of *in vitro* cytotoxicity tests. Cell Biol. Toxicol., 5, 331–347.

Clemedson, C., and Ekwall, B. (1999) Overview of the final MEIC results: I. The *in vitro-in vivo* evaluation. Toxicology In vitro, 13, 657–663.

Clemedson, C., McFarlane-Abdulla, E., Andersson, M., Barile, F.A., Calleja, M.C., Chesneá, C., CIothier, R., Cottin, M., Curren, R., Daniel-Szolgay, E., Dierickx, P., Ferro, M., Fiskesj", G., Garza-Ocanas, L., Goámez-Lechoán, M.J., Guälden, M., Isomaa, B., Janus, J., Judge, P., Kahru, A., Kemp, R.B., Kerszman, G., Kristen, U., Kunimoto, M., Kärenlampi, S., Lavrijsen, K., Lewan L., Lilius, H., Ohno, T., Persoone, G., Roguet, R.,

Romert, L., Sawyer, T., Seibert, H., Shrivastava, R., Stammati, A., Tanaka, N., Torres Alanis, O., Voss, J–U., Wakuri, S., Walum, E., Wang, X., Zucco, F., and Ekwall, B. (1996) MEIC evaluation of acute systemic toxicity. Part I. Methodology of 68 *in vitro* toxicity assays used to test the first 30 reference chemicals. ATLA, 24, Suppl. 1, 249–272.

Clemedson, C., McFarlane-Abdulla, E., Andersson, M., Barile, F.A., Calleja, M.C., Chesné, C., Clothier, R., Cottin, M., Curren, R., Dierickx, P., Ferro, M., Fiskesjä, G., Garza-Ocanas, L., Gómez-Lechón, M.J., Gülden, M., Isomaa, B., Janus, J., Judge, P., Kahru, A., Kemp, R.B., Kerszman, G., Kristen, U., Kunimoto, M., Kärenlampi, S., Lavrijsen, K., Lewan L., Lilius, H., Malmsten, A., Ohno, T., Persoone, G., Pettersson, R., Roguet, R., Romert, L., Sandberg, M., Sawyer, T., Seibert. H., Shrivastava, R., Sjöström, M., Stammati, A., Tanaka, N., Torres Alanis, O., Voss, J–U., Wakuri, S., Walum, E., Wang. X., Zucco, F. and, Ekwall, B. (1996) MEIC evaluation of acute systemic toxicity. Part II. *In vitro* results from 68 toxicity assays used to test the first 30 reference chemicals and a comparative cytotoxicity analysis. ATLA, 24, Suppl. 1, 273–311.

Clemedson, C., Barile, F.A., Ekwall, B., Gömez-Lechön, M.J., Hall, T., Imai, K., Kahru, A., Logemann, P., Monaco, F., Ohno, T., Segner, H., Sjöström, M., Valentino, M., Walum, E., Wang, X., and Ekwall, B. (1998). MEIC evaluation of acute systemic toxicity: Part III. *In vitro* results from 16 additional methods used to test the first 30 reference chemicals and a comparative cytotoxicity analysis. ATLA 26, Suppl. 1, 91–129.

Clemedson, C., Aoki, Y., Andersson, M., Barile, F.A., Bassi, A.M., Calleja, M.C., Castano, A., Clothier, R.H., Dierickx, P., Ekwall, B., Ferro, M., Fiskesö, G., Garza-Ocanas, L. Gömez-Lechoán, M.J., Gülden, M., Hall, T., Imai, K., Isomaa, B., Kahru, A., Kerszman, G., Kjellstrand, P., Kristen, U., Kunimoto, M., Kärenlampi, S., Lewan, L., Lilius, H., Loukianov, A., Monaco, F., Ohno, T., Persoone, G., Romert, L., Sawyer, T.W., Shrivastava, R., Segner, H., Seibert, H., Sjöström, M., Stammati, A., Tanaka, N., Thuvander, A., Torres-Alanis, O., Valentino, M., Wakuri, S., Walum, E., Wieslander, A., Wang, X., Zucco, F., and Ekwall, B. (1998). MEIC evaluation of acute systemic toxicity. Part IV. *In vitro* results from 67 toxicity assays used to test reference chemicals 31–50 and a comparative cytotoxicity analysis. ATLA 26, Suppl. 1, 131–183.

Clemedson, C., Barile, F.A., Chesné, C., Cottin, M., Curren, R., Ekwall, B., Ferro, M., Gómez-Lechön, M.J., Imai, K., Janus, J., Kemp, R.B., Kerszman, G., Kjellstrand, P., Lavrijsen, K., Logemann, P., McFarlane-Abdulla, E., Roguet, R., Segner, H., Seibert, H., Thuvander, A., Walum. E., and Ekwall. Bj. (2000) MEIC evaluation of acute systemic toxicity: Part VII. Prediction of human toxicity by results from testing of the first 30 reference chemicals with 27 further *in vitro* assays. ATLA 28, Suppl. 1, 161–200.

Ekwall, B. (1995) The basal cytotoxicity concept, pp 721–725. In Proceedings of the World Congress on Alternatives and Animal Use in the Life Sciences: Education, Research, Testing. Alternative Methods in Toxicology and the Life Sciences, Vol. 11. Mary Ann Liebert, New York, 1995.

Ekwall, B. (1999) Overview of the Final MEIC Results: II. The *In vitro/in vivo* evaluation, including the selection of a practical battery of cell tests for prediction of acute lethal blood concentrations in humans. Toxicol. *In vitro*, 13, 665–673.

Ekwall, B., Gómez-Lechón, M.J., Hellberg, S., Bondsson, I., Castell, J.V., Jover, R., Högberg, J., Ponsoda, X., Stenberg, K., and Walum, E. (1990) Preliminary results from the Scandinavian multicentre evaluation of *in vitro* cytotoxicity (MEIC). Toxicol. *In vitro*, 4, 688–691.

Ekwall, B., Clemedson, C., Crafoord, B., Ekwall, Ba., Hallander, S., Walum E., and Bondesson, I. (1998) MEIC evaluation of acute systemic toxicity. Part V. Rodent and human toxicity data for the 50 reference chemicals. ATLA 26, Suppl. 2, 569–615.

Ekwall, B., Barile., F.A., Castano, A., Clemedson, C., Clothier, R.H., Dierickx, P., Ekwall, B., Ferro, M., Fiskesjö;, G., Garza-Ocanas, L., Gómez-Lechón, M-J., Gülden, M., Hall, T., Isomaa, B., Kahru, A, Kerszman, G., Kristen, U., Kunimoto, M., Kärenlampi, S., Lewan, L, Loukianov, A., Ohno, T., Persoone, G., Romert, L., Sawyer, T.W., Segner, H., Shrivastava, R., Stammati, A., Tanaka, N., Valentino, M., Walum, E., and Zucco, F. (1998) MEIC evaluation of acute systemic toxicity. Part VI. Prediction of human toxicity by rodent LD50 values and results from 61 *in vitro* tests. ATLA 26, Suppl. 2, 617–658.

Ekwall, B., Clemedson, C., Ekwall, B., Ring, P., and Romert, L. (1999) EDIT: A new international multicentre programme to develop and evaluate batteries of *in vitro* tests for acute and chronic systemic toxicity. ATLA 27, 339–349.

Ekwall, B., Ekwall, B., and Sjostrom, M. (2000) MEIC evaluation of acute systemic toxicity: Part VIII. Multivariate partial least squares evaluation, including the selection of a battery cell line tests with a good prediction of human acute lethal peak blood concentrations for 50 chemicals. ATLA 28, Suppl. 1, 201–234.

Hellberg, S., Bondesson, I., Ekwall, B., Gómez-Lechón, M.J., Jover, R., Högberg, J., Ponsoda, X., Romert, L., Stenberg, K., and Walum, E. (1990) Multivariate validation of cell toxicity data: The first ten MEIC chemicals. ATLA, 17, 237–238.

Hellberg, S., Eriksson, L., Jonsson, J., Lindgren, F., Sjöström, M., Wold, S., Ekwall, B., Gómez-Lechón, J.M., Clothier, R., Accomando, N.J., Gimes, G., Barile, F.A., Nordin, M., Tyson, C.A., Dierickx, P., Shrivastava, R.S., Tingsleff-Skaanild, M., Garza-Ocanas, L., and Fiskesjö:, G. (1990) Analogy models for prediction of human toxicity. ATLA, 18, 103–116.

Shrivastava, R., Delomenie, C., Chevalier, A., John, G., Ekwall, B., Walum, E., and Massingham, R. (1992) Comparison of *in vivo* acute lethal potency and *in vitro* cytotoxicity of 48 chemicals. Cell Biol. Toxicol., 8(2), 157–170.

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Dated: June 6, 2000.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 00–14968 Filed 6–13–00; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4564–N–03]

Notice of Proposed Information Collection: Lead Hazard Control Grant Program Data Collection—Progress Reporting

AGENCY: Office of Lead Hazard Control.

ACTION: Notice.

SUMMARY: The revised information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: August 14, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Gail Ward, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room P–3206, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Matthew Ammon at (202) 755–1785, ext. 158 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the revised information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the revised 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 revised 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 responded; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also listed the following information:

Title of Proposal: Lead Hazard Control Grant Program Data Collection—Progress Reporting.

OMB Control Number: 2539–0008.

Need for the Information and Proposed Use: This data collection is disigned to provide timely information to HUD regarding the implementation progress of the grantees on carrying out the Lead-Based Paint Hazard Control Grant Program. The information collection will also be used to provide Congress with statuts reports as required by Residential Lead-Based Paint Hazard Reduction Act (Title X of the Housing and Community Development Act of 1992).

Agency Form Numbers: HUD–96006.

Members of Affected Public: State and local governments.

Total Burden Estimate (first year):

Task	Number of respondends	Frequency of response	Hours per response	Burden hours
.....	130	4	12	6,240

Total Estimated Burden Hours: 6,240.

Status of the Proposed Information Collection: Revision.

ADDITIONAL INFORMATION: The obligation to respond to this information collection is mandatory. Due to the improvements and simplifcation made to the reporting process, we expect the actual total burden hours to be substantially less than the estimated total burden hours.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: June 7, 2000.

David E. Jacobs,

Director, Office of Lead Hazard Control.

[FR Doc. 00–14937 Filed 6–13–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–36]

Notice of Submission of Proposed Information Collection to OMB Request for Occupied Conveyance

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* July 14, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0268) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Houseing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be requested; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department. This Notice also lists the following information:

Title of Proposal: Request for Occupied Conveyance.

OMB Approval Number: 2502–0268.

Form Numbers: HUD–9539.

Description of the Need for the Information and its Proposed Use: HUD generally requires that no one be living in properties for which it accepts ownership unless certain limited conditions are met. Occupants request occupied conveyance on the HUD–9539 which gives HUD information it needs in making a determination. Respondents are occupants of the property, former mortgagors and tenants.

Respondents: Business or other for-profit, Not-for-Profit Institutions State, Local, or Tribal Governments.

Frequency of Submission: On Occasion.

Reporting Burden:

Number of Respondents	×	Frequency of response	×	Hours per response	=	Burden hours
8,025		1		.46		17,388

Total Estimated burden Hours: 17,388.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 8, 2000.

Wayne Eddins,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–14936 Filed 6–13–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Exxon Valdez Oil Spill Public Advisory Group Nomination Solicitation

SUMMARY: The Exxon Valdez Oil Spill Trustee Council is soliciting nominations for the Public Advisory Group, which advises the Trustee Council on decisions related to the planning, evaluation, and conduct of injury assessment and restoration activities using funds obtained for purposes of restoration as part of the civil settlement pursuant to the T/V Exxon Valdez oil spill of 1989. Public Advisory Group members will be selected to serve a 24 month term beginning in October 2000.

DATES: All nominations should be received on or before August 25, 2000.

ADDRESSES: Nominations should be sent to the Exxon Valdez Oil Spill Trustee Council, 645 G Street, Suite 401, Anchorage, Alaska 99501 (fax: 907/276–7178).

FOR FURTHER INFORMATION CONTACT: Douglas Mutter, Designated Federal Official, Department of the Interior, Office of Environmental Policy and Compliance, 1689 "C" Street, Suite 119, Anchorage, Alaska, 99501, (907) 271–5011; or Cherri Womac, Exxon Valdez Oil Spill Trustee Council, 645 G Street, Suite 401, Anchorage, Alaska, (907) 278–8012 or (800) 478-7745. A copy of the charter for the Public Advisory Group is available upon request.

SUPPLEMENTARY INFORMATION: The Public Advisory Group was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska*, Civil Action No. A91–081 CV. The Public Advisory Group was created to advise the Trustee Council on matters relating to decisions on injury assessment, restoration activities or other use of natural resources damage recoveries obtained by the governments.

The Trustee Council consists of representatives of the State of Alaska Attorney General; Commissioner of the Alaska Department of Fish and Game; Commissioner of the Alaska Department of Environmental Conservation; the Secretary of the Interior; the Secretary of Agriculture; and the Administrator of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce. Appointment to the Public Advisory Group will be made by the Secretary of the Interior with unanimous approval of the Trustees.

The Public Advisory Group consists of 17 members representing the public at large (5 members) and the following special interests: aquaculture, commercial fishing, commercial tourism, forest products, environmental, conservation, local government, Native landowners, recreation users, sport hunting and fishing, subsistence, and science/academic. Two additional ex officio non-voting members are from the Alaska State House of Representatives and the Alaska State Senate.

Nominees need to submit the following information to the Trustee Council:

1. A biographical sketch (education, experience, address, telephone, fax);

2. Information about the nominee's knowledge of the region, peoples or principal economic and social activities of the area affected by the T/V Exxon Valdez oil spill, or expertise in public lands and resource management;

3. Information about the nominee's relationship/involvement (if any) with the principal interest to be represented;

4. A statement explaining any unique contributions the nominee will make to the Public Advisory Group and why the nominee should be appointed to serve as a member;

5. Any additional relevant information that would assist the Trustee Council in making a recommendation; and

6. Answers to the conflict of interest questions listed below. Public Advisory Group members and their alternates are chosen to represent a broad range of interests. It is possible that action could be taken by the Public Advisory Group when one or more of the members have a direct personal conflict of interest which would prejudice and call into question the entire public process. To avoid this and to enable the Trustee Council to choose appropriate individuals as members and/or alternates to members, it is necessary that each nominee provide the following information with their information packet. If the answer to any of these questions is yes, please provide a brief explanation of your answer. A yes will not necessarily preclude any nominee from being appointed to serve on the Public Advisory Group.

a. Do you, your spouse, children, any relative with whom you live or your employer have, or are you defending, a claim filed before any court or administrative tribunal based upon damages caused by the T/V Exxon Valdez oil spill?

b. Do you, your spouse, children, any relative with whom you live or your employer own any property or interest in property which has been, or is likely to be, proposed for acquisition by the Trustee Council?

c. Have you, your spouse, children, any relative with whom you live or your employer submitted, or likely will submit, a proposal for funding by the Trustee Council, or be a direct beneficiary of such a proposal?

d. Do you know of any other potential actions of the Trustee Council or the Public Advisory Group to have a direct bearing on the financial condition of yourself, your spouse, children, other relative with whom you live or your employer?

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 00–14919 Filed 6–13–00; 8:45 am]

BILLING CODE 4310–RG–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Notice of Meeting

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the Exxon Valdez Oil Spill Public Advisory Group and a joint public hearing with the Exxon Valdez Oil Spill Trustee Council.

DATES: The public hearing is July 19, 2000, at 7:00 p.m. and the public meeting is July 20 at 8:30 a.m.

ADDRESSES: Fourth floor conference room, 645 "G" Street, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Douglas Mutter, Department of the Interior, Office of Environmental Policy and Compliance, 1689 "C" Street, Suite 119, Anchorage, Alaska, (907) 271–5011.

SUPPLEMENTARY INFORMATION: The Public Advisory Group was created by Paragraph V.A.4 of the Memorandum of

Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska,* Civil Action No. A91–081 CV. The agenda for the public hearing is the proposed Fiscal Year 2001 Work Plan for the restoration of resources and services injured by the T/V Exxon Valdez oil spill of 1989. The public meeting agenda will feature a discussion of the Work Plan, as well as the status of habitat protection measures in the spill impact area, and plans for the long-term Gulf Ecosystem Monitoring Program.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 00–14920 Filed 6–13–00; 8:45 am]

BILLING CODE 4310–RG–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

North American Wetlands Conservation Act: Request for Small Grants Proposals for Year 2001

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of request for proposals.

SUMMARY: The purpose of this notice is to advise the public that we, the U.S. Fish and Wildlife Service (Service) and the North American Wetlands Conservation Council (Council), are currently entertaining proposals that request match funding for wetland and wetland-associated upland conservation projects under the Small Grants program. Projects must meet the purposes of the North American Wetlands Conservation Act of 1989, as amended. We will give funding priority to projects from new grant applicants with new partners, where the project ensures long-term conservation benefits. However, previous Act grantees are eligible to receive funding and can compete successfully on the basis of strong project resource values.

DATES: Proposals must bear postmarks no later than Friday, December 1, 2000.

ADDRESSES: Address proposals to: North American Waterfowl and Wetlands Office, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 110, Arlington, Virginia 22203, Attn: Small Grants Coordinator.

FOR FURTHER INFORMATION CONTACT: Dr. Keith A. Morehouse, Small Grants Coordinator, or Ms. Heather Poindexter, Office Secretary, North American Waterfowl and Wetlands Office, 703.358.1784; facsimile 703.358.2282.

SUPPLEMENTARY INFORMATION:

The purpose of the 1989 North American Wetlands Conservation Act (NAWCA), as amended (16 U.S.C. 4401 *et seq.*) is, through partnerships, to promote long-term conservation of North American wetland ecosystems and the waterfowl and other migratory birds, fish and wildlife that depend upon such habitats. Principal conservation actions supported by NAWCA are acquisition, enhancement and restoration of wetlands and wetlands-associated uplands habitat.

Initiated in 1996, the underlying objective of the Small Grants program is to promote long-term wetlands conservation activities through encouraging participation by new grantees and partners who may not otherwise be able to compete in the regular grants program. We also hope that successful participants in the Small Grants program will be encouraged to participate in the NAWCA-based Standard Grants program. Over the first five years of the program, about 386 proposals requesting a total of approximately $12.6 million competed for funding. Ultimately, 77 projects were funded over this period. For 2001, with the approval of the Migratory Bird Conservation Commission, we have again made the Small Grants program operational at a base level of $1.0 million. Up to $1.0 million in quality Small Grants projects may be funded.

To be considered for funding in the 2001 cycle, proposals must have a grant request no greater than $50,000. We will accept all wetland conservation proposals that meet the requirements of the Act. However, considering appropriate proposal resource values, we will give funding priority to projects from new grant applicants (individuals or organizations who have never received a NAWCA grant) with new partners, where the project ensures long-term conservation benefits. This priority system does not preclude former NAWCA grant recipients from receiving Small Grants funding; ultimately, project resource value is the critical factor in deciding which projects receive funding. Too, projects are likely to receive a greater level of attention if they are part of a broader related or unrelated effort to bring or restore wetland or wetland-associated upland conservation values to a particular area or region.

In addition, proposals must represent on-the-ground projects, and any overhead in the project budget must constitute 10 percent or less of the grant amount. The anticipated magnitude of wetlands and wildlife resources benefits that will result from project execution is an important factor in proposal evaluation, and there should be a reasonable balance between acreages of wetlands and wetland-associated uplands. Mitigation-related projects may be precluded from consideration, depending upon the nature of the mitigation application.

Please keep in mind that NAWCA and matching funds may be applied only to wetlands acquisition, creation, enhancement, and/or restoration; they may not be applied to signage, displays, trails or other educational features, materials and equipment, even though the goal of the project may ultimately be to support wetland conservation education curricula. Projects oriented toward education are not ordinarily eligible for NAWCA funding because education is not a primary purpose of the Act. However, useful project outcomes can include educational benefits resulting from conservation actions. Research is also not a primary purpose of the Act, and research proposals are not considered for funding.

Even though we require less total information for Small Grants than we do for the Standard Grants program, Small Grant proposals must have clear explanations and meet the basic purposes given above and the 1:1 or greater non-Federal matching requirements of the NAWCA. Small Grants projects must also be consistent with Council-established guidelines, objectives and policies. All non-Federal matching funds and proposed expenditures of grant funds must be consistent with Appendix A of the Small Grants instructions, "Eligibility Requirements for Match of NAWCA Grant and Non-Federal Funds." Applicants must submit a completed Standard Form 424, Application For Federal Assistance. Small Grants instructional booklets contain forms and instructions for the Standard Form 424; booklets are available at the address provided under **ADDRESSES**.

Small Grants proposals may be submitted prior to the due date but must bear postmarks no later than Friday, December 1, 2000. Address submitted proposals as follows: North American Waterfowl and Wetlands Office, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 110, Arlington, VA 22203, Attn: Small Grants Coordinator.

Applicants must submit *complete* grant request packages to the North American Waterfowl and Wetlands Office (NAWWO), including *all* of the

documentation of partners (partner letters) with funding pledge amounts. Information on funding in partner letters, i.e., amounts and description regarding use, must correspond with budget amounts in the budget table and any figures provided in the narrative.

With the volume of proposals received, we are not usually able to contact proposal sources to verify and/or request supplemental data and/or materials. Thus, those proposals lacking required information or containing conflicting information are subject to being declared ineligible and not further considered for funding.

For more information, and/or to request the Small Grants instructional booklet, call the NAWWO office secretary at 703.358.1784, facsimile 703.358.2282, or send E-mail to R9ARW_NAWWO@FWS.GOV. Small Grant application instructions may be available by E-mail as a WordPerfect© file, upon request.

In conclusion, we require that, upon arrival in the NAWWO, proposal packages must be complete with regard to the information requested, in the format requested, and on time.

The Service has submitted information collection requirements to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1995, Public Law 104–13. On May 26, 1999, OMB gave its approval for this information collection and confirmed the approval number as 1018–0100. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The information collection solicited: is necessary to gain a benefit in the form of a grant, as determined by the North American Wetlands Conservation Council and the Migratory Bird Conservation Commission; is necessary to determine the eligibility and relative value of wetland projects; results in an approximate paperwork burden of 80 hours per application; and does not carry a premise of confidentiality. The information collections in this program will not be part of a system of records covered by the Privacy Act (5 U.S.C. 552(a)).

Dated: April 12, 2000.

Paul R. Schmidt,

Assistant Director—Refuges and Wildlife, Fish and Wildlife Service.

[FR Doc. 00–15010 Filed 6–13–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Information Collection To Be Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request revising and extending the collection of information listed below will be submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the USGS Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made within 60 days directly to the USGS Clearance Officer, U.S. Geological Survey, 807 National Center, Reston, VA 20192.

As required by OMB regulations at CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments regarding the proposed information collectoin as to:

1. Whether the collection of information is necessary for the proper performance of the functions of the USGS, including whether the information will have practical utility;

2. The accuracy of the USGS estimate of the burden of the collection of information, including the validity of the methbodology and assumptions used;

3. The utility, quality, and clarity of the information to be collected; and,

4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: Production Estimate, Construction Sand and Gravel and Crushed and Broken Stone.

Current OMB approval number: 1028–0065.

Abstract: This collection is needed to provide data on mineral production for annual reports published by commodity for use by Government agencies, industry, education programs, and the general public. One publication is the "Mineral Commodity Summaries," the first preliminary publication to furnish estimates covering the previous year's nonfuel mineral industry.

Bureau form numbers: 9–4042–A and 9–4124–A.

Frequency: Quarterly and Annually.

Description of respondents: Producers of industrial minerals and metals.

Annual Responses: 3,450.

Annual burden hours: 742.

Bureau clearance officer: John Cordyack, 703–648–7313.

John H. DeYoung, Jr.,

Chief Scientist, Minerals Information Team.

[FR Doc. 00–14997 Filed 6–13–00; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–00–1020–24]

Sierra Front/Northwestern Great Basin Resource Advisory Council; Notice of Cancellation of Scheduled Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Cancellation of Scheduled Meeting for the Sierra Front/Northwestern Great Basin Resource Advisory Council, Nevada.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), notice is hereby given of cancellation of a previously scheduled June 14, 2000, meeting of the U.S. Department of the Interior, Bureau of Land Management (BLM) Sierra Front/Northwestern Great Basin Resource Advisory Council (RAC), Nevada. The topic of discussion was to be a review of the Black Rock Management Plan being prepared by the Winnemucca Field Office; the meeting will be rescheduled at a future date.

DATE AND TIME: The council was scheduled to meet on Wednesday, June 14, 2000, from 9:00 a.m. to 5:00 p.m. at the Best Western Inn-Fernley, 1405 East Newlands Drive, Fernley, Nevada. The meeting has been cancelled due to BLM staffing changes and associated time delays related to completing the Black Rock Management Plan. A review of the plan will be rescheduled at a future RAC meeting.

FOR FURTHER INFORMATION CONTACT: Mike Holbert, Associate Field Manager, Winnemucca Field Office, 5100 East Winnemucca Blvd., Winnemucca, NV 89445. Telephone (775) 623–1500.

Dated: June 5, 2000.

Mark Struble,

Public Affairs Officer/RAC Coordinator, Carson City Field Office.

[FR Doc. 00–14998 Filed 6–13–00; 8:45 am]

BILLING CODE 4310–HC–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–474 and 475 (Review)]

Certain Lug Nuts From China and Taiwan

AGENCY: United States International Trade Commission.

ACTION: Scheduling of full five-year reviews concerning the antidumping duty orders on chrome-plated lug nuts from China and Taiwan.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (the Act) [1] to determine whether revocation of the antidumping duty orders on chrome-plated lug nuts from China and Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B). For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E,[2] and part 207, subparts A, D, E, and F.[3]

EFFECTIVE DATE: May 22, 2000.

FOR FURTHER INFORMATION CONTACT: William Chadwick (202–205–3390), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1999, the Commission instituted expedited reviews pursuant to section 751(c)(5).[4] However, in the course of considering the record in the expedited reviews, the Commission determined, on March 22, 2000, that it would proceed with full reviews pursuant to section 751(c)(5) of the Act.[5] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's web site.

Participation in the Reviews and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in the reviews will be placed in the nonpublic record on August 14, 2000, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on August 31, 2000, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before August 18, 2000. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on August 24, 2000, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written Submissions

Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is August 22, 2000. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is September 12, 2000; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before September 12, 2000. On October 4, 2000, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before October 6, 2000, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other

[1] 19 U.S.C. 1675(c)(5).
[2] 19 CFR part 201.
[3] 19 CFR part 207.
[4] 64 FR 41949, August 2, 1999.
[5] 65 FR 16632, March 29, 2000.

parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: June 8, 2000.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–15006 Filed 6–13–00; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Certain Pipe and Tube From Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, Turkey, and Venezuela [1]

AGENCY: United States International Trade Commission.

ACTION: Reopening of the record and request for comments on the subject 5-year reviews.

SUMMARY: The U.S. International Trade Commission (the Commission) hereby gives notice that it is reopening the record in these reviews for the purpose of considering new factual information, submitted by any person and not already submitted for the record, regarding the agreement between Siderca SA of Argentina and the United Steelworkers of America concerning the planned reactivation of the steel tube mill located in Sault Ste. Marie, Ontario, Canada, formerly operated by Algoma Steel Inc. of Canada, for the production of oil country tubular goods.

The Commission is not reopening the record for any purpose other than to receive new factual information from any person on this issue only and comments from any party on this new factual information. The record will reopen on June 8, 2000, and will close on June 14, 2000. On June 15, 2000, the Commission will make available to parties all information on which they have not had an opportunity to comment.

On or before June 19, 2000, parties may submit final comments, not to exceed 10 pages, double-spaced and single-sided, on stationery measuring 8½ by 11 inches, addressing only this new factual information, but such final comments must not contain any new factual information not previously submitted for the record and must otherwise comply with section 207.68 of the Commission's rules.

All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain business proprietary information (BPI) must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16© and 207.3 of the Commission's rules, each document filed by a party to these reviews must be served on all other parties to these reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

For further information concerning the reviews see the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and F (19 CFR part 207).

EFFECTIVE DATE: June 8, 2000.

FOR FURTHER INFORMATION CONTACT: Brian R. Allen (202–708–4728), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: June 8, 2000.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–15005 Filed 6–13–00; 8:45 am]

BILLING CODE 7020–02–P

[1] The products and investigation numbers for the various countries are: Argentina: light-walled rectangular tube (731–TA–409); Brazil: circular welded nonalloy steel pipe (731–TA–532); Canada: oil country tubular goods (731–TA–276); India: welded carbon steel pipe and tube (731–TA–271); Korea: circular welded nonalloy steel pipe (731–TA–533); Mexico: circular welded nonalloy steel pipe (731–TA–534); Singapore: small diameter standard and rectangular pipe and tube (731–TA–296); Taiwan: small diameter carbon steel pipe and tube (731–TA–132), oil country tubular goods (731–TA–277), light-walled rectangular tube (731–TA–410), and circular welded nonalloy steel pipe (731–TA–536); Turkey: welded carbon steel pipe and tube (701–TA–253 and 731–TA–273); Thailand: welded carbon steel pipe and tube (731–TA–252); and Venezuela: circular welded nonalloy steel pipe (731–TA–537).

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–414]

In the Matter of Certain Semiconductor Memory Devices and Products Containing Same; Notice of Commission Determination To Grant a Joint Motion To Terminate the Investigation on the Basis of a Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant a joint motion to terminate the above-captioned investigation on the basis of a settlement agreement, and to vacate the final initial determination of the presiding administrative law judge.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205–3096. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION: The Commission ordered the institution of this investigation on September 18, 1998, based on a complaint filed on behalf of Micron Technology, Inc., 8000 South Federal Way, Boise, Idaho 83707–0006 ("complainant"). The notice of investigation was published in the **Federal Register** on September 25, 1998. 63 FR 51372 (1998).

The presiding administrative law judge ("ALJ") issued his final initial determination ("ID") on November 29, 1999, concluding that there was no violation of section 337 of the Tariff Act of 1930. On February 1, 2000, the Commission determined to review the final ID in its entirety. The notice of the Commission decision to review the final ID was published in the **Federal Register** on February 7, 2000. 65 FR 5890 (2000). On February 15, 2000, respondents, complainant, and the

Commission investigation attorney ("IA") filed written submissions on the issues under review. Responsive submissions were filed on February 22, 2000.

On April 4, 2000, complainant Micron and respondents Mosel Vitelic, Inc. and Mosel Vitelic Corp. (collectively "Mosel") filed a joint motion to terminate the investigation by settlement and vacate the ID. The IA filed a response to the joint motion on April 14, 2000.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in sections 210.20 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.20 and 210.50).

Copies of the public versions of all documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202–205–2000.

Issued: June 9, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–15007 Filed 6–13–00; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 22, 2000 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–828 (Final) (Bulk Acetylsalicylic Acid (Aspirin) from China)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on June 30, 2000.)
5. Inv. No. 731–TA–718 (Review) (Glycine from China)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on June 30, 2000.)
6. Inv. Nos. 701–TA–253 and 731–TA–132, 252, 271, 276–277, 296, 409–410, 532–534, and 536–537 (Review) (Certain Pipe and Tube from Argentina, Brazil, Canada, India, Korea, Mexico, Singapore, Taiwan, Thailand, Turkey, and Venezuela)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on July 26, 2000.)
7. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: June 12, 2000.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–15160 Filed 6–12–00; 1:31 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to Sections 107 and 113 of CERCLA

Notice is hereby given that on June 5, 2000, the United States lodged a proposed Consent Decree with the United States District Court for the Southern District of Texas, in *Tex Tin Corp.* v. *United States, et al.*, Civ. A. No. G–96–247), pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. 9607 and 9613. The proposed Consent Decree resolves civil claims of the United States and the State of Texas ("State") against Tex Tin Corporation ("Tex Tin"), the current owner of the Tex Tin Superfund Site ("Site") in Texas City, Texas, and against related and affiliated Tex Tin entities. The proposed Consent Decree also resolves Tex Tin's contribution claims against several Settling Federal Agencies. Under the proposed Consent Decree, Tex Tin, and its related and affiliated entities, agree to pay nearly $1 million of the United States' past response costs related to the Site; pay $225,000 to resolve Federal and State natural resource damage claims; and pay $300,000 to fund a Custodial Trustee for the care and maintenance of the property. Tex Tin, and its parent Metallon Holdings Company, have filed for Chapter 11 bankruptcy in the U.S. Bankruptcy Court for the Southern District of New York (White Plains Division), and the proposed Consent Decree will not become effective until approval by both the Bankruptcy Court and the District Court.

Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d). In addition, commenters may request such a hearing connection with a related consent decree for the Tex Tin Site; in *United States and State of Texas* v. *Alpha Metals, Inc., et al.*, Civ. A. No. G–00250 (S.D. Tex.), providing for cleanup of the Site and partial reimbursement of response costs and natural resource damages, lodged May 5, 2000, and noticed at 65 FR 32123–32124 (May 22, 2000). The public comment period for that related consent decree closes on June 21, 2000.

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following publication of this Notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044–7611, and should refer to *Tex Tin Corp.* v. *United States, et al.*, DOJ No. 90–11–3–1669A. The proposed Consent Decree may be examined at the Office of the United States Attorney for the Southern District of Texas, Houston, Texas, and the Region VI Office of the United States Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas, 75202. A copy of the proposed Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, D.C. 20044. In requesting a copy, please enclose a check for reproduction costs (at 25 cents per page) in the amount of $38.50 for the Decree, payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 00–14928 Filed 6–13–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review: Application for Nonresident Alien's Canadian Border Crossing Card.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in

the **Federal Register** on April 4, 2000 at 65 FR 17675, allowing for a 60-day public comment period. The INS received no comments on the proposed information collection.

The purpose of this notice is to notify the public that INS is reinstating with change this information collection and to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 14, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Stuart Shapiro, Department of Justice Desk Officer, Room 10235, Washington, DC 20530; 202–395–7316.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) Type of Information Collection: *Extension of a currently approved collection.*

(2) Title of the Form/Collection: Application for Nonresident Alien's Canadian Border Crossing Card.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form I-175. Inspections Division, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households. The information collected is used by the INS to determine eligibility of an applicant for issuance of a Canadian Border Crossing Card to facilitate entry into the United States.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 9,200 responses at 20 minutes (.333) hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 3,063 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: June 9, 2000.

Richard A. Sloan,

Department Clearance Officer, United Sates Department of Justice, Immigration and Naturalization Service.

[FR Doc. 00–14979 Filed 6–13–00; 8:45am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection under Review: Petition for Nonimmigrant Worker.

SUMMARY: The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on March 31, 2000 at 65 FR 17309, allowing for a 60-day public review and comment period. The INS received two comments on the proposed information collection. The comments were addressed and reconciled in the accompany Supporting Statement submitted to OMB.

The purpose of this notice is to notify the public that INS is reinstating with change this information collection and to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 14, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Stuart Shapiro, Department of Justice Desk Officer, Room 10235, Washington, DC 20530; 202–395–7316.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) Type of Information Collection: Revision of a currently approved collection.

(2) Title of the Form/Collection: Petition for Nonimmigrant Worker.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form I-129. Adjudications Division, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Business or other for-profit. This form is used to petition for temporary workers and for the admission of treaty traders and investors. It is also used in the process of an extension of stay or for a change of nonimmigrant status.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 368,948 responses at 2 hours and 45 minutes (2.75) hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 1,014,607 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the reestimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: June 9, 2000.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 00–14980 Filed 6–13–00; 8:45am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of Information Collection under Review: Petition for Nonimmigrant Filing Fee Exemption.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on March 31, 2000 at 65 FR 17309, allowing for a 60-day public comment period. Comments were received by one commenter. The comments have been addressed and reconciled by the INS in the accompanying supporting statement for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 14, 2000. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated pubic burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory affairs, Attention: Stuart Shapiro, Department of Justice Desk Officer, Room 10235, Washington, DC 20530; 202–395–7316. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) Type of Information Collection: Extension of currently approved collection.

(2) Title of the Form/Collection: H–1B Data Collection and Filing Fee Exemption.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Forms I–129W. Adjudications, Division, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Business or other for-profit. This addendum to form I–129 will be used by the INS to determine if an H–1B petitioner is exempt from the additional filing fee of $500, as provided by the American Competitiveness and workforce Improvement Act of 1998.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 128,092 respondents 30 minutes (.50 hours) per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 64,046 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: June 9, 2000.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 00–14981 Filed 6–13–00; 8:45 am]

BILLING CODE 4410–10–M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 99–3 CARP DD 95–98]

Distribution of 1995, 1996, 1997, and 1998 Digital Audio Recording Technology Royalties

AGENCY: Copyright Office, Library of Congress.

ACTION: Suspension of proceeding; Resumption of initiation of arbitration.

SUMMARY: The Copyright Office of the Library of Congress is announcing the suspension of the proceeding to distribute the 1995–98 digital audio recording technology ("DART") royalties in the Musical Works Funds from May 16, 2000, to June 16, 2000. The 180-day arbitration period for the proceeding will resume on June 16, 2000.

EFFECTIVE DATE: June 16, 2000.

ADDRESSES: All hearings and meetings for the 1995–98 DART distribution proceeding shall take place in the James Madison Memorial Building, Room LM–414, First and Independence Avenue, SE, Washington, DC 20540.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Senior Attorney, Copyright Arbitration Royalty Panel ("CARP"), P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION:

Background

On April 10, 2000, the Copyright Office published a notice in the **Federal Register** announcing that the initiation of the 180-day arbitration period for the distribution of the 1995–98 digital audio recording technology ("DART") royalties in the Musical Works Funds would begin on April 10, 2000. 65 FR 19025 (April 10, 2000). The notice also announced the two arbitrators selected by the Librarian to serve on the Copyright Arbitration Royalty Panel ("CARP") for the proceeding. In accordance with 17 U.S.C. 802(b), the two arbitrators selected a third arbitrator to serve as the chairperson of the panel. However, on May 25, 2000, the third arbitrator resigned from the position of chairperson out of concern that potential conflicts of interest, which were not known to the arbitrator at the time of selection, may exist under § 251.32. Because of these concerns, the Copyright Office canceled the initial meeting between the parties and the original panel of arbitrators that had been set for May 16, 2000.

Section 251.6(f) provides that when an arbitrator is unable to continue to serve on a CARP before the commencement of hearings in a proceeding, the Librarian "will suspend the proceeding." The notice published today serves as notice that the proceeding is suspended from May 16, 2000, to June 16, 2000. The 180-day arbitration period will resume on June 16, 2000. Section 251.6(f) further provides that if the resulting vacancy was "previously occupied by the chairperson, the two remaining arbitrators shall select, the replacement from the arbitrator list, and the person chosen shall serve as chairperson." Accordingly, the remaining two arbitrators selected a new chairperson.

Selection of Arbitrators

In accordance with § 251.64 of the CARP rules, the arbitrators selected for this proceeding are: The Honorable Cheryl I. Niro (Chairperson), The Honorable John B. Farmakides, The Honorable Harold Himmelman.

Initiation of the Proceeding

In accordance with § 251.8(a) of the CARP rules, which provides that a suspended proceeding will resume "from the time and point at which it was suspended," the 180-day period to determine the distribution of the 1995–98 digital audio recording technology ("DART") royalties in the Musical Works Funds, resumes on June 16, 2000. Thus, the 180-day period arbitration period recommences on June 16, 2000, and the arbitrators shall file their written report with the Librarian of Congress by November 13, 2000, in accordance with § 251.53 of 37 CFR.

A meeting between the participants in the distribution proceeding and the arbitrators shall take place on Monday, June 19, 2000, at 1 p.m. at the Library of Congress, James Madison Building, LM–414, First and Independence Avenue, SE, Washington, DC, to discuss the hearing schedule and any other procedural matters. The meeting is open to the public. Scheduling of the 1995–98 DART royalty distribution proceedings, as required by 37 CFR 251.11(b), as soon as it is available.

Dated: June 9, 2000.

David O. Carson,

General Counsel.

[FR Doc. 00–14976 Filed 6–13–00; 8:45 am]

BILLING CODE 1410–33–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–458]

Entergy Operations, Inc.; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–47, issued to Entergy Operations, Inc. (the licensee), for operation of the River Bend Station, Unit 1, located approximately two miles east of the Mississippi River in West Feliciana Parish, Louisiana.

The proposed amendment would allow an increase in power level from 2894 megawatts thermal to 3039 megawatts thermal.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By July 14, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been

admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mark Wetterhahn, Esq., Winston & Strawn, 1400 L. Street, NW, Washington, DC, 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated July 30, 1999, as supplemented by letters dated April 3 and May 9, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, 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 5th day of June 2000.

For the Nuclear Regulatory Commission.

Stuart A. Richards,

Director, Project Directorate IV and Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation

[FR Doc. 00–15003 Filed 6–13–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–440]

FirstEnergy Nuclear Operating Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–58, issued to FirstEnergy Nuclear Operating Company (the licensee), for operation of the Perry Nuclear Power Plant, Unit 1, located in Lake County, Ohio.

The proposed amendment would permit changes to the Perry Nuclear Power Plant Updated Safety Analysis Report (USAR) to incorporate descriptions (in the form of text, tables, and drawings) of modifications to the Emergency Service Water (ESW) alternate intake sluice gate. The modifications will include: (1) Installation of a safety-related Class 1E selector switch that will be used to disable the automatic opening function of the sluice gate during warm weather and (2) installation of a non-safety inflatable sealing device on the gates between the ESW forebay and the alternate intake tunnel. The modifications are designed to increase overall reliability of the ESW system and to eliminate undesired operation of the ESW pumps.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The new selector switch is procured as safety-related Class 1E, is fully qualified environmentally and seismically, and is also qualified in regard to mechanical and electrical operational cycles. Based on these characteristics, the switch is deemed to be highly reliable and will not introduce any new failure modes to the gate control circuit. In addition, the key operated feature of the selector switch ensures that inadvertent positioning of the switch, *i.e.*, an operator error, is not possible. Re-positioning of the switch will be procedurally controlled and will require conscious operator action along with use of a key. Therefore. it is concluded that addition of the new selector switch will not introduce any new failure modes and it will not cause or create any malfunctions of equipment.

The new inflatable seal and supporting mechanical equipment was procured as non-safety. The frequent verification of sluice gate seal integrity assures that the seals will be

functional during accident and transient mitigation. This is supported by the probabilistic analysis that determined that the inflatable seal use results in a negligible increase in the Core Damage Frequency (7.4 E–8). Therefore, it is concluded that the new inflatable seals will not introduce any new failure modes and it will not cause or create any malfunctions of equipment.

The effect of disabling the automatic opening of the sluice gates with the proposed selector switch was evaluated and determined that the requirements of Regulatory Guide (RG) 1.27, Ultimate Heat Sink For Nuclear Power Plants, are met which ensures compliance with General Design Criteria (GDC) 44, Cooling Water.

Analyzed events are initiated by the failure of plant structures, systems or components. The ESW system is an accident mitigating system that provides a reliable source of cooling water during accident conditions and is not an accident initiator. The proposed change does not have a detrimental impact on the integrity of any plant structure, system or component that initiates an analyzed event. The proposed change will not alter the operation of, or otherwise increase the failure probability of any plant equipment that initiates an analyzed accident. As a result, the probability of any accident previously evaluated is not significantly increased.

Sufficient water is available to the ESW pumps to satisfy requirements for all modes of operation, accounting for minimum lake levels. The alternate intake tunnel that branches from the main discharge tunnel is isolated from the ESW pumphouse by the normally closed sluice gates. The alternate intake tunnel and sluice gates are not relied upon for mitigation of a Loss of Coolant Accident (LOCA) or other accidents with radiological consequences analyzed in the Updated Safety Analysis Report (USAR). The probabilistic analysis demonstrates that the unavailability of the alternate intake tunnel is acceptable during the time period that the sluice gate manual open/close circuit and the automatic opening signal is defeated, due to the extremely low probability of normal intake failure. The modifications do not result in changes to initial conditions of an accident nor alter assumptions used in any consequence determinations. This activity cannot increase the dose to the public nor on-site radiation doses such that actions to mitigate the radiological consequences of an accident would be impeded; nor does this modification directly or indirectly affect the ability of any other plant system to mitigate the radiological consequences of an accident. The proposed change will not alter the operation of any plant equipment assumed to function in response to the aforementioned analyzed events. Therefore, the probability of occurrence or the consequences of an accident previously evaluated remains unchanged.

2. The proposed change would not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed modification of the opening circuit has been designed, and will be procured and installed in accordance with the original ESW system design codes and standards. ESW system functions as required by GDC 44 and RG 1.27, have not been impacted by the change. Systems supporting the operation of the ESW system have not been affected. Failure of the modification to perform its design function due to electrical or mechanical failure would be identical to the current ESW system performance.

Inflating the seals and defeating the automatic gate-opening signal results in the availability of only one intake path from the ultimate heat sink. Availability of only one intake during the time that the automatic opening function is disabled has been demonstrated to be acceptable because a water supply from the normal intake to the ESW pumps will be available. Cooling water supply from only one intake path cannot initiate an accident of a different type than previously evaluated because the cooling water supply paths cannot create or initiate an accident.

The ESW system is an accident mitigating system and is not an accident initiator. Consequently, the alternate intake tunnel, the sluice gates, the sluice gate seals, and the sealing system are all components contained in the ESW system and are therefore not accident initiators. The operational change to the sluice gates, i.e., inflation of the seals and disabling of the sluice gate automatic opening feature, does not result in any interactions or interfaces with other plant systems, structures, or components that could create the possibility of an accident of a different type. The operational change prevents leakage past the sluice gates. Similarly, the sluice gates in the closed position does not result in any interactions or interfaces with other plant systems, structures, or components that could create the possibility of an accident of a different type. Performance of these isolation functions cannot initiate an accident.

This change will not affect any known accident initiators or contributors; therefore, it will not increase the probability of an accident previously thought to be incredible. The proposed modifications do not affect any system or component that could initiate an accident. Therefore, this change will not create any different type of accident than previously evaluated in the USAR. Therefore, the probability of occurrence or the consequences of an accident previously evaluated remains unchanged.

3. The proposed change will not involve a significant reduction in the margin of safety.

The design of the ESW system includes suitable redundancy and reliability to assure that an adequate supply of cooling water is provided and that no single failure will prevent safe shutdown of the unit. The normal cooling water supply to the ESW pump house is provided by a branch tunnel from the main intake tunnel, while a backup supply is available by means of a branch tunnel (alternate intake) from the main discharge tunnel. Currently, the sluice gates automatically open upon receipt of a signal from low water level switches in the ESW pump house forebay. Opening of a sluice gate ensures the necessary cooling water is available to the ESW pumps from the alternate intake tunnel. The licensing basis assumes that two supply paths are available and that automatic initiation would restore the cooling supply from the alternate path if the normal cooling supply were lost. The proposed modification will disable the manual/automatic-opening feature of the sluice gates during the summer months and will thus isolate the alternate supply path. A probabilistic study has demonstrated compliance with the requirements of RG 1.27. The study determined that an alternate source is not required due to having demonstrated that there is extremely low probability that a single aqueduct can functionally fail as the result of natural or site-related phenomena. Therefore, the proposed modification does not involve a significant reduction in the margin of safety.

The closed sluice gates and the non-safety sluice gate seals prevent recirculation of plant discharge water to the ESW forebay and therefore maintain the forebay at or below its design temperature limit. The ESW system must be capable of providing cooling water at a temperature such that the heat exchangers serviced by ESW can remove their design heat loads for safe plant shutdown and for accident and transient mitigation. In order to prevent a reduction in the margin of safety associated with the ESW inlet temperature, the ESW forebay must not exceed 85°F. With the seals inflated, the closed sluice gates will prevent recirculation and subsequent increase of the forebay temperature above 85°F and therefore the closed sluice gates do not reduce the margin of safety associated with the ESW inlet temperature. The back-up air supply for the sluice gate seals, the frequent verification of the integrity of the sluice gate seals provided via administrative controls, and the functional and leak testing of the air system isolation check valves provides assurance that the inflated non-safety sluice gate seals can be credited during accident and transient mitigation and normal plant operation. Therefore, the margin of safety associated with ESW inlet temperature will not be reduced since the seals will be available to prevent leakage and subsequent increase of the forebay temperature above 85°F. Further, a probabilistic study supports this conclusion by demonstrating that seal failure, when needed, is highly improbable and would result in a negligible increase to core damage frequency. Therefore, it is concluded that inflation of the non-safety seals and

reliance on them to prevent sluice gate leakage during all modes of operation does not represent a reduction to the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 14, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mary E. O'Reilly, FirstEnergy Corporation, 76 South Main St., Akron, OH 44308, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions,

supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated June 1, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, 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 7th day of June, 2000.

For the Nuclear Regulatory Commission.

Anthony J. Mendiola,

Chief, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–15001 Filed 6–13–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219]

In the Matter of GPU Nuclear, Inc., and Jersey Central Power & Light Company (Oyster Creek Nuclear Generating Station); Order Approving Transfer of License and Conforming Amendment

I

GPU Nuclear, Inc. (GPUN) and Jersey Central Power & Light Company (JCP&L) are the holders of Facility Operating License No. DPR–16, which authorizes operation of the Oyster Creek Nuclear Generating Station (Oyster Creek or the facility) at steady-state power levels not in excess of 1930 megawatts thermal. The facility, which is owned by JCP&L, is located in Lacey Township, Ocean County, New Jersey. The license authorizes GPUN to possess, use, and operate the facility, and JCP&L to possess the facility.

II

Under cover of a letter dated November 5, 1999, GPUN, acting for itself and on behalf of JCP&L, and AmerGen Energy Company, LLC (AmerGen), jointly submitted an application requesting approval of the proposed transfer of the Oyster Creek operating license to AmerGen. GPUN and AmerGen also jointly requested approval of a conforming amendment to reflect the transfer. The application was supplemented by two letters dated April 6, 2000, and another letter dated April 13, 2000, collectively referred to as the application herein unless otherwise indicated.

AmerGen is a limited liability company that was formed to acquire and operate nuclear power plants in the United States. PECO Energy Company (PECO) and British Energy, Inc., each own a 50-percent interest in AmerGen. British Energy, Inc., is a wholly owned subsidiary of British Energy, plc. After completion of the proposed transfer, AmerGen would be the sole owner and operator of Oyster Creek. The conforming amendment would remove the current licensees from the facility operating license and would add AmerGen in their place.

Approval of the transfer of the facility operating license and the conforming license amendment was requested by GPUN and AmerGen pursuant to 10 CFR 50.80 and 50.90. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on December 16, 1999 (64 FR 70292). Pursuant to such notice, the Commission received a request for a hearing dated January 5, 2000, from the Nuclear Information and Resource Service (NIRS). On May 3, 2000, the Commission denied the request for a hearing, and terminated the associated proceeding. *GPU Nuclear, Inc., et al.* (Oyster Creek Nuclear Generating Station), CLI–00–06, 51 NCR _____, slip op. (May 3, 2000).

Under 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. After reviewing the information in the application and other information before the Commission, and relying upon the representations and agreements contained in the application, the NRC staff has determined that AmerGen is qualified to be the holder of the license, and that the transfer of the license to AmerGen is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below. The NRC staff has further found that the application for the proposed license amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter 1; that the facility will operate in conformity with the application, the provisions of the Act and the rules and regulations of the Commission; that there is reasonable assurance the activities authorized by the proposed license amendment can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendment will not be inimical to the common defense and security or to the health and safety of the public; that the issuance of the proposed license amendment will be in accordance with 10 CFR Part 51 of the Commission's regulations; and that all applicable requirements have been satisfied. The findings set forth above are supported by the staff's safety evaluation dated June 6, 2000.

III

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2201(b), 2201(i), and 2234, and 10 CFR 50.80, *it is hereby ordered* that the transfer of the license as described herein to AmerGen is approved, subject to the following conditions:

(1) The AmerGen Limited Liability Company Agreement dated August 18, 1997, and any subsequent amendments thereto as of the date of this Order, may not be modified in any material respect concerning decision-making authority over "safety issues" as defined therein without the prior written consent of the Director, Office of Nuclear Reactor Regulation.

(2) At least half of the members of AmerGen's Management Committee shall be appointed by a nonforeign member group, all of which appointees shall be U.S. citizens.

(3) The Chief Executive Officer (CEO), Chief Nuclear Officer (CNO) (if someone other than the CEO), and Chairman of AmerGen's Management Committee shall be U.S. citizens. They shall have the responsibility and exclusive authority to ensure, and shall ensure, that the business and activities of AmerGen with respect to the Oyster Creek operating license are at all times conducted in a manner consistent with the protection of the public health and safety and common defense and security of the United States.

(4) AmerGen shall cause to be transmitted to the Director, Office of Nuclear Reactor Regulation, within 30 days of filing with the U.S. Securities and Exchange Commission. any Schedules 13D or 13G filed pursuant to the Securities Exchange Act of 1934 that disclose beneficial ownership of any registered class of stock of PECO or any

affiliate, successor, or assignee of PECO to which PECO's ownership interest in AmerGen may be subsequently assigned with the prior written consent of the NRC.

(5) AmerGen shall provide decommissioning funding assurance of no less than $400 million, after payment of any taxes, deposited in the decommissioning trust fund for Oyster Creek when Oyster Creek is transferred to AmerGen.

(6) The decommissioning trust agreement for Oyster Creek must be in a form acceptable to the NRC.

(7) With respect to the decommissioning trust fund, investments in the securities or other obligations of PECO, British Energy, Inc., AmerGen, or their affiliates, successors, or assigns shall be prohibited. Except for investments tied to market indexes or other nonnuclear sector mutual funds, investments in any entity owning one or more nuclear power plants are prohibited.

(8) The decommissioning trust agreement for Oyster Creek must provide that no disbursements or payments from the trust shall be made by the trustee unless the trustee has first given the NRC 30-days prior written notice of payment. The decommissioning trust agreement shall further contain a provision that no disbursements or payments from the trust shall be made if the trustee receives prior written notice of objection from the Director, Office of Nuclear Reactor Regulation.

(9) The decommissioning trust agreement must provide that the agreement cannot be amended in any material respect without 30-days prior written notification to the Director, Office of Nuclear Reactor Regulation.

(10) The appropriate section of the decommissioning trust agreement shall state that the trustee, investment advisor, or anyone else directing the investments made in the trust shall adhere to a "prudent investor" standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.

(11) AmerGen shall take all necessary steps to ensure that the decommissioning trust is maintained in accordance with the application for approval of the transfer of the Oyster Creek license and the requirements of this Order approving the transfer, and consistent with the safety evaluation supporting this Order.

(12) AmerGen shall take no action to cause PECO or British Energy, Inc. or their affiliates, successors, or assigns, to void, cancel, or diminish their $200 million contingency commitment to AmerGen, the existence of which is represented in the application, or cause them to fail to perform or impair their performance under the commitment, or remove or interfere with AmerGen's ability to draw upon the commitment. Also, AmerGen shall inform the NRC in writing whenever it draws upon the $200 million commitment.

(13) Before the completion of the sale and transfer of Oyster Creek to it, AmerGen shall provide the Director, Office of Nuclear Reactor Regulation, satisfactory documentary evidence that AmerGen has obtained the appropriate amount of insurance required of licensees under 10 CFR Part 140 of the Commission's regulations.

(14) After receiving of all required regulatory approvals of the transfer of Oyster Creek, GPUN and AmerGen shall immediately inform the Director, Office of Nuclear Reactor Regulation, in writing of such receipt, and state therein the closing date of the sale and transfer of Oyster Creek. If the transfer of the license is not completed by June 30, 2001, this Order shall become null and void, provided, however, on written application and for good cause shown, this date may be extended.

It is further ordered that, consistent with 10 CFR 2.1315(b), a license amendment that makes changes, as indicated in Enclosure 2 to the cover letter forwarding this Order, to conform the license to reflect the subject license transfer is approved. The amendment shall be issued and made effective at the time the proposed license transfer is completed.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated November 5, 1999, two supplemental letters dated April 6, 2000, and another supplemental letter dated April 13, 2000, and the safety evaluation dated June 6, 2000, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and are accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 6th day of June 2000.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 00–14999 Filed 6–13–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–387 and 50–388]

PP&L, Inc. Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station, Units 1 and 2); Order Approving Transfer of Licenses and Conforming Amendments

I

PP&L, Inc.,[1] and Allegheny Electric Cooperative, Inc., are the joint owners of the Susquehanna Steam Electric Station, Units 1 and 2 (Susquehanna SES), located in Luzerne, Pennsylvania. They hold Facility Operating Licenses Nos. NPF–14 and NPF–22 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) on July 17, 1982, and March 23, 1984, respectively, pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50). Under these licenses, PP&L, Inc. (currently owner of 90 percent of each Susquehanna SES unit) is authorized to possess Susquehanna SES (along with Allegheny Electric Cooperative, Inc., owner of the remaining 10 percent) and to use and operate Susquehanna SES.

II

By an application dated December 15, 1999, which was supplemented by submittals dated February 7, March 24, April 28, May 4, and May 30, 2000 (collectively referred to as the application herein), PP&L, Inc., requested approval of the proposed transfer of its rights under the operating licenses for Susquehanna SES to a new, affiliated nuclear generating company, PPL Susquehanna, LLC (PPL Susquehanna). PP&L, Inc., also requested approval of conforming amendments to reflect the transfer.

According to the application, PPL Susquehanna would become the owner of PP&L, Inc."s ownership interest in both units following approval of the

[1] By letter dated March 24, 2000, PP&L, Inc., informed the Commission that effective February 14, 2000, PP&L, Inc., changed its name to "PPL Electric Utilities Corporation." PP&L, Inc., also informed the Commission of name changes for its parent and an affiliate. No application for license amendments to reflect the name change of PP&L, Inc., was submitted because, according to the licensee, it believed the amount of time for processing such an application would cause it to be approved following a decision on the license transfers and conforming amendments which are the subject of this Order. Notwithstanding the above name change of the PP&L, Inc., entity, since the licenses for the Susquehanna Steam Electric Station, Units 1 and 2, have not been amended to reflect PP&L, Inc.'s new name, PPL Electric Utilities Corporation, references in this Order to this particular licensee will use both its former and current names interchangeably as appropriate in the given context.

proposed license transfers and assume operational responsibility. No physical changes or change in the day-to-day management and operations of Susquehanna SES are proposed in the application. The proposed transfers do not involve any change with respect to the non-operating ownership interest in Susquehanna SES held by Allegheny Electric Cooperative, Inc.

Approval of the transfers and conforming license amendments was requested pursuant to 10 CFR 50.80 and 50.90. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on March 3, 2000 (65 FR 11611). No hearing requests or written comments were filed.

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. Upon review of the information submitted in the application and other information before the Commission, the NRC staff has determined that PPL Susquehanna is qualified to hold the licenses for Susquehanna SES to the same extent the licenses are now held by PP&L, Inc., and that the transfer of the licenses, as previously described, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions described herein. The NRC staff has further found that the application for the proposed license amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I; the facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the proposed license amendments can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendments will not be inimical to the common defense and security or to the health and safety of the public; and the issuance of the proposed license amendments will be in accordance with 10 CFR Part 51 of the Commission's regulations, and all applicable requirements have been satisfied. The foregoing findings are supported by a Safety Evaluation dated June 6, 2000.

III

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *it is hereby ordered* that the license transfers referenced above are approved, subject to the following conditions:

1. For purposes of ensuring public health and safety, PPL Susquehanna shall provide decommissioning funding assurance, to be held in decommissioning trust(s) for Susquehanna SES upon transfer of the respective licenses to PPL Susquehanna, in the amount specified in PP&L, Inc.'s March 29, 1999, "Decommissioning Report of Financial Assurance" as Owner's Decommissioning Fund Totals at December 31, 1998, plus any additional funds added to the accounts since the filing of that report, on the date of transfer. In addition, PPL Susquehanna shall ensure that its contractual arrangements with PPL EnergyPlus, LLC, and the contractual arrangements of PPL EnergyPlus, LLC with PPL Electric Utilities Corporation (PP&L, Inc.) to obtain necessary decommissioning funds for Susquehanna SES through a non-bypassable charge will be maintained until the decommissioning trusts are fully funded, or shall ensure that other mechanisms that provide equivalent assurance of decommissioning funding in accordance with the Commission's regulations are maintained.

2. The decommissioning trust agreements for Susquehanna SES, Units 1 and 2, at the time the license transfers are effected, are subject to the following:

(a) The trust agreements must be in a form acceptable to the NRC.

(b) With respect to the decommissioning trust funds, investments in the securities or other obligations of PPL Corporation or its affiliates, successors, or assigns shall be prohibited. Except for investments tied to market indexes or other non-nuclear-sector mutual funds, investments in any entity owning one or more nuclear power plants are prohibited.

(c) The decommissioning trust agreements for Susquehanna SES, Units 1 and 2, must provide that no disbursements or payments from the trusts shall be made by the trustee unless the trustee has first given the NRC 30-days prior written notice of payment. The decommissioning trust agreements shall further contain a provision that no disbursements or payments from the trusts shall be made if the trustee receives prior written notice of objection from the Director, Office of Nuclear Reactor Regulation.

(d) The decommissioning trust agreements must provide that the agreements cannot be amended in any material respect without 30-days prior written notification to the Director, Office of Nuclear Reactor Regulation.

(e) The appropriate section of the decommissioning trust agreements shall state that the trustee, investment advisor, or anyone else directing the investments made in the trusts shall adhere to a "prudent investor" standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.

3. PPL Susquehanna shall not take any action that would cause PPL Corporation or any other direct or indirect parent of PPL Susquehanna to void, cancel, or diminish any applicable commitment to fund an extended plant shutdown as represented in the application.

4. Before the completion of the transfer of the interests in Susquehanna SES to PPL Susquehanna as previously described herein, PPL Susquehanna shall provide to the Director of the Office of Nuclear Reactor Regulation satisfactory documentary evidence that PPL Susquehanna has obtained the appropriate amount of insurance required of licensees under 10 CFR Part 140 of the Commission's regulations.

5. After receipt of all required regulatory approvals of the subject transfer, PP&L, Inc., shall inform the Director of the Office of Nuclear Reactor Regulation in writing of such receipt, and of the date of closing of the transfer no later than 7 business days prior to the date of closing. Should the transfer not be completed by June 1, 2001, this Order shall become null and void, provided, however, on application and for good cause shown, such date may be extended.

It is further ordered that, consistent with 10 CFR 2.1315(b), license amendments for Susquehanna SES that make changes, as indicated in Enclosure 2 to the cover letter forwarding this Order, to conform the licenses to reflect the subject license transfers are approved. Such amendments shall be issued and made effective at the time the proposed license transfers are completed.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial transfer application and request for conforming amendments dated December 15, 1999, supplements dated February 7, March 24, April 28, May 4, and May 30, 2000, and the safety evaluation dated June 6, 2000, which are available for public

inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. Publically available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, http://www.nrc.gov (the Electronic Reading Room).

Dated at Rockville, Maryland, this 6th day of June 2000.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 00–15002 Filed 6–13–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of June 12, 19, 26, July 3, 10, and 17, 2000.

PLACE: Commissioner's Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of June 12

Tuesday, June 13, 2000

9:25 a.m.
Affirmation Session (Public Meeting)
a: Final Rule—Clarification of Regulations to Explicitly Limit Which Types of Applications Must Include Antitrust Information

9:30 a.m.
Meeting with Organization of Agreement States (OAS) and Conference of Radiation Control Program Directors (CRCPD) (Public Meeting) (Contact: Paul Lohaus, 301–415–3340)

1:00 p.m.
Meeting with Korean Peninsula Energy Development Organization (KEDO) and State Department (Public Meeting) (Contact: Donna Chaney, 301–415–2644)

Week of June 19—Tentative

Tuesday, June 20, 2000

9:25 a.m.
Affirmation Session (Public Meeting) (If needed)

9:30 a.m.
Briefing on Final Rule—Part 70—Regulating Fuel Cycle Facilities (Public Meeting) (Contact: Theodore Sherr, 301–415–7218)

1:30 p.m.
Briefing on Risk-Informed Part 50, Option 3 (Public Meeting) (Contact: Mary Drouin, 301–415–6675)

Wednesday, June 21, 2000

10:30 a.m.
All Employees Meeting (Public Meeting) ("The Green" Plaza Area)

1:30 p.m.
All Employees Meeting (Public Meeting) ("The Green" Plaza Area)

Week of June 26—Tentative

There are no meetings scheduled for the Week of June 26.

Week of July 3—Tentative

There are no meetings scheduled for the Week of July 3.

Week of July 10—Tentative

Tuesday, July 11

9:25 a.m.
Afirmation Session (Public Meeting) (If necessary.)

Week of July 17—Tentative

There are no meetings scheduled for the Week of July 17.

*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, D.C. 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. if you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: June 9, 2000.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 00–15159 Filed 6–12–00; 1:31 pm]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from May 20, 2000, through June 2, 2000. The last biweekly notice was published on May 31, 2000.

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period.

However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By July 14, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of amendment request: April 25, 2000.

Description of amendment request: The proposed amendments would revise Technical Specification (TS) 3/4.9.5, "Communications" to allow movement of a control rod in a fueled core cell in Operational Condition 5, to be exempt from the communication requirements of TS Section 3/4.9.5 when the control rod is moved with its normal drive system.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

TS Section 3/4.9.5 requires that direct communications be maintained between the control room and the refueling platform personnel during Core Alterations in Operational Condition 5. The requirement to have direct communications maintained between the control room and the refueling platform personnel does not have an effect on any accident previously evaluated or the associated accident assumptions. Thus, the proposed changes do not significantly increase the probability of an accident previously evaluated.

The proposed changes do not adversely effect the integrity of the reactor coolant system or secondary containment. As such, the radiological consequences of previously evaluated accidents are not changed. Therefore, the proposed changes do not increase the consequences of an accident previously evaluated.

Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not affect the assumed accident performance of any structure, system, or component previously evaluated. The proposed changes do not introduce any new modes of system operation or failure mechanisms.

Thus, these proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Does the change involve a significant reduction in a margin of safety?

LaSalle County Station, Units 1 and 2, exercise control rods during Core Alterations in Operational Condition 5. The required plant conditions for this control rod movement are specified in TS Section 3/4.9.3, "Control Rod Position." TS Section 3/4.9.3 allows the movement of one control rod at a time, in a fueled core cell, under control of the reactor mode switch Refuel position one-rod-out interlock. The exercising of control rods under the control of the reactor mode switch Refuel position one-rod-out interlock is controlled by operators in the control room and does not occur when fuel is being moved in the reactor pressure vessel (RPV).

The proposed changes do not affect the margin of safety as the movement of a control rod will continue to satisfy the requirements of TS Section 3/4.9.3 and will not occur when fuel is being moved in the RPV.

Thus, this proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767.

NRC Section Chief: Anthony J. Mendiola.

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of amendment request: April 28, 2000.

Description of amendment request: The proposed amendments would revise License Condition 2.C.(37) for Unit 1 and License Condition 2.C.(21) for Unit 2, to specify the types of fuel movements that cannot be performed during refueling unless all control rods are fully inserted.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes to LaSalle County Station, Unit 1, License Condition 2.C.(37) and Unit 2 License Condition 2.C.(21), will require that control rods be fully inserted during the loading and shuffling of fuel assemblies during refueling in Operation Condition 5. The requirement to have control rods fully inserted during the loading or shuffling of fuel assemblies, during a refueling in Operational Condition 5, does not have an effect on any accident previously evaluated. The removal of fuel assemblies from the RPV does not affect the initiators or assumptions of a previously analyzed accident, including inadvertent criticality. Thus, the probability of the occurrence of an accident previously evaluated is not increased.

The proposed changes do not affect the analyzed refueling accidents, the integrity of the Reactor Coolant System or Secondary Containment. Thus, the radiological consequences of an accident previously evaluated are not increased.

Therefore, the proposed changes do not involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated.

Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes to the Unit 1 and 2 License Conditions do not affect the assumed accident performance of any structure, system, or component previously evaluated. The proposed changes do not introduce any new modes of system operation or failure mechanisms.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

Does the change involve a significant reduction in a margin of safety?

The shutdown margin required during a refueling [outage] is specified in Technical Specifications (TS) Section 3/4.1.1, "Shutdown Margin." The required shutdown margin ensures that the core will be maintained sufficiently subcritical to preclude inadvertent criticality in the shutdown condition. The single failure inadvertent criticality concerns, during a refueling, are an unexpected withdrawal of a control rod and the loading of a fuel assembly into the wrong core cell location. The analysis of these single failure inadvertent criticality concerns, for a fully loaded core, has determined that the most limiting event is the unexpected withdrawal of the highest worth control rod from a fueled cell.

The proposed changes, to the Units 1 and 2 License Conditions, will prohibit the loading and shuffling of any fuel assembly within the RPV unless all control rods are fully inserted during a refueling in Operational Condition 5. The unloading of a fuel assembly will be consistent with the fuel assembly and control rod requirements of TS Sections 3/4.9.10.1, "Single Control Rod Removal," and 3/4.9.10.2, "Multiple Control Rod Removal." These TS requirements ensure that the proposed changes to the license conditions will provide assurance that the current analysis for an unexpected withdrawal of the highest worth control rod from a totally fueled core remains bounding during a refueling outage.

Thus, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth

Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767.

NRC Section Chief: Anthony J. Mendiola.

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of amendment request: May 1, 2000.

Description of amendment request: The proposed amendments would revise Technical Specification 3/4.8.1, "A. C. Sources—Operating," to permit functional testing of the emergency diesel generators to be performed during power operation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The function of the emergency diesel generators (EDGs) is to supply emergency power in the event of a loss of offsite power. Operation of the EDGs is not a precursor to any accident. Therefore, the proposed change to permit the 24-hour functional test of the EDGs to be performed during power operation does not increase the probability of an accident previously evaluated.

The EDG that is being tested will be available to supply emergency loads within the required time to mitigate an accident. In addition, the remaining required EDGs will be operable during the test. Furthermore, with any one EDG inoperable the remaining EDGs are capable of supporting the safe shutdown of the plant. Therefore, the consequences of an accident previously evaluated are not significantly changed.

Therefore, the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes to the 24-hour functional surveillance test will not affect the operation of any safety system or alter its response to any previously analyzed accident. The EDG will automatically transfer from the test mode of operation, if necessary, to supply emergency loads in the required time. This mode of operation is used for the monthly surveillance of the EDGs. Therefore, no new plant operating modes are introduced.

In the event the EDG fails the functional test, it will be declared inoperable and the actions required for an inoperable EDG will be performed. The remaining required EDGs will be maintained operable and are capable of feeding the loads necessary for safe shutdown of the plant. This addresses the concerns raised in the NRC Information Notice 84–69, "Operation of Emergency Diesel Generators," regarding the operation of EDG[s] connected in parallel with offsite power. The Information Notice discusses EDG configurations that have the potential to lead to a complete loss of offsite and onsite power to safety buses. In summary, the proposed changes do not adversely affect the performance or the ability of the EDGs to perform their intended function.

Therefore, the proposed change will not create the possibility of a new or different kind of accident from any previously evaluated.

Do the changes involve a significant reduction in a margin of safety?

The proposed changes will not reduce availability of the EDG being tested to provide emergency power in the event of a loss of offsite power. If a loss of offsite power with a loss of coolant accident occurs during the surveillance test, the emergency bus would de-energize and shed load. The EDG would then transfer from the test mode to the emergency mode. It would then be available to automatically supply emergency loads. In addition, the remaining required EDGs would be maintained operable during the test. Furthermore, with any one EDG inoperable, the remaining EDGs are capable of supporting the safe shutdown of the plant. The time required for the EDG being tested to pick up emergency loads will not be affected by performing the 24-hour functional test during power operation.

The proposed changes do not affect the assumptions or consequences of the analyzed accidents. Therefore, the proposed changes do not change any assumed safety margins.

Therefore, the proposed changes will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767

NRC Section Chief: Anthony J. Mendiola

Energy Northwest, Docket No. 50–397, WNP–2, Benton County, Washington

Date of amendment request: April 13, 2000.

Description of amendment request: The proposed amendment would revise Technical Specification Surveillance Requirement (SR) 3.3.1.1.10 for Function 8 of Table 3.3.1.1–1 and SR 3.3.4.1.2.a. for reactor protection system (RPS) and end of cycle (EOC) recirculation pump trip instrumentation to extend the frequency of these SRs from 18 to 24 months.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Actuation of the TTV [turbine throttle valve] position switches is considered in the Turbine Trip accident analysis in Chapter 15 of the WNP–2 Final Safety Analysis Report. The valve position switches are assumed to function normally at greater than 30% reactor power level to initiate a reactor scram to mitigate pressure increase and an RPT [recirculation pump trip] to terminate jet pump flow in the accident analysis. The extension of the Channel Calibration surveillance interval to 24 months does not impact the normal function of the switches that is assumed in the accident analysis. There is no increase in probability or consequences represented by the proposed amendment.

Therefore, the extension of the surveillance intervals does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Historical maintenance and surveillance data indicate there is no effect on the performance of the TTV position switches resulting from an extension of the SR interval from 18 to 24 months. To ensure reliability, WNP–2 periodically replaces the TTV position switches according to the manufacturers' recommendation. The surveillance interval extension does not involve a change in design or a change of switch function. There is no increase in the probability of failure expected from the interval extension that could result in a different kind of accident from any previously evaluated.

Therefore, the operation of WNP–2 in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

Closure of the TTVs isolates the main turbine as a heat sink producing reactor pressure and neutron flux transients. Eight TTV limit switches (two per valve) function to actuate RPS and an EOC RPT to mitigate these transients and terminate jet pump flow. High pressure and flux transients also actuate RPS resulting in negative reactivity insertion should there be a failure of the TTV position switches. Additionally, historical maintenance and surveillance records indicate that the TTV position switches will operate within the necessary range and accuracy with the extension of the SR interval because no position adjustment has been necessary during past TTV position switch surveillance activities.

Therefore, operation of WNP–2 in accordance with the proposed amendment will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Thomas C. Poindexter, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005–3502

NRC Section Chief: Stephen Dembek

Entergy Gulf States, Inc., and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: May 8, 2000.

Description of amendment request: The proposed amendment would change the River Bend Station, Unit 1 (River Bend or RBS), Technical Specifications (TSs) to remove the Fuel Building and the fuel building ventilation system from the requirements associated with the Secondary Containment boundary during operational Modes 1, 2, and 3.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed changes, do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to the Technical Specifications involve removing the Fuel Building and the fuel building ventilation system from the requirements associated with the Secondary Containment boundary. The changes result in conservatively assuming that all annulus bypass leakage following a DBA [design basis accident] LOCA [loss-of-coolant accident] are directed to the environment for the duration of the accident. Since the proposed changes only affect functions that are required subsequent to a LOCA or fuel handling accident (FHA), the proposed changes have no [a]ffect on the probability of an accident. The Fuel Building portion of the Secondary Containment boundary is not an active component that could affect the proper operation of any other essential safety feature or component. Removal of the Fuel Building from the Secondary Containment boundary does not affect any other safety-related system, component, or structure that would increase the probability of an accident previously evaluated. The proposed change only has an impact on the dose consequences of the design basis accident and does not have any affect on the accident precursors or other accident mitigating features.

A plant-specific radiological analysis has been performed to assess the affects of the proposed change in the annulus bypass leakage release pathway in terms of Control Room and off-site doses following a postulated design basis LOCA. The calculated doses for all offsite and onsite evaluation points are within the 10 CFR [Code of Federal Regulations] Part 100 criteria for offsite doses and within the General Design Criterion 19 of 10 CFR Part 50 for the Control Room.

The calculated offsite DBA LOCA doses due to the proposed changes result in an increase of less than 3 percent due to releasing all annulus bypass leakage directly to the environment. The control room doses exhibit the largest percentage increase in the thyroid dose due to the increase in unfiltered and untreated iodine released to the environment, the release rate to the environment, and the changes in the control room atmospheric diffusion coefficient due to dual air intakes. However, the change in control room thyroid dose reduces the margin to the regulatory limit by only 4 percent. The calculated doses for all offsite and onsite evaluation points are not significantly increased and remain within the 10 CFR Part 100 criteria for offsite doses and within the General Design Criterion 19 of 10 CFR Part 50 for control room.

The proposed changes also include relaxation of requirements for the fuel building and fuel building ventilation system except during the movement of "recently" irradiated fuel. The term "recently irradiated" is defined as "fuel that has occupied part of a critical reactor core within the previous 11 days." This change is justified based on the irradiated fuel source term decay period. River Bend currently evaluates three FHA scenarios, one for the fuel building and two for containment. The FHA–FB [Fuel Building] scenario would be impacted by the proposed changes since the scenario assumed filtration for the duration of the release. However, the proposed changes are bounding in their entirety by the FHA dose evaluation prepared in support of Amendment 85, as revised to support Amendment 110. The current analysis assumes that a FHA occurs with the containment personnel air locks (PAL) open, thus, no credit is taken for primary containment after an 11-day source term decay period. The release rate assumed in that analysis bounds the Fuel Building's normal ventilation rate by a factor of approximately 3 and easily meets Regulatory Guide 1.25 assumptions. All other data and assumptions (other than decay time of course) are identical for the two analyses and thus, the Amendment 85 analysis is valid for the Fuel Building.

It is therefore concluded that the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) The operation of River Bend Station, in accordance with the proposed amendment, does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes affect the TS requirements for the fuel building and fuel building ventilation system. These changes have no impact on any other safety-related system, component, or structure. The type of accident and the accident precursors are not affected by changing the annulus bypass release path. The Fuel Building portion of the Secondary Containment boundary is not an active component that could affect the proper operation of any other essential safety feature or component. Also, the accident mitigating features that are currently credited in the response to the design basis accident are unchanged by the proposed change. Changing the release path for the annulus bypass leakage does not create a new or different kind of accident from the accidents previously evaluated.

It is therefore concluded that the proposed change does not create the possibility of a new or different kind of accident from any previously analyzed.

(3) The operation of River Bend Station, in accordance with the proposed amendment, does not involve a significant reduction in a margin of safety.

The fuel building and the associated fuel building ventilation filtration system are currently credited as part of the secondary containment function. The modified secondary containment boundary (excluding the fuel building) will still be capable of performing its design function of limiting offsite and control room dose to within regulatory limits. The only accident consequences that are impacted by the proposed change in the secondary containment (annulus) bypass leakage path are the dose consequences of the design basis LOCA. The previous dose analysis is changed by assuming that all annulus bypass leakage is directly to the environment instead of being released into the Fuel Building where the release would be treated by the Fuel Building Ventilation System before release. A plant-specific radiological analysis has been performed to assess the affects of the proposed change in the annulus bypass leakage release pathway in terms of Control Room and off-site doses following a postulated design basis LOCA. The proposed change required a revision to the existing LOCA dose analysis since the annulus bypass leakage release is assumed to be directly to the environment due to removal of the Fuel Building from the Secondary Containment boundary. The calculated doses for all offsite and onsite evaluation points are within the 10 CFR Part 100 criteria for offsite doses and within the General Design Criterion 19 of 10 CFR Part 50 for the Control Room.

The proposed changes to the Technical Specification requirements for the fuel building and the fuel building ventilation system when handling irradiated fuel in the fuel building are bounded by currently approved FHA analyses.

Therefore, there is no significant reduction in the margin of safety associated with postulated design basis events at RBS in allowing the proposed change to the RBS licensing basis.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mark Wetterhahn, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005.

NRC Section Chief: Robert A. Gramm.

Entergy Operations Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: July 29, 1999, as supplemented by letters dated August 8, 1999, August 24, 1999, January 27, 2000, March 29, 2000, May 22, 2000, and May 31, 2000.

Description of amendment request: The proposed amendment request provides additional information to support a modification to Technical Specification (TS) 3.8.1.1 and associated Bases by extending the Emergency Diesel Generator (EDG) allowed outage time (AOT) from 72 hours to 10 days. In the supplement letter dated May 22, 2000, an alternate source for the onsite power system during the EDG maintenance outage, by way of a temporary EDG (TEDG) has been added. The application dated July 29, 1999, did not include the TEDG. This notice supercedes the biweekly **Federal Register** notice dated February 9, 2000, (65 FR 6406) based on the original application dated July 29, 1999.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will the operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

The EDGs are backup alternating current power sources designed to power essential safety systems in the event of a loss of offsite power. As such, the EDGs are not accident initiators in any accident previously evaluated. Therefore, this change does not involve a significant increase in the probability of an accident previously evaluated.

The proposed changes to the TS will extend the allowed outage time (AOT) for a single inoperable emergency diesel generator (EDG) from the current limit of 72 hours to 10 days with the implementation of compensatory measures. These compensatory measures consist of a temporary emergency diesel generator (TEDG) capable of supplying auxiliary power to required safe shutdown loads on the EDG train removed from service. In the probabilistic risk assessment (PRA) event of a loss of offsite power, the failure of the operable EDG, and the failure of the turbine-driven emergency feedwater pump to start, the TEDG would be started and ready for load within 25 minutes. In the PRA assumptions to calculate the risk increase to core damage, 50 minutes is available until core uncovery. The AOT would be extended for: (1) preplanned maintenance work (both preventive and corrective) known to require greater than 72 hours; and (2) unplanned corrective maintenance work which may be determined to take greater than 72 hours.

The plant defense-in-depth has been preserved by the use of a TEDG to supply required safe shutdown loads. The design basis for the onsite power systems will continue to conform to 10 CFR 50, Appendix A, General Design Criterion 17.

Therefore, the proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will the operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

The EDGs are backup alternating current power sources designed to power essential safety systems in the event of a loss of offsite power. The proposed changes to the TS will extend the allowed outage time (AOT) for a single inoperable emergency diesel generator (EDG) from the current limit of 72 hours to 10 days with the implementation of compensatory measures. These compensatory measures consist of a temporary emergency diesel generator (TEDG) capable of supplying auxiliary power to required safe shutdown loads on the EDG train removed from service. In the PRA event of a loss of offsite power, the failure of the operable EDG, and the failure of the turbine-driven emergency feedwater pump to start, the TEDG would be started and ready for load within 25 minutes. In the PRA assumptions to calculate the risk increase to core damage, 50 minutes is available until core uncovery. The AOT would be extended for: (1) preplanned maintenance work (both preventive and corrective) known to require greater than 72 hours; and (2) unplanned corrective maintenance work which may be determined to take greater than 72 hours.

The proposed change does not alter the design, configuration, and method of operation of the plant for safety-related equipment during the EDG AOT extension period. The plant defense-in-depth has been preserved by the use of a TEDG to supply power to required safe shutdown loads.

The change does involve the modification of non-safety permanent plant equipment. The modification will involve preparing a 4.16kV [kilo-volt] non-safety bus breaker for connection to the output of the TEDG. There is no change being made to the parameters within which the plant is operated, and the setpoints at which the protective or mitigative actions initiate. The design basis on which the plant was licensed will not be changed. In the PRA event of a loss of offsite power, the failure of the operable EDG, and the failure of the turbine-driven emergency feedwater pump to start, the TEDG would be started and ready for load within 25 minutes. In the PRA assumptions to calculate the risk increase to core damage, 50 minutes is available until core uncovery.

Procedures will be developed to implement onsite power system recovery action in conjunction with the present Emergency Operating Procedures (EOP) and appropriate Off Normal Procedures in the event it is necessary to use the alternate AC power source. The developed procedures support compensatory measures that provide additional assurance that if a coincident Loss of Offsite Power and failure of the operable EDG (outside the design basis of the plant) occurred during a preplanned maintenance (both preventive and corrective) or unplanned corrective maintenance extended EDG AOT outage, appropriate guidance would be available to safely shutdown the plant. There are no alterations to the existing plant procedure that will decrease assurance that the plant will remain within analyzed limits. As such, no new failure modes are being introduced that would involve any potential initiating events that would create any new or different kind of accident. The proposed change will only provide the plant some flexibility in the AOT for accomplishing preplanned maintenance (both preventive and corrective) normally performed during refueling outages and any potential unplanned corrective maintenance that may exceed the normal 72-hour AOT during plant operation in Modes 1, 2, 3, and 4. The change does not alter assumptions made in the safety analysis and licensing basis.

Therefore, since there will be no permanent hardware modifications to safety-related equipment nor alterations in the way in which the plant or equipment is operated during any design basis event, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will the operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response:

The proposed change does not affect the LCO's [limiting conditions for operation] or their Bases used in the deterministic analysis to establish the margin of safety. The margin of safety is established through equipment design, operating parameters, and the setpoints at which automatic actions are initiated. There is no significant impact on the margin of safety. PSA [probabilistic safety assessment] methods were used to evaluate the proposed change. The results of these evaluations indicated the risk contribution from this proposed AOT with compensatory measures implemented during this extended EDG AOT time period is small and within the Regulatory Guide 1.177 risk-informed acceptance guidelines.

Therefore, the change does not significantly impact the margin of safety, involve a permanent change in safety-related plant design, or have any affect on the plant protective barriers. Therefore, the proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: N. S. Reynolds, Esquire, Winston & Strawn 1400 L Street NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: October 29, 1999.

Description of amendment request: Entergy Operations, Inc. (licensee) has proposed to revise their Updated Final Safety Analysis Report (UFSAR) to discuss the probability threshold for when physical protection of safety-related components from tornado missiles is required for certain components. The proposed changes involve the use of Nuclear Regulatory Commission (NRC) approved probability risk methodology to assess the need for additional tornado missile protection and demonstrate that the probability of damage due to tornado missiles striking safety related components is acceptably low.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes, *i.e.*, revising the current UFSAR descriptions addressing tornado missile barrier protection at Waterford Steam Electric Station, Unit 3 (Waterford 3) have been evaluated against these three criteria, and it has been determined that the changes do not involve a significant hazard because:

(1) The proposed activity does not involve a significant increase in the probability or consequences of any accident previously evaluated.

The associated UFSAR changes reflect use of the Electric Power Research Institute (EPRI) Topical Report, "Tornado Missile Risk Evaluation Methodology, (EPRI NP–2005)," Volumes 1 and 2. This methodology has been reviewed, accepted and documented in a NRC Safety Evaluation dated October 26, 1983. The NRC concluded that: "the EPRI methodology can be utilized when assessing the need for positive tornado missile protection for specific safety-related plant features in accordance with the criteria of SRP [Standard Review Plan] Section 3.5.1.4."

The EPRI methodology has been previously applied by other licensees to resolve tornado missile protection issues.

The results of the tornado missile hazards analysis are such that the calculated total tornado missile hazard probability for safety-related SSC's [systems, structures and components] is approximately 6.0×10^{-7} per year. This is lower than the value determined to be acceptable, i.e., 1×10^{-6} per year by the NRC Staff.

With respect to the probability of occurrence or the consequences of an accident previously analyzed in the UFSAR, the probability of a tornado reaching Waterford 3 causing damage to plant systems, structures and components is a design basis event considered in the UFSAR. The changes being proposed herein do not reduce the probability that a tornado will reach the plant. However, it was determined that there are a limited number of safety-related components that theoretically could be struck. The probability of tornado-generated missile strikes on these components were analyzed using the NRC Staff approved probability methods described above. On this basis, the proposed change is not considered to constitute a significant increase in the probability of occurrence or the consequences of an accident, due to the low probability of a tornado missile striking these components.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of previously evaluated accidents.

(2) The proposed activity does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes involve evaluation of whether any physical protection of safety-related equipment from tornado missiles is required relative to the probability of such damage without physical protection. A tornado at Waterford 3 is a design basis event considered in the UFSAR. This change involves recognition of the acceptability of performing tornado missile probability calculations in accordance with established regulatory guidance.

Therefore, the change would not contribute to the possibility of, or be the initiator for any new or different kind of accident, or to occur coincident with any of the design basis accidents in the UFSAR. The low probability threshold established for tornado missile damage to system components is consistent with these assumptions.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident.

(3) The proposed activity does not involve a significant reduction on a margin of safety.

The request does not involve a significant reduction in a margin of safety. The existing licensing basis for Waterford 3 with respect to the design basis event of a tornado reaching the plant, generating missiles and directing them toward safety-related systems and components is to provide positive missile barriers for all safety-related systems and components. With the change, it will be recognized that there is an extremely low probability, below an established acceptance limit, that a limited subset of the "important" systems and components could be struck. The change from "protecting all safety-related systems and components" to "an extremely low probability of occurrence of tornado generated missile strikes on portions of important systems and components' is not considered to constitute a significant decrease in the margin of safety due to that extremely low probability.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: N. S. Reynolds, Esquire, Winston & Strawn 1400 L Street NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: February 21, 2000.

Description of amendment request: The proposed amendment would revise the Unit 1 Updated Final Safety Analysis Report (UFSAR) descriptions for bolting material used on some Reactor Coolant System (RCS) components.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The use of carbon steel fasteners in a borated system introduces a new failure mechanism for the fasteners, that of boric acid wastage. The materials currently specified in the [Beaver Valley Power Station] BVPS Unit 1 UFSAR are not susceptible to boric acid wastage. The probability of failure for all systems may be increased due to the additional failure mode introduced by change from corrosion resistant material to carbon steel for RCS and reactor coolant pressure boundary fasteners.

The design requirements of the [American National Standards Institute] ANSI and [American Society of Mechanical Engineers] ASME Codes are conservative in nature, in that, the stress allowable for fastener materials is less than half the yield strength of the material, thus creating a margin in the design of two or greater on structural strength. Therefore, the failure or damage of one or more non-adjacent fasteners can normally be accommodated. Additionally, the material properties (Yield and Tensile strength) of the installed (SA540 Grade B

Class 23 or 24) carbon steel fasteners are higher than that of the material identified in the UFSAR (SA453 Grade 660). It should also be noted that the use of either the carbon steel fasteners (those installed) or the stainless steel fasteners (those identified in the UFSAR) is acceptable by the design Codes (ANSI and ASME), the selection of the material for the fasteners is at the discretion of the designer and is not specified by Code requirements. When compared to carbon steel fasteners, the corrosion resistance of Grade 660 material is pertinent only if leakage is actively occurring.

The boric acid wastage concern is mitigated by the Boric Acid Corrosion Program which has systematic measures to ensure that boric acid corrosion will not lead to degradation of the reactor coolant pressure boundary. This Boric Acid Corrosion Program with its inspections provides adequate assurances that abnormal leakage will be identified and corrective actions taken prior to significant boric acid corrosion degradation of carbon steel pressure boundary components.

The NRC, in Generic Letter (GL) 88–05, recognized that boric acid solution leaking from the reactor coolant system can cause significant corrosion damage to carbon steel materials. In the GL, the NRC requested that licensees provide assurance that a boric acid monitoring program has been implemented. This program was to consist of systematic measures to ensure that boric acid corrosion does not lead to degradation of the assurance that the reactor coolant pressure boundary will have an extremely low probability of abnormal leakage or rupture. The Beaver Valley Power Station response to the GL provided assurance that a program was in place and committed to enhancements to the existing program. An NRC follow-up review was conducted and the Beaver Valley Power Station program was found to be acceptable and fulfilling the requirements of GL 88–05 (Reference: NRC Inspection Report Nos. 50–334/88–23 and 50–334/88–25)

Therefore, the proposed changes to BVPS Unit 1 UFSAR Tables 1.8–1 and 1.8–2 do not significantly increase the probability or consequences of any accident previously evaluated in the BVPS Unit 1 UFSAR.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

During an evaluation of the fastener material to be used for the replacement of a degraded fastener, it was discovered that the BVPS Unit 1 UFSAR Tables 1.8–1 and 1.8–2 identified that corrosion resistant materials, SA453 Grade 660, were identified as being installed. The use of carbon steel fasteners in lieu of the SA453 Grade 660 fasteners identified in the UFSAR introduces the potential failure mechanism of boric acid corrosion. The corrosion damage that has occurred on MOV–RC–591 and MOV–CH–310 bolting demonstrates that corrosion damage from unchecked borated water leakage is damaging to carbon steel fasteners. Additionally, it should be noted that both of these degraded conditions were identified and repaired prior to an operational or structural concern through the application of the Boric Acid Corrosion Program.

In the design condition (non-corroded), the change to carbon steel fasteners would not affect the design basis accidents described in the UFSAR. The boric acid wastage concern is mitigated by the Boric Acid Corrosion Program which has systematic measures to ensure that boric acid corrosion will not lead to degradation of the reactor coolant pressure boundary.

In addition to the Boric Acid Corrosion Program, the body to bonnet configuration for the fasteners identified in Table 1.8–1 and 1.8–2 result in multiple fasteners for each joint. To meet the requirements of the design Codes (ANSI or ASME) for valves, the number of fasteners installed is in excess of the number of fasteners required to perform the structural function of maintaining the pressure boundary. Additionally, it is highly unlikely that all the installed fasteners would corrode in such a manner that catastrophic failure of the body to bonnet joint would result. Therefore, the multiple installed fasteners result in an installed backup to the minimum required number of fasteners necessary to maintain pressure boundary integrity.

Thus, the assumptions and consequences of the loss of pressure boundary integrity type of accident would be unchanged and would not introduce a new or different kind of accident as currently evaluated in the BVPS Unit 1 UFSAR based on the Boric Acid Corrosion Program preventing any unacceptable boric acid wastage in accordance with GL 88–05.

3. Does the change involve a significant reduction in a margin of safety?

The proposed change in the Unit 1 UFSAR removing criteria requiring stainless steel fasteners for RCS and reactor coolant pressure boundary components would not involve a significant reduction in the margin of safety since current Technical Specification requirements remain unchanged and current plant programs (i.e., Boric Acid Corrosion Program inspections) provide adequate assurance from the likelihood of corroded fasteners causing an operational issue. NRC reviewed the Beaver Valley Power Station Boric Acid Corrosion Program and found the program to be acceptable to fulfill the requirements of GL 88–05 (Reference: NRC Inspection Report Nos. 50–334/88–23 and 50–334/88–25).

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for Licensee: Mary O'Reilly, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Acting Section Chief: Marsha Gamberoni.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Shippingport, Pennsylvania

Date of amendment request: May 1, 2000.

Description of amendment request: The proposed amendment would revise the Unit 1 and 2 Technical Specification (TS) 3/4.6.4.2 Surveillance Requirement (SR). The proposed change would allow performance of the hydrogen recombiner functional test at containment pressures greater than the currently specified 13 psia. This would be accomplished by measuring the flow under normal or current test conditions (*e.g.*, atmospheric pressure) and calculating the expected system performance under design basis operating conditions. The surveillance would be revised to verify that the recombiner flow, when corrected to the post accident design conditions, is greater than or equal to the required flow. The corresponding design basis temperature for post accident recombiner operation would be included in the SR because it is required to correct the test flow to the design basis operating conditions. In order to support the calculations necessary to confirm the recombiner blower performance, the proposed change includes the addition of an equation and associated discussion to the bases. The equation will correct the measured test flow to a corresponding flow at the design basis operating pressure and temperature. In addition to the technical change described above, SR 4.6.4.2.b.3 would be modified by separating the criteria for the system blower performance and heater operation into separate parts of the same surveillance to improve the presentation of the requirements. Format and editorial changes are included as necessary to facilitate the revision of the TS text to conform to the current TS page format, and addition of text to the bases.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change does not result in any hardware changes to the hydrogen recombiners. Additionally, the hydrogen recombiners are not assumed to be accident initiators of any analyzed event. The proposed change revises the method for performing the hydrogen recombiner

functional test specified in Technical Specification (TS) Surveillance Requirement (SR) 4.6.4.2.b.3. The proposed change to SR 4.6.4.2.b.3 does not reduce the effectiveness of the requirement and continues to verify the capability of the hydrogen recombiners to perform their design basis function consistent with the assumptions of the applicable safety analysis. Therefore, the consequences or probability of accidents previously evaluated in the UFSAR remain unchanged.

The addition of supporting TS bases text and the format and editorial changes made to the TS have no impact on plant operation or safety.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not necessitate a physical alteration of the plant (no new or different type of equipment will be installed) or changes in parameters governing normal plant operation. The proposed change does not affect any accidents previously evaluated in the UFSAR and continues to provide assurance that the hydrogen recombiners remain capable of performing their design function. The proposed change does not introduce any new failure modes or affect the probability of a malfunction.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the change involve a significant reduction in a margin of safety?

The margin of safety depends on the maintenance of specific operating parameters and systems within design requirements and safety analysis assumptions.

The proposed change does not involve revisions to any safety limits or safety system settings that would adversely impact plant safety. In addition, the proposed change does not affect the ability of the hydrogen recombiners to perform their design function.

The proposed change revises the method for performing the hydrogen recombiner functional test specified in SR 4.6.4.2.b.3. However, the proposed change to SR 4.6.4.2.b.3 does not reduce the effectiveness of the requirement and continues to verify the capability of the hydrogen recombiners to perform their design basis function consistent with the assumptions of the applicable safety analysis.

The addition of supporting TS bases text and the format and editorial changes made to the TS have no impact on plant operation or safety.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mary O'Reilly, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Acting Section Chief: Marsha Gamberoni.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: April 27, 2000.

Description of amendment request: The proposed amendment would change the James A. FitzPatrick Nuclear Power Plant Technical Specifications by changes to the Trip Level Settings for the Residual Heat Removal (RHR) and Core Spray (CS) Pump Start Timers as well as the Automatic Depressurization System (ADS) Auto-Blowdown Timer. The amendment would also extend the Logic System Functional Test surveillance test intervals for the RHR, CS and ADS systems from 6 months to 24 months.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Operation of the FitzPatrick plant in accordance with the proposed amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

Involve a significant increase in the probability or consequences of an accident previously evaluated.

This proposed change revises the Trip Level Settings for the RHR and CS pump interlock start timers as well as the ADS auto-blowdown timers. This proposed change also extends the surveillance interval for these timers from 6-months to 24-months.

This proposed change impacts the control of systems designed to mitigate the consequences of a Loss of Coolant Accident (LOCA). These changes do not impact any of the Reactor Coolant System parameter variations listed as potential causes of threats to the fuel and Reactor Coolant Pressure Boundary listed in section 14.4.2 of the FitzPatrick UFSAR [Updated Final Safety Analysis Report] (Reference 8) [see application dated April 27, 2000]. Therefore, this proposed change does not increase the probability of an accident previously evaluated.

The changes to the control of systems designed to mitigate the consequences of postulated LOCA events are consistent with the relevant assumptions made in the FitzPatrick LOCA analysis (Reference 5) [see application dated April 27, 2000]. Therefore, the results of that analysis are not changed. Therefore, this proposed change does not increase the consequence of an accident previously evaluated. Create the possibility of a new or different kind of accident from any accident previously evaluated.

This proposed change impacts the control of systems designed to mitigate the consequences of a Loss of Coolant Accident (LOCA). These changes do not impact any of the Reactor Coolant System parameter variations listed as potential causes of threats to the fuel and Reactor Coolant Pressure Boundary listed in section 14.4.2 of the FitzPatrick UFSAR (Reference 8) [see application dated April 27, 2000]. Therefore, this proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Involve a significant reduction in a margin of safety.

The changes to the control of systems designed to mitigate the consequences of postulated LOCA events are consistent with the relevant assumptions made in the FitzPatrick LOCA analysis (Reference 5) [see application dated April 27, 2000]. Therefore the results of that analysis are not changed. Therefore, this proposed change does not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. David E. Blabey, 1633 Broadway, New York, New York 10019.

NRC Section Chief: Marsha Gamberoni, Acting.

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Units Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: February 7, 2000.

Description of amendment request: The proposed amendments would revise Technical Specification 4.7.1.2.b to make the surveillance requirements for Auxiliary Feedwater Pump testing consistent with that of NUREG–1431, "Standard Technical Specifications, Westinghouse Plants." The Bases associated with this Technical Specification would also be revised to address the proposed changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to the Technical Specification surveillance requirements for

the auxiliary feedwater pumps surveillance testing are consistent with the latest auxiliary feedwater flow hydraulic model and accident analyses. The revised minimum acceptance criteria will ensure that pump degradation, which could adversely impact the accident analyses, will be detected. The pumps will continue to operate in the same manner as assumed in the analyses to mitigate the design basis accidents.

Therefore, there will be no significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to the Technical Specification surveillance requirements for the auxiliary feedwater pumps surveillance testing are consistent with the latest auxiliary feedwater flow hydraulic model and accident analyses. The proposed changes to the Technical Specification surveillance requirements and associated Bases will not affect the way the pumps are operated during normal plant operations or how the pumps will operate after an accident.

Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed changes to the Technical Specification surveillance requirements for the auxiliary feedwater pumps surveillance testing are consistent with the latest auxiliary feedwater flow hydraulic model and accident analyses. The proposed changes to the Technical Specification surveillance requirements eliminate a potential non-conservative acceptance value and establish appropriate restrictions to ensure pump operability. The proposed change to the Technical Specifications Bases better describes the design function of the auxiliary feedwater system.

Therefore, there will be no significant reduction in the margin of safety as defined in the Bases for the Technical Specifications affected by these proposed changes.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application request: May 25, 2000 (ULNRC–04257).

Description of amendment request: The licensee proposed to eliminate the technical specifications (TSs) on the boron dilution mitigation system to avoid a spurious swapover event, such as occurred during the shutdown for Refueling Outage 9, about 2 years ago. This amendment would delete the limiting condition for operation, the actions, and the surveillance requirements for TS 3.3.9, "Boron Dilution Mitigation System (BDMS)," in the instrumentation section of the TSs for Callaway. In addition, the title of TS 3.3.9 would be removed from the Table of Contents, the Bases for the TSs would be revised, and a section on the boron dilution analysis would be added to Chapter 16 of the Callaway Final Safety Analysis Report (FSAR).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Overall protection system performance will remain within the bounds of the previously performed accident analyses since the associated hardware changes described in Section X of Appendix A [to the application dated May 25, 2000] do not affect any protection systems. The RTS [reactor trip system] and ESFAS [engineered safety features actuation system] instrumentation will be unaffected. These protection systems will continue to function in a manner consistent with the plant design basis. The installation of an alarm on the [reactor coolant] letdown divert valve, addition of two redundant high VCT [volume control tank] water level alarms, and elimination of the automatic BDMS valve swap-over function will be performed in such a manner that all design, material, and construction standards that were applicable prior to the change are maintained.

The proposed change will modify the system interface between CVCS [chemical and volume control system] and the boron recycle system such that the RCS [reactor coolant system] and CVCS form a closed system consistent with the reanalysis assumptions. The letdown divert valve will be placed in the manual "VCT" mode [(1)] prior to entry into MODE 3 from MODE 2 during a plant shutdown and [(2)] prior to entry into MODE 5 from MODE 6 during a plant startup such that letdown flow is directed to the VCT, rather than to the recycle holdup tanks, except under administrative controls for planned evolutions which require a high degree of operator involvement and awareness. These administrative controls will include verification of the boron concentration of the makeup [to the reactor coolant] prior to repositioning the divert valve and restoration requirements to return the valve to the manual "VCT" mode upon evolution completion.

The proposed change will not affect the probability of any event initiators. The above modifications are unrelated to the initiating event for this analysis, a failure in the reactor makeup control system. The change will revise the method of detecting the event and rely on operator action for event termination. There will be no degradation in the performance of or an increase in the number of challenges imposed on safety-related equipment assumed to function during an accident situation. There will be no change to normal plant operating parameters or accident mitigation performance.

Since manual operator actions are being substituted for automatic actions, this amendment application was reviewed against the guidance provided in NRC Information Notice 97–78, "Crediting of Operator Actions in Place of Automatic Actions and Modifications of Operator Actions, Including Response Times." Appendix A [to the application] demonstrates that sufficient time is available for operator action to terminate the inadvertent boron dilution event prior to criticality. Additionally, as discussed in NSAC–183, "Risk of PWR Reactivity Accidents during Shutdown and Refueling," gradual inadvertent boron dilution events are not expected to cause core damage, even if they are unmitigated, due to their self-limiting nature.

The proposed change will achieve the same objective as the BDMS, i.e., the prevention of an inadvertent criticality as a result of an unintended boron dilution. The proposed change will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the FSAR. Appendix A [to the application] demonstrates that sufficient time is available for operator action to terminate the inadvertent boron dilution event prior to criticality. With the reactor subcritical, there will be no increase in radiological consequences.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

There are no changes in the method by which any safety-related plant system performs its safety function. The changes described in Section X of Appendix A [to the application] have no impact on any analyzed event other than inadvertent boron dilution. The physical modifications to eliminate the automatic BDMS valve swap-over function and add redundant high VCT water level alarms and a position alarm on the letdown divert valve will be implemented in accordance with existing plant design criteria. The BDMS itself has no impact on any other analyzed event. The portion of the change deleting the BDMS from the Technical Specifications, and eliminating the automatic valve swap-over function, has no other impact safety. The BDMS flux multiplication alarm will be retained as a plant design feature to provide the plant operators a diverse method for identifying a potential dilution event. Since the passive

alarms to be added only provide information and do not initiate control or protection system actions, the alarms will not adversely impact other events. The position of the letdown divert valve only affects the path for letdown flow. The flow path selected for letdown does not affect any other accident analyses. Thus, the operational change to make the manual "VCT" mode the normal operating condition in MODES 3 through 5 has no safety impact. Procedural changes will heighten the operator awareness of potential dilution events and provide alarm response actions to mitigate potential dilution events. As such, these changes will enhance the response to inadvertent boron dilution events, but have no other safety impact. The FSAR Chapter 16 requirements for reactor coolant loop operation and high VCT water level alarm operability will also enhance the plant operators' capability to respond to an inadvertent boron dilution event. If the Chapter 16 requirements are not met, isolating the dilution source valves in MODES 3, 4, and 5 has no impact on any other accident analyses since none of the other accident analyses take credit for, or are initiated by, the flow path through these valves.

This change will affect the normal method of plant operation while in MODES 3 through 5 with regard to the control of letdown flow. In these MODES, letdown processing via the recycle holdup tanks will be allowed only under administrative controls for planned evolutions which require a high degree of operator involvement and awareness. The annunication of the letdown divert valve not being in the "VCT" position will further highlight system conditions to the operating staff. No other performance requirements will be affected.

In order to automatically close the VCT isolation valves, the RWST [refueling water storage tank] isolation valves must be fully open. This valve interlock feature is designed to ensure a flow path is maintained to the CCPs [component cooling pumps] during swap-over. Since the VCT isolation valves can be manually closed prior to opening the RWST isolation valves, the possibility exists for the operator to inadvertently isolate flow to the CCPs while attempting to isolate the dilution source. However, plant operating procedures provide the operators with sufficient guidance for performing a manual valve swap-over and the reanalysis demonstrates that sufficient time is available to perform the required manual actions, consistent with SRP [NRC NUREG–0800 Standard Review Plan] acceptance criteria.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change uses acceptance criteria consistent with the [NRC] Standard Review Plan, as discussed in Appendix A [to the application]. The margin of safety required of the BDMS is maintained, i.e., inadvertent boron dilution events will be terminated by timely operator actions prior to a total loss of all shutdown margin. There will be no effect on the manner in which safety limits or limiting safety system settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protective functions. There will be no impact on the overpower limit, DNBR [departure from nucleate boiling ratio] limits, F_Q, FdeltaH, LOCA PCT [loss-of-coolant accident peak cladding temperature], peak local power density, or any other margin of safety. The radiological dose consequences acceptance criteria listed in the Standard review Plan will continue to be met.

Therefore, the proposed change does not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied.Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037.

NRC Section Chief: Stephen Dembek.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: May 22,. 2000.

Description of amendment request: The proposed amendment would remove the technical specification surveillance requirement for visual inspection of suppression chamber coating integrity once each refueling outage.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change conforms the TS to current regulations, credits actions taken under GL 98–04 to address coating delamination concerns, and elininates redundant surveillance criteria. Since reactor operation under the revised Specification is unchanged, no design or analytical acceptance criteria will be exceeded. As such, this change does not impact initiators of analyzed events or assumed mitigation of accident or transient events. The structural and functional integrity of plant systems is unaffected. Thus, there is no significant increase in the probability or consequences of accidents previously evaluated.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not affect any parameters or conditions that could contribute to the initiation of any accident. No new accident modes are created. No safety-related equipment or safety functions are altered as a result of these changes. Because it does not involve any change to the plant or the manner in which it is operated, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The proposed change does not affect design margins or assumptions used in accident analyses and has no effect on any initial condition. The capability of safety systems to function and limiting safety system settings are similarly unaffected as a result of this change. Thus, the margins of safety required for safety analyses are maintained.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. David R. Lewis, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037–1128.

NRC Section Chief: James W. Clifford.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: May 23, 2000.

Description of amendment request: This proposed change relocates those portions of Technical Specifications (TSs) related to reactor coolant conductivity and chloride requirements to the Technical Requirements Manual.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change is administrative in nature and does not involve the modification of any plant equipment or affect basic plant operation. Conductivity and chloride limits are not assumed to be an initiator of any

analyzed event, nor are these limits assumed in the mitigation of consequences of accidents.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not involve any physical alteration of plant equipment and does not change the method by which any safety-related system performs its function. As such, no new or different types of equipment will be installed, and the basic operation of installed equipment is unchanged. The methods governing plant operation and testing remain consistent with current safety analysis assumptions. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The proposed change represents the relocation of current Technical Specification requirements to the Technical Requirements Manual, based on regulatory guidance and previously approved changes for other stations. The proposed change is administrative in nature, does not negate any existing requirement, and does not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety as a result of the proposed change. Margins of safety are unaffected by requirements that are retained, but relocated from the Technical Specifications to the Technical Requirements Manual.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. David R. Lewis, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037–1128.

NRC Section Chief: James W. Clifford.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: May 23, 2000.

Description of amendment request: The proposed amendment would revise the technical specification surveillance requirements for local power range monitor calibration.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The revised surveillance requirement continues to ensure that the local power range monitor (LPRM) signal is adequately calibrated. This change will not alter the basic operation of process variables, structures, systems, or components as described in the safety analyses, and no new equipment is introduced by the change in LPRM surveillance interval. Therefore, the probability of accidents previously evaluated is unchanged.

The consequences of an accident can be affected by the thermal limits existing at the time of the postulated accident, but LPRM chamber exposure has no significant effect on the calculated thermal limits because LPRM accuracy does not significantly deviate with exposure. For the extended calibration interval, the total nodal power uncertainty remains less than the uncertainty assumed in the thermal analysis basis safety limit, maintaining the accuracy of the thermal limit calculation. Therefore, the thermal limit calculation is not significantly affected by LPRM calibration frequency, and the consequences of an accident previously evaluated are unchanged.

These changes do not affect the initiation of any event, nor do they negatively impact the mitigation of any event. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change will not physically alter the plant or its mode of operation. As such, no new or different types of equipment will be installed, and the basic operation of installed equipment is unchanged. The methods governing plant operation and testing are consistent with current safety analysis assumptions. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

There is no impact on equipment design or fundamental operation, and there are no changes being made to safety limits or safety system settings that would adversely affect plant safety as a result of the proposed change. The margin of safety can be affected by the thermal limits existing prior to an accident; however, uncertainties associated with LPRM chamber exposure have no significant effect on the calculated thermal limits. The thermal limit calculation is not significantly affected because LPRM sensitivity with exposure is well defined. LPRM accuracy remains within the total nodal power uncertainty assumed in the thermal analysis basis, thus maintaining thermal limits and the safety margin.

Since the proposed changes do not affect safety analysis assumptions or initial conditions, the margins of safety in the safety analyses are maintained. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. David R. Lewis, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037–1128.

NRC Section Chief: James W. Clifford.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed no Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: May 4, 2000, as supplemented May 9, 2000.

Description of amendment request: The proposed amendment would remove the individual control building isolation and recirculation damper numbers from Technical Specification 4.12.1.3 and instead specify "required"

dampers. The requirement to test these dampers remains the same. The Bases have been modified to indicate that the damper numbers for control building isolation and recirculation are contained in the Updated Final Safety Analysis Report.

Date of publication of individual notice in **Federal Register**: May 22, 2000 (65 FR 32132).

Expiration date of individual notice: June 21, 2000.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Carolina Power & Light Company, et al., Docket No. 50–325, Brunswick Steam Electric Plant, Unit 1, Brunswick County, North Carolina

Date of application for amendment: April 14, 2000, as supplemented April 20, 2000.

Brief description of amendment: The amendment changed Technical Specification Surveillance Requirement 3.1.3.3 to allow partial insertion of control rod 26–47 instead of insertion of one complete notch. This revised acceptance criterion is limited to the current Unit No. 1 operating cycle, after which the original one-notch requirement will be re-established.

Date of issuance: May 23, 2000.

Effective date: May 23, 2000.

Amendment No.: 210.

Facility Operating License No. DPR–71: Amendment changes the Technical Specifications.

Date of initial notice in **Federal Register**: April 21, 2000 (65 FR 21481). The April 20, 2000, supplemental letter contained clarifying information only, and did not change the initial no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 23, 2000.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, WNP–2, Benton County, Washington

Date of application for amendment: July 29, 1999, as supplemented by letter dated January 31, 2000.

Brief description of amendment: The amendment revised Technical Specification (TS) 3.4.9 applicability from Mode 3 with steam dome pressure less than residual heat removal cut in permissive to Mode 3 with steam dome pressure less than 48 psig. Notes associated with TS Surveillance Requirements 3.4.9.1 and 3.5.1.2 are changed to reflect the new 48 psig limit.

Date of issuance: May 23, 2000.

Effective date: May 23, 2000, to be implemented within 30 days from the date of issuance.

Amendment No.: 164.

Facility Operating License No. NPF–21: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: August 25, 1999 (64 FR 46430).

The January 31, 2000, supplemental letter provided additional clarifying information, did not expand the scope of the application as originally noticed and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 23, 2000.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, WNP–2, Benton County, Washington

Date of application for amendment: July 29, 1999, as supplemented by letters dated August 30, 1999, and February 28, 2000.

Brief description of amendment: The amendment deletes item 3.(b) of Attachment 2 to License Condition 2.C.(16), that required installation of a neutron flux monitoring system, in the form of excore wide range monitors, in conformance with Regulatory Guide 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident."

Date of issuance: May 18, 2000.

Effective date: May 18, 2000. to be implemented within 30 days from the date of issuance.

Amendment No.: 162.

Facility Operating License No. NPF–21: The amendment revised the Operating License.

Date of initial notice in **Federal Register:** October 20, 1999 (64 FR 56530).

The February 28, 2000, supplemental letter provided additional clarifying information but did not expand the scope of the application as originally noticed and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 18, 2000.

No significant hazards consideration comments received: No.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Energy Northwest, Docket No. 50–397, WNP–2, Benton County, Washington

Date of application for amendment: November 18, 1999, as supplemented by a letter dated February 7, 2000.

Brief description of amendment: The amendment revised Subsection 4.3.1.2.b of Technical Specification 4.3, "Fuel Storage." The change revised the wording which described the spacing of the fuel in the new fuel racks.

Date of issuance: May 23, 2000.

Effective date: May 23, 2000, to be implemented within 30 days from the date of issuance.

Amendment No.: 163.

Facility Operating License No. NPF–21: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 29, 1999 (64 FR 73088)

The February 7, 2000, supplemental letter provided additional clarifying information, did not expand the scope of the application as originally noticed and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May, 23, 2000.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: November 29, 1999.

Brief description of amendment: The amendment relocated the requirements associated with the high steam generator level trip functions of the Reactor Protection System from the Technical Specifications to the Technical Requirements Manual.

Date of issuance: May 18, 2000.

Effective date: As of the date of issuance to be implemented within 30 days from the date of issuance.

Amendment No.: 216.

Facility Operating License No. NPF–6: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 9, 2000 (65 FR 6404).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 18, 2000.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: August 4, 1999, as supplemented by letter dated May 18, 2000.

Brief description of amendment: The proposed change modifies the Technical Specifications (TS) to extend allowed outage time (AOT) to seven days for one inoperable low pressure safety injection (LPSI) train. Additionally, an AOT of 72 hours is imposed for other conditions where the equivalent of 100 percent emergency core cooling system (ECCS) subsystem flow is available. If 100 percent ECCS flow is unavailable due to two inoperable LPSI trains, an ACTION has been added to restore at least one LPSI train to OPERABLE status within one hour or place the plant in HOT STANDBY within six hours, and to exit the MODE of applicability within the following six hours. In the event the equivalent of 100 percent ECCS subsystem flow is not available due to other conditions, TS 3.0.3 is entered. The Limiting Condition for Operation terminology is being changed for consistency with the ECCS requirements. Additionally, the associated TS Bases are being changed.

Date of issuance: May 25, 2000.

Effective date: As of the date of issuance and shall be implemented 60 days from the date of issuance.

Amendment No.: 164.

Facility Operating License No. NPF–38: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 26, 2000 (65 FR 4278).

The May 18, 2000, supplement did not expand the scope of the application as noticed or change the proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 25, 2000.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Lake County, Ohio

Date of application for amendment: September 9, 1999, as supplemented by submittals dated March 1, March 13, and May 11, 2000.

Brief description of amendment: This amendment increases the present 100 percent authorized rated thermal power level of 3579 megawatts thermal to 3758 megawatts thermal. This represents a power level increase of 5 percent for the Perry Nuclear Power Plant.

Date of issuance: June 1, 2000.

Effective date: As of the date of issuance and shall be implemented within 90 days.

Amendment No.: 112.

Facility Operating License No. NPF–58: This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 3, 1999 (64 FR 59802)

The supplemental information contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 1, 2000.

No significant hazards consideration comments received: No.

IES Utilities Inc., Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: February 18, 1999, as supplemented September 15, 1999, and March 16, 2000.

Brief description of amendment: The amendment revises Duane Arnold Energy Center (DAEC) Technical Specification (TS) Table 3.3.6.1–1, "Primary Containment Isolation Instrumentation," by deleting the manual initiation function of the high pressure coolant injection (HPCI) system and reactor core isolation cooling (RCIC) system isolation. A related condition as well as corresponding surveillance requirements and bases are also deleted.

Date of issuance: June 1, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 231.

Facility Operating License No. DPR–49: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 7, 1999 (64 FR 17026).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 1, 2000.

No significant hazards consideration comments received: No.

North Atlantic Energy Service Corporation, et al., Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: December 16, 1998.

Description of amendment request: The amendment makes several editorial and administrative changes to the following sections of the Technical Specifications (TSs), Index Page vi, "Figures 3.4–2 and 3.4–3"; Index Page xv, "6.0 Administrative Controls"; 4.2.4.2b, "Determination of Quadrant Power Tilt Ratio"; 6.4.1.7b, "SORC Responsibilities"; 6.4.2.2d, "Station Qualified Reviewer Program"; 6.3.1, "Training"; 6.4.3.9c, "Records of NSARC"; 6.8.1.6.b.1, "Core Operating Limits Report"; and 6.8.1.6.b.10, "Core Operating Limits Report". In addition, the following Bases sections have been revised: Bases 2.2.1, "Reactor Trip System Instrumentation Setpoints"; Bases 3/4.2.4, "Quadrant Power Tilt Ratio"; Bases 3/4.2.5, "DNB Parameters"; Bases 3/4.4.8, "Specific Activity"; and Bases 3/4.5.1, "Accumulators".

Date of issuance: May 22, 2000.

Effective date: As of its date of issuance, and shall be implemented within 90 days.

Amendment No.: 70.

Facility Operating License No. NPF–86: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 10, 1999 (64 FR 6700).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 22, 2000.

No significant hazards consideration comments received: No.

Northeast Nuclear Energy Company, et al., Docket No. 50–336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: April 12, 2000.

Brief description of amendment: The amendment corrects a reference in Technical Specification Section 6.9.1.8b.1, "Core Operating Limits Report."

Date of issuance: May 26, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 246.

Facility Operating License No. DPR–65: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 21, 2000 (65 FR 21486).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 26, 2000.

No significant hazards consideration comments received: No.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: May 19, 2000.

Brief description of amendments: The amendments delay implementation of the improved Technical Specifications to June 30, 2000 from May 31, 2000.

Date of issuance: May 24, 2000.

Effective date: May 24, 2000.

Amendment Nos.: Unit 1—141; Unit 2—141.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised Appendix D of the Operating Licenses.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendments, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated May 24, 2000.

Attorney for licensee: Christopher J. Warner, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

NRC Section Chief: Stephen Dembek.

PECO Energy Company, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: May 26, 1999.

Brief description of amendments: The amendments remove Technical Specification (TS) Surveillance Requirement 4.1.3.5.b, control rod scram accumulators' alarm instrumentation, and relocate it to the Updated Final Safety Analysis Report and plant procedures; and revise TS Action Statement 3.1.3.5.a.2.a to allow for an alternate method of determining whether a control rod drive pump is operating.

Date of issuance: May 22, 2000.

Effective date: The amendments are effective as of the date of their issuance and shall be implemented within 30 days. In addition, the licensee shall include the relocated information in the Updated Final Safety Analysis Report submitted to the NRC, pursuant to 10 CFR 50.71(e), as was described in the licensee's application dated May 26, 1999 and evaluated in the staff's safety evaluation dated May 22, 2000.

Amendment Nos.: 143 and 105.

Facility Operating License Nos. NPF–39 and NPF–85. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 22, 2000 (65 FR 15382).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 22, 2000.

No significant hazards consideration comments received: No.

Portland General Electric Company, et al., Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: August 27, 1998, as supplemented by letter dated July 1, 1999.

Brief description of amendment: The amendment revises the Permanently Defueled Technical Specifications to delete the requirement for defueled emergency plan procedures. This amendment is contingent upon the transfer of the nuclear spent fuel from the existing 10 CFR Part 50 licensed area to the 10 CFR Part 72 independent spent fuel storage installation area.

Date of issuance: May 10, 2000.

Effective date: May 10, 2000, and shall be implemented within 30 days after the transfer of the last cask of spent nuclear fuel from the spent fuel pool to the independent spent fuel storage installation is complete.

Amendment No.: 202.

Facility Operating License No. NPF–1: The amendment changes the Permanently Defueled Technical Specifications.

Date of initial notice in **Federal Register:** August 25, 1999 (64 FR 46441).

The July 1, 1999, supplemental letter provided additional clarifying information and did not expand the scope of the application as originally noticed and did not change the staff's original no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 10, 2000.

No significant hazards consideration comments received: No.

PP&L, Inc., Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: March 14, 2000, as supplemented March 27, and May 25, 2000.

Brief description of amendments: The amendments extended the implementation date for Amendment No. 184 to Facility Operating License NPF–14 and Amendment No. 158 to Facility Operating License NPF–22 from 30 days following startup from the Unit 1 Spring 2000 refueling outage to no later than November 1, 2001.

Date of issuance: June 2, 2000.

Effective date: As of date of issuance, to be implemented within 30 days.

Amendment Nos.: 187 and 161.

Facility Operating License Nos. NPF–14 and NPF–22. The amendments revised the license.

Date of initial notice in **Federal Register:** April 27, 2000 (65 FR 24718). The May 25, 2000, letter provided clarifying information but did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 2, 2000.

No significant hazards consideration comments received: No.

Public Service Electric & Gas Company, Docket No. 50–272, Salem Nuclear Generating Station, Unit No. 1, Salem County, New Jersey

Date of application for amendment: May 3, 2000, as supplemented on May 19, 2000.

Brief description of amendment: The license amendment modifies the existing requirement under Technical

Specification Section 3.1.3.2.1, Action a.1, to determine the position of Rod 1SB2 from once every 8 hours to within 8 hours following any movement of the rod until repair of the rod indication system is completed. This change is applicable for the remainder of the Unit 1 Cycle 14, or until an outage of sufficient duration occurs whereby the licensee can repair the position indication system.

Date of issuance: May 26, 2000.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 230

Facility Operating License No. DPR–70: This amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration (NSHC): Yes (65 FR 30137) May 10, 2000. The notice provided an opportunity to submit comments on the Commission's proposed NSHC determination. No comments have been received. That notice also provided for an opportunity to request a hearing by May 24, 2000, but indicated that if the Commission makes a final NSHC determination, any such hearing would take place after issuance of the amendment.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 26, 2000.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of application for amendment: January 27, 2000.

Brief description of amendment: The amendment revises the spent fuel pool reactivity limit requirement by removing the value for K infinity from Specification 5.6.1.1 and replacing it with a figure of integral fuel burnable absorbers rods versus nominal Uranium-235 enrichment.

Date of issuance: June 1, 2000.

Effective date: June 1, 2000.

Amendment No.: 144.

Facility Operating License No. NPF–12: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** February 23, 2000 (65 FR 9011).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 1, 2000.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–260, and 50–296, Browns Ferry Nuclear Plant, Units 2 and 3, Limestone County, Alabama

Date of application for amendments: March 15, 2000.

Description of amendment request: The amendments revised the Technical Specifications (TS) to provide a 7-day limiting condition for operation when two trains of the Containment Air Dilution System are inoperable.

Date of issuance: May 24, 2000.

Effective date: May 24, 2000.

Amendment Nos.: 265 and 225.

Facility Operating License Nos. DPR–52 and DPR–68. Amendments revised the TS.

Date of initial notice in **Federal Register:** April 5, 2000 (65 FR 17919).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 24, 2000.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: April 29, 1999.

Brief description of amendments: These amendments revise Technical Specification (TS) Section 3/4.3.3, "Radiation Monitoring Instrumentation," TS Section 3/4.7.7, "Control Room Emergency Ventilation System," and the associated bases. Actions are added and modified regarding inoperable equipment.

Date of issuance: May 31, 2000.

Effective date: May 31, 2000.

Amendment Nos.: 256 and 247.

Facility Operating License Nos. DPR–77 and DPR–79: Amendments revise the technical specifications.

Date of initial notice in **Federal Register:** May 19, 1999 (64 FR 27325).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 31, 2000.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: March 6, 2000 (ULNRC–04197).

Brief description of amendment: The amendment revises Limiting Condition for Operation (LCO) 3.7.1, "Main Steam Safety Valves (MSSVs)," in that the maximum allowable reactor power for a given number of operable MSSVs per steam generator is reduced in Table 3.7.1–1, "Operable Main Steam Safety Valves [MSSVs] versus Maximum Allowable Power," and in Required Action A.1 of the TSs. These changes will result in decreasing the setpoint values for the power range neutron flux high channels, which are part of the reactor trip system (RTS) instrumentation in Table 3.3.1–1, "Reactor Trip System Instrumentation," and will result in the reactor operating at a lower power for a given number of operable MSSVs per steam generator. In addition, two format errors in the actions for LCO 3.7.1 are corrected.

Date of issuance: May 26, 2000.

Effective date: May 26, 2000, to be implemented within 30 days from the date of issuance.

Amendment No.: 136.

Facility Operating License No. NPF–30: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 5, 2000 (65 FR 17920).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 26, 2000.

No significant hazards consideration comments received: No.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility

of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By July 14, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff or may be delivered to the Commission's Public Document Room, the Gelman

Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

TXU Electric, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: May 12, 2000, as supplemented by letter dated May 19, 2000.

Brief description of amendment: The amendment revises TS 3.7.3, Condition A, to extend the Completion Time for one or more feedwater isolation valves (FIVs) inoperable from 4 hours to 24 hours if, within 4 hours, the respective feedwater control valves (FCVs) and the FCV bypass valves in the same flowpath are verified to be capable of performing the feedwater isolation function. A footnote is added that indicates that the extension of the Completion Time to 24 hours is only applicable for repair of the FIV hydraulic system through fuel cycle 8 for Unit 1 and fuel cycle 5 for Unit 2.

Date of issuance: May 25, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 77.

Facility Operating License Nos. NPF–87 and NPF–89. The amendment revises the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes The NRC published a public notice of the proposed amendment, issued a proposed finding of no significant hazards consideration and requested that any comments on the proposed no significant hazards consideration be provided to the staff by the close of business on May 24, 2000. The notice was published in the Dallas Morning News and the Ft. Worth Star Telegram from May 21 through May 23, 2000.

The Commission's related evaluation of the amendment, finding of exigent circumstances, consultation with the State of Texas, and final no significant hazards consideration determination are contained in a Safety Evaluation dated May 25, 2000.

Dated at Rockville, Maryland, this 7th day of June 2000.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–14837 Filed 6–13–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

State of Oklahoma: NRC Staff Assessment of a Proposed Agreement Between the Nuclear Regulatory Commission and the State of Oklahoma

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of a proposed Agreement with the State of Oklahoma.

SUMMARY: This notice is announcing that the Nuclear Regulatory Commission (NRC) has received a request from Governor Frank Keating of Oklahoma that the NRC consider entering into an Agreement with the State as authorized by Section 274 of the Atomic Energy Act of 1954, as amended (Act). Section 274 of the Act contains provisions for the Commission to enter into agreements with the Governor of any State providing for the discontinuance of the regulatory authority of the Commission. Under the proposed Agreement, submitted December 28, 1999, the Commission would discontinue and Oklahoma would take over portions of the Commission's regulatory authority over radioactive material covered under the Act within the State of Oklahoma. In accordance with 10 CFR 150.10, persons, who possess or use certain radioactive materials in Oklahoma, would be released (exempted) from portions of the Commission's regulatory authority under the proposed Agreement. The Act requires that NRC publish those exemptions. Notice is hereby given that the pertinent exemptions have been previously published in the **Federal Register** and are codified in the Commission's regulations as 10 CFR Part 150. NRC is publishing the proposed Agreement for public comment, as required by the Act. NRC is also publishing the summary of an assessment conducted by the NRC staff of the proposed Oklahoma byproduct material regulatory program. Comments are invited on (a) the proposed Agreement, especially its effect on public health and safety, and (b) the NRC staff assessment.

DATES: The comment period expires July 7, 2000. Comments received after this date will be considered if it is practical to do so, but the Commission cannot assure consideration of comments received after the expiration date.

ADDRESSES: Written comments may be submitted to Mr. David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Washington, DC 20555–0001. Copies of comments received by NRC may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. Copies of the proposed Agreement, copies of the request for an Agreement by the Governor of Oklahoma including all information and documentation submitted in support of the request, and copies of the full text of the NRC staff assessment are also available for public inspection in the NRC's Public Document Room.

FOR FURTHER INFORMATION CONTACT: Patricia M. Larkins, Office of State and Tribal Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone (301) 415–2309 or e-mail *pml@nrc.gov.*

SUPPLEMENTARY INFORMATION: Since Section 274 of the Act was added in 1959, the Commission has entered into Agreements with 31 States. The Agreement States currently regulate approximately 16,000 agreement material licenses, while NRC regulates approximately 5800 licenses. Under the proposed Agreement, approximately 220 NRC licenses will transfer to Oklahoma. NRC periodically reviews the performance of the Agreement States to assure compliance with the provisions of Section 274. Section 274e requires that the terms of the proposed Agreement be published in the **Federal Register** for public comment once each week for four consecutive weeks. This notice is being published in fulfillment of the requirement.

I. Background

(a) Section 274d of the Act provides the mechanism for a State to assume regulatory authority, from the NRC, over certain radioactive materials [1] and activities that involve use of the materials. In a letter dated December 28,

[1] The radioactive materials, sometimes referred to as agreement materials, are: (a) Byproduct materials as defined in Section 11e.(1) of the Act; (b) byproduct materials as defined in Section 11e.(2) of the Act; (c) source materials as defined in Section 11z. of the Act; and (d) special nuclear materials as defined in Section 11a. of the Act, restricted to quantities not sufficient to form a critical mass.

1999, Governor Keating certified that the State of Oklahoma has a program for the control of radiation hazards that is adequate to protect public health and safety within Oklahoma for the materials and activities specified in the proposed Agreement, and that the State desires to assume regulatory responsibility for these materials and activities. Included with the letter was the text of the proposed Agreement, which is included as Appendix A to this notice.

The radioactive material and activities (which together are usually referred to as the "categories of material") which the State of Oklahoma requests authority over are: (1) The possession and use of byproduct materials as defined in Section 11e.(1) of the Act; (2) the possession and use of special nuclear material in quantities not sufficient to form a critical mass; (3) the regulation of the land disposal of byproduct source or special nuclear material received from other persons; and (4) source material used to take advantage of its density and high mass properties where the use of the specifically licensed source material is subordinate to the primary specifically licensed use of either 11e.(1) byproduct material or special nuclear material, as provided for in regulations or orders of the Commission.

(b) The proposed Agreement contains articles that:

—Specify the materials and activities over which authority is transferred;
—Specify the activities over which the Commission will retain regulatory authority;
—Continue the authority of the Commission to safeguard nuclear materials and restricted data;
—Commit the State of Oklahoma and NRC to exchange information as necessary to maintain coordinated and compatible programs;
—Provide for the reciprocal recognition of licenses;
—Provide for the suspension or termination of the Agreement;
—Specify the effective date of the proposed Agreement. The Commission reserves the option to modify the terms of the proposed Agreement in response to comments, to correct errors, and to make editorial changes. The final text of the Agreement, with the effective date, will be published after the Agreement is approved by the Commission, and signed by the Chairman of the Commission and the Governor of Oklahoma.

(c) Oklahoma currently regulates the users of naturally-occurring and accelerator-produced radioactive materials (NARM). The regulatory program is authorized by law in the Oklahoma Environmental Quality Act at Okla. Stat. tit. 27A § 1–3–101(B)(11) and the Oklahoma Radiation Management Act at 27A § 2–9–103(A). Section 2–9–103(C) of the Act provides the authority for the Governor to enter into an Agreement with the Commission.

Oklahoma law contains provisions for the orderly transfer of regulatory authority over affected licensees from NRC to the State. Oklahoma law provides that any person who possesses an existing NRC license shall be deemed to possess a like license issued under the Oklahoma Radiation Management Act. After the effective date of the Agreement, licenses issued by NRC would continue in effect until the license expiration specified in the existing NRC license. DEQ will notify affected licensees of the transfer of regulatory authority within fifteen (15) days after the effective date of the signed agreement.

(d) The NRC staff assessment finds that the Oklahoma program is adequate to protect public health and safety, and is compatible with the NRC program for the regulation of agreement materials.

II. Summary of the NRC Staff Assessment of the Oklahoma Program for the Control of Agreement Materials

NRC staff has examined the Oklahoma request for an Agreement with respect to the ability of the radiation control program to regulate agreement materials. The examination was based on the Commission's policy statement "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement" (referred to herein as the "NRC criteria") (46 FR 7540; January 23, 1981, as amended).

(a) Organization and Personnel. The agreement byproduct material program will be located within the existing Radiation Management Section (RAM) of the Waste Management Division, an organizational unit of the Oklahoma Department of Environmental Quality (DEQ). The RAM Section currently has responsibility for directing and managing a formal registration program begun in 1993, that includes inspections and fees for radioactive material that occur naturally or are produced by particle accelerators, and industrial x-ray machines. The DEQ also has responsibility for regulation of machine produced radiation, and non-ionizing radiation. The regulatory authority over the use of sources of radiation by diagnostic medical x-ray remains with the Oklahoma Department of Health. Based on discussions with the RAM program manager, the DEQ plans to implement a licensing program for radioactive materials that occur naturally in the future after the State assumes regulatory authority under the Agreement. The program will be responsible for all regulatory activities related to the proposed Agreement.

The educational requirements for the DEQ staff members are specified in the Oklahoma State personnel position descriptions, and meet the NRC criteria with respect to formal education or combined education and experience requirements. Each current staff member has at least a bachelors' degree or equivalents in physical/life sciences or engineering, with one exception. One staff member trainee has a degree in Education. Several staff members hold advanced degrees. Most staff members were hired from other environmental programs in the DEQ with considerable experience in a variety of environmental program areas. The program staff has considerable experience in related regulatory program implementation including air pollution, hazardous waste, solid waste, sewage treatment, and water use issues. The program manager and two senior technical staff have 10 years of regulatory experience with DEQ and 6, 6, and 3 years respectively in the RAM program as well as several years of prior experience working with radioactive material, radiation protection, or hazardous waste.

A third senior staff member has three years of industry experience and three years with the DEQ RAM program. One junior staff member has three years experience as a laboratory technician using radionuclides for labeling and two years with the DEQ RAM program. Three other staff members, currently in training, have between 3 and 9 years experience, primarily in the environmental regulatory area. One has completed one year related experience with DEQ RAM, one has 3.5 years of related nuclear power plant experience as a health physicist decontamination technician, and one has six years related experience as a well logging engineer.

Based on information provided in the staffing analysis, the manager, three senior technical staff, and one junior staff member will conduct the licensing and inspection activities.

These staff members have attended nearly all of the available relevant NRC training courses, including the 5-week Applied Health Physics course, inspection and licensing courses, and the majority of use-specific courses. In addition, staff members have

accompanied NRC inspectors and worked with NRC licensing staff to obtain additional on-the-job experience.

The DEQ has adopted a written program for the training and qualification of staff members, which covers both new staff members and the continuing qualification of existing staff. NRC staff notes that the Oklahoma agreement materials program will be evaluated under the Commission's Integrated Materials Performance Evaluation Program (IMPEP). One IMPEP criterion addresses staff training and qualifications, and includes a specific criterion which addresses training and qualification plans. NRC staff reviewed the plan, and concludes that it satisfies the IMPEP criterion element.

The DEQ provided copies of memoranda authorizing full qualification to three senior staff, and limited interim qualification to one junior staff member, in accordance with Oklahoma's Formal Qualification Plan. All four staff are designated to provide technical support to the program at the time the Agreement is signed.

Based upon review of the information provided in the staffing analysis, NRC staff concludes that overall the program has an adequate number of technically qualified staff members and that the technical staff identified by the State to participate in the Agreement materials program are fully trained, and qualified in accordance with the DEQ plans, have sufficient knowledge and experience in radiation protection, the use of radioactive materials, the standards for the evaluation of applications for licensing, and the techniques of inspecting licensed users of agreement materials to satisfy the criterion.

(b) Legislation and Regulations. The Oklahoma DEQ is designated by law in the Oklahoma Radiation Management Act at Okla. Stat. Tit. 27A § 2–9–103 as the radiation control agency. The law provides the DEQ the authority to issue licenses, issue orders, conduct inspections, and to enforce compliance with regulations, license conditions, and orders. Licensees are required to provide access to inspectors. The Environmental Quality Board is authorized to promulgate regulations.

The law requires the Environmental Quality Board to adopt rules that are compatible with the equivalent NRC regulations and that are equally stringent to, or to the extent practicable more stringent than, the equivalent NRC regulations. The DEQ has adopted, by reference, the NRC regulations in Title 10 of the Code of Federal Regulations. The adoption by reference is contained in Title 252 Chapter 410 of the Oklahoma Administrative Code (OAC). Oklahoma rule 252:410–10–2 specifies that references to the NRC will be construed as references to the Director of the DEQ.

The NRC staff review verified that the Oklahoma rules contain all of the provisions that are necessary in order to be compatible with the regulations of the NRC on the effective date of the Agreement between the State and the Commission. The adoption of the NRC regulations by reference assures that the standards will be uniform.

(c) Storage and Disposal. Oklahoma has also adopted, by reference, the NRC requirements for the storage of radioactive material, and for the disposal of radioactive material as waste. The waste disposal requirements cover both the disposal of waste generated by the licensee and the disposal of waste generated by and received from other persons.

(d) Transportation of Radioactive Material. Oklahoma has adopted the NRC regulations in 10 CFR Part 71 by reference. Part 71 contains the requirements licensees must follow when preparing packages containing radioactive material for transport. Part 71 also contains requirements related to the licensing of packaging for use in transporting radioactive materials. Oklahoma will not attempt to enforce portions of the regulation related to activities, such as approving packaging designs, which are reserved to NRC.

(e) Record keeping and Incident Reporting. Oklahoma has adopted, by reference, the sections of the NRC regulations which specify requirements for licensees to keep records, and to report incidents or accidents involving materials.

(f) Evaluation of License Applications. Oklahoma has adopted, by reference, the NRC regulations that specify the requirements which a person must meet in order to get a license to possess or use radioactive materials. Oklahoma has also developed a licensing procedure manual, along with the accompanying regulatory guides, which are adapted from similar NRC documents and contain guidance for the program staff when evaluating license applications.

(g) Inspections and Enforcement. The Oklahoma radiation control program has adopted a schedule providing for the inspection of licensees as frequently as, or more frequently than, the inspection schedule used by NRC. The program has adopted procedures for conducting inspections, reporting inspection findings, and reporting inspection results to the licensees from similar NRC documents. The program has also adopted, by rule in the OAC, procedures for the enforcement of regulatory requirements.

(h) Regulatory Administration. The Oklahoma DEQ is bound by requirements specified in State law for rulemaking, issuing licenses, and taking enforcement actions. The program has also adopted administrative procedures to assure fair and impartial treatment of license applicants. Oklahoma law prescribes standards of ethical conduct for State employees.

(i) Cooperation with Other Agencies. Oklahoma law deems the holder of an NRC license on the effective date of the proposed Agreement to possess a like license issued by Oklahoma under the Oklahoma Radiation Management Act. Such license will expire on the date of expiration specified in the existing NRC license. Oklahoma will retain the NRC license numbers of existing licenses until they expire under DEQ jurisdiction. As of the effective date of the Agreement, any pending or new license applications and renewals will be transferred to DEQ. DEQ will notify affected licensees of the transfer of regulatory authority within fifteen (15) days after the effective date of the signed agreement.

Oklahoma's Administrative Procedures Act also provides for "timely renewal." This provision affords the continuance of licenses for which an application for renewal has been filed more than 30 days prior to the date of expiration of the license. NRC licenses transferred while in timely renewal are included under the continuation provision. The OAC provides exemptions from the State's requirements for licensing of sources of radiation for NRC and the U.S. Department of Energy contractors or subcontractors.

The proposed Agreement commits Oklahoma to use its best efforts to cooperate with the NRC and the other Agreement States in the formulation of standards and regulatory programs for the protection against hazards of radiation and to assure that Oklahoma's program will continue to be compatible with the Commission's program for the regulation of Agreement materials. The proposed Agreement stipulates the desirability of reciprocal recognition of licenses, and commits the Commission and Oklahoma to use their best efforts to accord such reciprocity.

III. Staff Conclusion

Subsection 274d of the Act provides that the Commission will enter into an Agreement under Subsection 274b with any State if:

(a) The Governor of the State certifies that the State has a program for the

control of radiation hazards adequate to protect public health and safety with respect to the agreement materials within the State, and that the State desires to assume regulatory responsibility for the agreement materials; and

(b) The Commission finds that the State program is in accordance with the requirements of Subsection 274o, and in all other respects compatible with the Commission's program for the regulation of materials, and that the State program is adequate to protect public health and safety with respect to the materials covered by the proposed Agreement.

On the basis of its assessment, the NRC staff concludes that the State of Oklahoma meets the requirements of the Act. The State's program, as defined by its statutes, regulations, personnel, licensing, inspection, and administrative procedures, is compatible with the program of the Commission and adequate to protect public health and safety with respect to the materials covered by the proposed Agreement.

IV. Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

Dated at Rockville, Maryland, this 1st day of June, 2000.

For the Nuclear Regulatory Commission.

Paul H. Lohaus,

Director, Office of State and Tribal Programs.

An Agreement Between the United States Nuclear Regulatory Commission and the State of Oklahoma for the Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, The United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and,

Whereas, The Governor of the State of Oklahoma is authorized under Section 2–9–103(c) of the Radiation Management Act (27A O.S. Supp. 1998 § 2–9–101 *et seq.*) to enter into this Agreement with the Commission; and,

Whereas, The Governor of the State of Oklahoma certified on December 28, 1999 that the State of Oklahoma (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the health and safety with respect to materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and,

Whereas, The Commission found on (date to be determined) that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect public health and safety; and,

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses, and of the granting of limited exemptions from licensing of those materials subject to this Agreement; and,

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended; Now Therefore, It is hereby agreed between the Commission and the Governor of the State of Oklahoma, acting in behalf of the State, as follows:

Article I

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct material as defined in Section 11e.(1) of the Act;

B. Source material used to take advantage of the density and high-mass property for the use of the specifically licensed source material is subordinate to the primary specifically licensed use of either 11e.(1) byproduct material or special nuclear material;

C. Special nuclear materials in quantities not sufficient to form a critical mass;

D. The regulation of the land disposal of byproduct source or special nuclear waste material received from other persons.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to:

A. The regulation of the construction and operation of any production or utilization facility or any uranium enrichment facility;

B. The regulation of the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The regulation of the disposal into the ocean or sea of byproduct, source, or special nuclear waste material as defined in the regulations or orders of the Commission;

D. The regulation of the disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed without a license from the Commission.

E. The evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission;

F. Byproduct material as defined in Section 11e.(2) of the Act;

G. Source material except for source material used to take advantage of the density and high-mass property for the use of the specifically licensed source material is subordinate to the primary specifically licensed use of either 11e.(1) byproduct material or special nuclear material;

Article III

With the exception of those activities identified in Article II, paragraph A through D, this Agreement may be amended, upon application by the State and approval by the Commission, to include one or more of the additional activities specified in Article II, paragraphs E through G, whereby the State may then exert regulatory authority and responsibility with respect to those activities.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under Subsection 161b or 161i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that Commission and State programs for protection against hazards of radiation will be coordinated and compatible. The State agrees to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of byproduct material covered by this Agreement.

The State and the Commission agree to keep each other informed of proposed changes in their respective rules and regulations, and to provide each other the opportunity for early and substantive contribution to the proposed changes.

The State and the Commission agree to keep each other informed of events, accidents, and licensee performance that may have generic implication or otherwise be of regulatory interest.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any other Agreement State. Accordingly, the Commission and the State agree to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect public health and safety, or (2) the State has not complied with one or more of the requirements of Section 274 of the Act. The Commission may also, pursuant to Section 274j(2) of the Act, temporarily suspend all or part of this Agreement if, in the judgement of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review actions taken by the State under this Agreement to ensure compliance with Section 274 of the Act which requires a State program to be adequate to protect public health and safety with respect to the materials covered by this Agreement and to be compatible with the Commission's program.

Article IX

This Agreement shall become effective on [TBA], and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Dated at Rockville, Maryland, this _____th day of _____, 2000.

For the United States Nuclear Regulatory Commission.

•_____Chairman.

Dated at Oklahoma City, Oklahoma this _____th day of _____, 2000.

For the State of Oklahoma.

•_____Governor.

[FR Doc. 00–15004 Filed 6–13–00; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24492; 812–12082]

Sit Large Cap Growth Fund, Inc., et al.; Notice of Application

June 7, 2000.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application under section 17(b) of the Investment Company Act of 1940 (the "Act") for an exemption from section 17(a) of the Act.

SUMMARY OF THE APPLICATION: Applicants request an order to permit an open-end management investment company to acquire all of the assets stated liabilities of a series of another registered open-end management investment company. Because of certain affiliations, applicants may not rely on rule 17a–8 under the Act.

APPLICANTS: Sit Large Cap Growth Fund, Inc. ("Large Cap Fund"), Sit Mutual Funds, Inc. (Sit Funds) and Sit Investment Associates, Inc. ("Adviser").

FILING DATES: The application was filed on April 27, 2000. Applicants have agreed to file an amendment to the application during the notice period, the substance of which is reflected in this notice.

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 June 29, 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 Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, N.W., Washington, DC 20549–0609. Applicants, c/o Kathleen L. Prudhomme, Esq., Dorsey & Whitney LLP, Pillsbury Center South, 220 South Sixth Street, Minneapolis, Minnesota 55402.

FOR FURTHER INFORMATION CONTACT: Susan K. Pascocello, Senior Counsel, at (202) 942–0674, or Michael W. Mundt, Branch Chief, at (202) 942–0578 (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).

Applicant's Representations

1. Large Cap Fund and Sit Funds, both Minnesota corporations, are registered under the Act as open-end management investment companies. Large Cap Fund offers its shares in a single series, and Sit Funds offers six series, including Sit Regional Growth

Fund ("Regional Fund," and together with Large Cap Fund, the "Funds"). The Adviser, a Minnesota corporation, serves as investment adviser to the Funds and is registered as an investment adviser under the Investment Advisers Act of 1940. The Adviser is record holder of more than 5% of the outstanding shares of Regional Fund.

2. On February 20, 2000, the boards of directors of each Funds (together, the "Boards"), including the directors who are not "interested persons," as defined in section 2(a)(19) of the Act ("Independent Directors"), unanimously approved an agreement and plan of reorganization (the "Reorganization Agreement") under which Large Cap Fund will acquire the assets and liabilities of Regional Fund in exchange for Large Cap Fund shares (the "Reorganization"). The Large Cap Fund shares exchanged will have an aggregate net asset value equal to the aggregate net asset value of the Regional Fund's shares determined at the effective time of the Reorganization (the "Effective Time"), currently anticipated to occur on June 30, 2000. The net asset value per share of each Fund's shares will be determined in the manner set forth in the respective Fund's current prospectus and statement of additional information. At the Effective Time, Regional Fund will liquidate and distribute *pro rata* to its shareholders the Large Cap Fund shares.

3. Applicants state that the investment objectives of Large Cap Fund are identical to those of Regional Fund. Neither Largo Cap Fund nor Regional Fund imposes any sales charges or distribution related fees. No sales charges will be imposed upon Regional Fund shareholders in connection with the Reorganization. The Adviser will pay the expenses of the Reorganization.

4. The Boards, including all of the Independent Directors, determined that the Reorganizations is in the best interests of each Fund, and that the interests of the existing shareholders of each Fund would not be diluted as a result of the Reorganization. In assessing the Reorganization, the Boards considered various factors, including: (a) The compatibility of each Fund's investment objectives and principal investment strategies; (b) the terms and conditions of the Reorganization; (c) the expense ratio of each Fund; and (d) the tax-free nature of the Reorganization.

5. The Reorganization is subject to a number of conditions, including that: (a) The Reorganization Agreement is approved by the Regional Fund shareholders; (b) the Funds receive an opinion of counsel that the Reorganization will be tax-free; and (c) applicants receive exemptive relief from the Commission as requested in the application. The Reorganization Agreement may be terminated and the Reorganization abandoned at any time prior to the Effective Time if either Board determines that circumstances have changed to make the Reorganization inadvisable. Applicants agree not to make any material changes to the Reorganization Agreement without prior Commission approval.

6. A registration statement on Form N–14 containing a combined prospectus/proxy statement was filed with the Commission on April 10, 2000, and became effective on May 10, 2000. Proxy solicitation materials were mailed to Regional Fund's shareholders on May 23, 2000. A special meeting of Regional Fund shareholders is scheduled for June 15, 2000.

Applicants' Legal Analysis

1. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, from selling any security to, or purchasing any security from, the company. Section 2(a)(3) of the Act defines an "affiliated person" of another person to include (a) 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; (b) any person 5% or more of whose securities are directly or indirectly owned, controlled, or held with power to vote by the other person; (c) any person directly or indirectly controlling, controlled by, or under common control with the other person; and (d) if the other person is an investment company, any investment adviser of that company.

2. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions set forth in the rule are satisfied.

3. Applicants believe that because the Funds may be deemed to be affiliated by reasons other than having a common investment adviser, common directors, and/common officers, they may not be able to rely on rule 17a–8 in connection with the Reorganization. Applicants state that the Adviser holds of record more than 5% of the outstanding securities of Regional Fund, and holds or shares voting power and/or investment discretion with respect to a portion of these shares.

4. Section 17(b) of the Act provides, in relevant part, that the Commission may exempt a transaction from the provisions of section 17(a) if evidence establishes that 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 that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

5. Applicants request an order under section 17(b) of the Act exempting them from section 17(a) to the extent necessary to complete the Reorganization. Applicants submit that the Reorganization satisfies the standards of section 17(b) of the Act. Applicants state that the terms of the Reorganization are reasonable and fair and do not involve overreaching. Applicants state that the investment objectives of Regional Fund and Large Cap Fund are identical. Applicants also state that the Boards, including all of the Independent Directors, have determined that the participation of each Fund in the Reorganization is in the best interests of each Fund and that such participation will not dilute the interests of shareholders of each Fund. In addition, Applicants state that the Reorganization will be based on the Funds' relative net asset values.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–14929 Filed 6–13–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42824; File No. SR–CBOE–99–40]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to Operation of Retail Automatic Execution System; Nine-Month Pilot Program

May 25, 2000.

I. Introduction

On July 29, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with 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 proposal to permit the appropriate CBOE Floor Procedure Committee ("FPC") to implement a new order assignment procedure for the Exchange's Retail Automatic Execution System ("RAES"). The new RAES order assignment procedure is called the "100 Spoke RAES Wheel." On January 21, 2000, the Exchange filed Amendment No. 1 to the proposed rule change.[3] On February 14, 2000, the Commission published the proposed rule change and Amendment No. 1 in the **Federal Register**.[4] The Commission received no comments on the proposal. This order approves the proposed rule change, as amended, for a pilot period of nine months through February 28, 2001.

II. Description of the Proposal

RAES is a part of the CBOE's order routing system that automatically executes customer market and marketable limit orders that fall within designated order size parameters. The maximum order size eligible for entry into RAES is 50 contracts for all classes of equity options and most classes of index options.[5] All designated primary market makers ("DPMs") of a particular option class are required to log on RAES for that class; other market makers who trade that class on the floor may log on RAES but are not required to do so.[6] When RAES receives an order, the system automatically attaches to the order its execution price, generally determined by the prevailing market quote at the time of the order's entry to the system, and a participating market maker will be designated as the counterparty on the trade.[7] Participating market makers are assigned by RAES on a rotating basis, with the first market maker selected at random from the list of logged-on market makers.[8]

In its filing, the Exchange described that its PFCs currently have two options by which to allocate RAES orders: The "entire order" procedure and "Variable RAES." Under the entire order procedure, RAES orders are assigned to market makers participating on RAES one order at a time to the market maker next in line on the "RAES Wheel." When a particular market reaches his or her turn on the Wheel, the market maker is assigned one entire order whether the order is for one contract or for the maximum number of contracts eligible for entry into RAES for that particular class of options. By contrast, under Variable RAES, for each options class in which market makers participates in RAES, market makers are permitted to designate the maximum number of contracts that they are willing to buy or sell each time it is their turn on the RAES Wheel, provided that the number of contracts selected is equal to or greater than a minimum number selected by the FPC.[9] CBOE represents that its FPCs now employ Variable RAES for both equity options and index options.[10]

The current proposal provides the appropriate FPC with a third choice for apportioning RAES trades among participating market makers, the "100 Spoke RAES Wheel." Under the 100 Spoke RAES Wheel, RAES orders will be assigned to logged-in market makers according to the percentage of their in-person agency contracts (excluding RAES contracts) traded in that class compared to all of the market maker in-person agency contracts (excluding RAES contracts) traded during the review period. Agency contracts are defined as contracts that are represented by an agent and do not include contracts traded between market makers in person in the trading crowd. The CBOE represents that in-person agency contracts include trades by a market maker against a booked order or an order represented by a broker in the trading crowd, whether that order is for the account of another broker-dealer or for the account of a customer.[11] Agency contracts do not included contracts executed through RAES.

Under the 100 Spoke RAES Wheel, on each revolution of the Wheel, each participating market maker who is logged on RAES at the time will be assigned a number of agency contracts that replicates the percentage of contracts on RAES that he or she traded in-person in that class during the review period, subject to the exceptions described below. The appropriate FPC will determine the review period but in no event may it set the review period for a period greater than two weeks. At the end of each review period, the appropriate FPC will recalculate the percentage of RAES orders to be distributed to each market maker participating on the 100 Spoke RAES Wheel. The percentage allotted to a particular market maker will be the same as the percentage of in-person agency contracts traded by that market maker in the Exchange crowd during the previous review period.[12] Any market maker that logs on the system during a particular review period will be guaranteed to receive an entitlement during that review period of no less than 1 percent of RAES contracts, or one "spoke" as explained below.[13]

The RAES Wheel may be envisioned as having a number of "spokes," each generally representing 1 percent of the total participation of all market makers in the class. Thus, a market maker generally will be assigned one spoke for each 1 percent of his or her market maker participation during the review period. If all market makers who traded in-person agency contracts in that option class during the review period are logged on RAES, no other market makers are logged on, the RAES Wheel

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Timothy Thompson, Director, Regulatory Affairs, CBOE, to Nancy Sanow, Assistant Director, Division of Market Regulation, SEC, dated January 19, 2000.

[4] *See* Securities Exchange Act Release No. 42396 (February 7, 2000), 65 FR 7404 (February 14, 2000).

[5] *See* CBOE Rule 6.8(e).

[6] Generally, a market maker may log on RAES in a particular equity option class (other than DJX) only in person and may continue on the system only so long as he or she is present in that trading crowd. Accordingly, a member generally may not remain on the RAES system and must log off the system when he or she has left the trading crowd, unless the departure is for a brief interval. *See* CBOE Rule 8.16(a)(iii). In option classes designated by the appropriate Market Performance Committee, any market maker who has logged on RAES at any time during an expiration month must log on the RAES system in that option class whenever he or she is present in that trading crowd until the next expiration. *See* CBOE Rule 8.16(b).

[7] *See* CBOE Rule 6.8(a)(ii).

[8] *See* CBOE Rule 6.8(d)(i).

[9] CBOE Rule 6.8, Interpretation .06(b). *See* Securities Exchange Act Release No. 41821 (September 1, 1999), 64 FR 50313 (September 16, 1999) (approving implementation of Variable RAES).

[10] Telephone conversation between Timothy Thompson, Director, Regulatory Affairs, CBOE, and Gordon Fuller, Special Counsel, Division of Market Regulation, SEC (May 16, 2000).

[11] Telephone conversation between Timothy Thompson, Director, Regulatory Affairs, and Anthony Montesano, Vice President, Trading Operations Department, CBOE; and Nancy Sanow, Assistant Director, and Gordon Fuller, Special Counsel, Division of Market Regulation, SEC, (May 1, 2000).

[12] All designees of the same DPM unit will have their percentage aggregated into a single percentage for the DPM unit. Because of this methodology, the DPM unit can still receive its entitled percentage even if any particular designee is not logged on RAES at the time.

[13] The minimum entitlement applies to any market maker in a particular option class who logs on RAES during a given review period. Thus, new market makers who have not yet had time to acquire market share on the trading floor will be allocated a single spoke if they log on RAES during the first review period they traded that class on the Exchange floor. Similarly, an existing market maker who was on vacation for the whole of the previous review period, who thus had no trading history during that review period, would receive a one-spoke allocation if he or she logged on RAES during the first review period immediately following his or her return. Telephone conversation between Timothy Thompson, Director, Regulatory Affairs, and Anthony Montesano, Vice President, Trading Operations Department, CBOE; and Gordon Fuller, Special Counsel, and Michael Gaw, Attorney, Division of Market Regulation, SEC (May 19, 2000).

would consist of 100 spokes, representing 100 percent of all market maker activity during the review period. Normally, one spoke on the Wheel would be equivalent to one contract, except that the appropriate FPC may establish a larger spoke size. For example, setting the spoke size to five contracts would redefine the RAES Wheel for a particular option class as a Wheel of 500 contracts. Changing the spoke size (and thus, the Wheel size) would not change the participation percentages of the individual market makers.[14]

For example, if there are twelve market in a crowd, consisting of ten veteran market makers each of whom accounted for 10 percent of total market maker trading (exclusive of RAES trades) during the review period, and two new market makers, and if nine of the veteran makers and both of the new market makers are logged on RAES, the RAES Wheel would consist of 92 spokes (ten spokes for each of the nine veteran market makers, and one spoke for each of the two new market makers),[15] accounting for 92 contracts in a complete revolution of the Wheel. In this case, each of the veteran market makers would participate in ten out of every 92 contracts traded on RAES, and the two new market makers would each receive one out of every 92 contracts.

A wedge is the maximum number of spokes that may be assigned to a market maker in any one "hit" during a rotation of the RAES Wheel. The purpose of the wedge is to break up the distribution of contracts into smaller groupings to reduce the exposure of any one market maker to market risk. If the size of the wedge is smaller than the number of spokes to which a particular market maker may be entitled based on his or her participation percentage, that market maker would receive one or more additional assignments during one revolution of the RAES Wheel. For example, in the case where one spoke is equal to one contract and the market maker's participation percentage is 15 percent (entitling it to 15 contracts on one RAES Wheel revolution, *i.e.*, 15 percent of 100) and the wedge size is ten, that market maker first would be assigned ten contracts on the RAES Wheel and then five contracts at a different place on the RAES Wheel during that same revolution. Thus, in one complete revolution of the RAES Wheel, the market market would be assigned two times for a total of 15 contracts (assuming one contract per spoke), consisting of ten-contract assignment and one five-contract assignment. The wedge size would be variable at the discretion of the appropriate FPC and may be established at different levels for different classes, or at the same level for all classes.

[14] The CBOE has stated that Variable RAES and the 100 Spoke RAES Wheel cannot operate concurrently for trading in a given option class. Similarly, the "entire order" allocation procedure and the 100 Spoke RAES Wheel cannot operate concurrently for trading in a given option class. Telephone conversation between Timothy Thompson, Director, Regulatory Affairs, and Anthony Montesano, Vice President, Trading Operations Department, CBOE; and Gordon Fuller, Special Counsel, and Michael Gaw, Attorney, Division of Market Regulation, SEC (May 19, 2000).

[15] The one-spoke allocation for each of the two new market makers would apply only during their initial review period. *See supra* note 13. After that initial review period, each of the two new market makers would be entitled to the number of spokes they had earned during the applicable review period.

III. Discussion

A. General

After careful review, the Commission finds that implementation of the proposed rule change on a pilot basis is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, with Sections 6(b)(5) and 6(b)(8) of the Act.[16] Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to facilitate transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.[17] Section 6(b)(5) also requires that those rules not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Finally, Section 6(b)(8) of the Act requires that the rules of an exchange not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

B. An Important Step Forward

Currently, RAES assigns orders randomly to market makers who are logged on the system. The Commission believes that the 100 Spoke RAES Wheel takes an important step forward by rewarding those market makers who consistently execute a greater portion of agency orders in the trading crowd, rather than randomly assigning contracts to all market makers logged on RAES. Although the 100 Spoke RAES Wheel does not reward a market maker for improving the Exchange's displayed quotation, it does reward the market maker for providing liquidity to orders in the trading crowd by linking the market maker's percentage of RAES contracts to the percentage of agency contracts it executed in the trading crowd. The Commission finds that it is consistent with the Act's purpose for the CBOE to take this step.

Under the two existing means of allocation, the size of the order assigned to a particular market maker is determined randomly.[18] Under the entire order procedure, it is theoretically possible for a market maker who accounts for a significant percentage of in-person agency contracts in a given class of options to be randomly assigned only a minimal number of contracts with each turn of the Wheel. Conversely, a market maker who accounts for only a small percentage of the in-person agency contracts traded in the same option class could be randomly allocated on RAES the maximum number of contracts possible. The 100 Spoke RAES Wheel, however, will more closely allocate the percentage of contracts that a particular market maker can receive on a single revolution of the Wheel to the percentage of in-person agency contacts (excluding RAES contracts) traded on CBOE by that market maker. With the 100 Spoke RAES Wheel, market makers will have a greater incentive to compete effectively for orders in the crowd, and this, in turn, should benefit investors and promote the public interest.

The Commission also views the "wedge" system, which limits the number of "spokes" each market maker may be assigned consecutively, not to impose any unnecessary burden on competition, consistent with Section 6(b)(8) of the Act. The wedge system will not effect the *number* of contracts to which each market maker is entitled for each revolution of the Wheel, but only the *timing* of the assignment of contracts to each market maker. The wedge system ensures that each market maker eligible to participate during a particular review period will be assigned at least some contracts before market makers entitled to a greater number of spokes are assigned all of their contracts in a given revolution. The wedge system also reduces the exposure of market makers to market risk by breaking up the distribution of contracts into smaller groupings.

[16] 15 U.S.C. 78f(b)(5) and 78f(b)(8).

[17] In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiently, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] However, under Variable RAES, the market maker has some flexibility in limiting the extent of its exposure during each revolution of the Wheel.

It is important to stress that implementation of the 100 Spoke RAES Wheel will have no effect on the prices offered to customers. Under CBOE Rule 6.8(a)(ii), RAES automatically provides to each retail customer order its execution price, generally determined by the prevailing market quote at the time of the order's entry into the system. The 100 Spoke RAES Wheel merely provides for a different contract allocation system than currently exists for automatic execution of small retail orders.

C. Pilot Program

The Commission is approving this proposal on a nine-month pilot basis, through February 28, 2001. As indicated above, the Commission anticipates that the 100 Spoke RAES Wheel will encourage market makers to compete effectively for order flow in the trading crowds, thus benefiting investors and serving the public interest. The Commission, however, intends to review the Exchange's experience with the 100 Spoke RAES Wheel during the course of the pilot program.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[19] that the proposed rule change (SR–CBOE–99–40) is approved on a pilot basis, through February 28, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–14931 Filed 6–13–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42907; File No. SR–NASD–00–32]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Nasdaq's Transaction Credit Pilot Program

June 7, 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 June 6, 2000, the National Association of Securities Dealers, Inc. ("NASD" "Association"), through its wholly owned subsidiary The Nasdaq Stock Market, Inc. ("Nasdaq"), 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 Nasdaq. Nasdaq has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the Association under Section 19(b)(3)(A)(ii) of the Act,[3] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to amend NASD Rule 7010, System Services, to extend Nasdaq's transaction credit pilot program for an additional six months for Tape A reports, and reinstate for nine months the pilot for Tape B reports. The text of the proposed rule change is below. Proposed new language is in italics. Proposed deletions are in brackets.

* * * * *

7010 System Services

(a)–(b) No Change

(c)

(1) No Change

(2) Exchange-Listed Securities Transaction Credit. For a pilot period, qualified NASD members that trade securities listed on the NYSE *and Amex* in over-the-counter transactions reported by the NASD to the Consolidated Tape Association may receive from the NASD transactions credits based on the number of trades so reported. To qualify for the credit with respect to Tape A reports, an NASD member must account for 500 or more average daily Tape A reports of over-the-counter transactions as reported to the Consolidated Tape during the concurrent calendar quarter. *To qualify for the credit with respect to Tape B reports, an NASD member must account for 500 or more average daily Tape B reports of over-the-counter transactions as reported to the Consolidated Tape during the concurrent calendar quarter.* If an NASD member is so qualified to earn credits based *either* on its Tape A activity, *or its Tape B activity, or both,* that member may earn credits from *one or both pools* [the Tape A pool] maintained by the NASD, *each* [such] pool representing 40% of the revenue paid by the Consolidated Tape Association to the NASD *for each of* Tape A *and Tape B* transactions. A qualified NASD member may earn credits from *the pools* [the Tape A pool] according to the member's pro rata share of the NASD's over-the-counter trade reports in *each of* Tape A *and Tape B* for each calendar quarter starting with [January 1, 2000, and ending with the calendar quarter starting on April 1, 2000] *July 1, 2000 for Tape A reports (April 1, 2000 for Tape B reports) and ending with the calendar quarter starting on October 1, 2000.*

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq proposes to extend until December 31, 2000, its pilot program to provide a transaction credit[4] to NASD members that exceed certain levels of trading activity in exchange-listed securities. Nasdaq proposes to extend by six months the pilot for over-the-counter ("OTC") trades in securities listed on the New York Stock Exchange ("NYSE") (*i.e.*, from July 1, 2000 to December 31, 2000) and re-institute and extend by nine months the pilot for OTC trades in securities listed on the American Stock Exchange ("Amex") (*i.e.* from April 1, 2000 to December 31, 2000). The NASD established its transaction credit pilot to find ways to lower investor costs associated with trading listed securities, and to respond to steps taken by other exchanges that compete with Nasdaq for investor order flow in those issues.

Nasdaq's Third Market is a quotation, communication, and execution system that allows NASD members to trade stocks listed on the NYSE and the Amex. The Third Market competes with regional exchanges like the Chicago Stock Exchange ("CHX") and the Cincinnati Stock Exchange ("CSE") for retail order flow in stocks listed on the NYSE and Amex. The NASD collects quotations from broker-dealers that trade these securities OTC and provides such quotations to the Consolidated Quotation System for dissemination.

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[19] 15 U.S.C. 78s(b)(2).

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] The transaction credit can be applied to any and all changes imposed by the NASD or its non-self-regulatory organization affiliates. Any remaining balance may be paid directly to the member.

Additionally, the NASD collects trade reports from broker-dealers trading these securities in the OTC market and provides the trade reports to the Consolidated Tape Association ("CTA") for inclusion in the Consolidated Tape. As a participant in the CTA, the NASD earns a share of those broker-dealers' revenue from trades that it reports in NYSE-listed securities ("Tape A") and in Amex-listed securities ("Tape B"). It is from the NASD's share of these revenues that Nasdaq created the credit pools for qualified pilot participants.

Nasdaq's original transaction credit pilot program and its subsequent extensions,[5] including this proposal, are intended to lower costs for Third Market makers and their customers who execute trades in exchange-listed stocks through NASD members and Nasdaq facilities. The NASD believes that lowering the cost of trading increases competition among market centers trading listed securities. Continuation of the pilot also will allow Nasdaq to continue to evaluate the efficacy of its revenue sharing model and continue to effectively complete for the retention of Third Market participants with other regional exchanges that have adopted similar revenue distribution methodologies.[6]

Under the original transaction credit pilot program, Nasdaq calculates two separate pools of revenue from which credits can be earned—one representing 40% of the gross revenues received by the NASD from the CTA for providing trade reports in NYSE-listed securities executed in the Third Market for Dissemination by CTA ("Tape A"), and the other representing 40% of the gross revenue received from the CTA for reporting Amex trades ("Tape B"). These revenue calculation pools will remain at the same 40% level during the pilot's extension.

Eligibility for transaction credits during the pilot's extension is based upon concurrent quarterly trading activity. For example, a Third Market participant that enters the market for Tape A or Tape B securities during the third quarter of 2000 and prints an average of 500 daily trades of Tape A or Tape B securities during the time it is in the market, or that averages 500 daily Tape A or Tape B prints during the entire third quarter, would be eligible to receive transaction credits based on its trades during the third quarter. As in the original pilot, only those NASD members who continue to average an appropriate daily execution level during the term of the pilot's extension will become eligible for transaction credits and thus able to receive a pro-rata portion of the 40% revenue calculation pools.[7] The NASD chose to create these thresholds to permit the NASD to recover appropriate administrative costs related to NASD members that do not exceed the threshold and to provide an incentive for NASD members to actively trade in these securities.

As before, a fully qualifying NASD member's transaction credit will be determined by taking its percentage of total Third Market transactions during the applicable calculation period and providing an equivalent percentage from the appropriate Tape A or Tape B calculation pool. Thus, for calendar quarter commencing with the calendar quarter that begins on July 1, 2000 for Tape A trades (April 1, 2000 for Tape B trades), the NASD will measure a qualified member's trade reports for that calendar quarter in each of Tape A and Tape B and create a credit for that member based upon this activity. For example, should a qualifying NASD member's transactions represent 10% of the NASD's Tape A transactions, that member would receive a 10% share of the Tape A 40% calculation pool.

Nasdaq's transaction credit program is being proposed on a pilot basis only. There is no guarantee that transaction credits will be available to qualifying NASD members beyond the term of the pilot.

2. Statutory Basis

Nasdaq believes the proposed rule change is consistent with Section 15A(b)(6) of the Act[8] in that the proposal is designed to promote just and equitable principles of trade and to remove impediments to and perfect the mechanism of a national market system and, in general, to protect investors and the public interest. Nasdaq also believes the proposal is consistent with Section 15A(b)(5) of the Act[9] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Association operates or controls.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[10] and subparagraph (f)(2) of Rule 19b–4 thereunder,[11] because it establishes or changes a due, fee, or other charge imposed by the Association. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number

[5] *See* Securities Exchange Act Release Nos. 41174 (March 16, 1999), 64 FR 14034 (March 23, 1999) (SR–NASD–99–13); 42095 (November 3, 1999), 64 FR 61680 (November 12, 1999) (SR–NASD–99–59); and 42672 (April 12, 2000), 65 FR 21225 (April 20, 2000) SR–NASD–00–10).

[6] Both CHX and CSE have established similar programs. *See* Securities Exchange Act Release Nos. 38237 (February 4, 1997), 62 FR 6592 (February 12, 1997) (SR–CH–97–01) and 39395 (December 3, 1997), 62 FR 65113 (December 10, 1997) (SR–CSE–97–12).

[7] As explained in SR–NASD–99–13, the qualification thresholds were selected based on Nasdaq's belief that such numbers represent clear examples of a member's commitment to operating in the Third Market and competing for order flow.

[8] 15 U.S.C. 78o–3(b)(6).

[9] 15 U.S.C. 78o–3(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

SR–NASD–00–32 and should be submitted by July 5, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–14930 Filed 6–13–00; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 3336]

Office of Visa Services

AGENCY: Department of State.

ACTION: 60-Day Notice of Proposed Information Collection; Choice of Address and Agent for U.S. Department of State Immigrant Visa Applicants.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. This process is conducted in accordance with the Paperwork Reduction Act of 1995.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: New Information Collection.

Originating Office: Bureau of Consular Affairs, Department of State.

Title of Information Collection: Choice of Address and Agent for U.S. Department of State Immigrant Visa Applicants.

Frequency: Once.

Respondents: All immigrant visa principal applicants.

Estimated Number of Respondents: 350,000.

Average Hours Per Response: 0.5 hours.

Total Estimated Burden: 175,000 hours.

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Guyle Cavin, 2401 E St., NW, RM L–703, Tel: 202–663–1175, U.S. Department of State, Washington, DC 20520.

Dated: April 14, 2000.

Nancy Sambaiew,

Deputy Assistant Secretary of State for Visa Services, Bureau of Consular Affairs.

[FR Doc. 00–15024 Filed 6–13–00; 8:45 am]

BILLING CODE 4710–06–P

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice No: 3325]

Advisory Committee on Historical Diplomatic Documentation; Notice of Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet in the Department of State, 2201 "C" Street NW, Washington, DC, July 10-11, 2000, in Conference Room 1205. Prior notification and a valid photo are mandatory for entrance into the building. One week before the meeting, members of the public planning to attend must notify Gloria Walker, Office of Historian (202–663–1124) providing relevant dates of birth, Social Security numbers, and telephone numbers.

The Committee will meet in open session from 1:30 p.m. through 4:30 p.m.on Monday, July 10, 2000, to discuss the implementation of Executive Order 12958 with respect to Department of State records, the declassification and transfer of Department of State electronic records to the National Archives and Records Administration, and the modernization of the Foreign Relations series. The remainder of the Committee's sessions from 9:00 a.m. until 5:00 p.m. on Tuesday, July 11, 2000, will be closed in accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463). The agenda calls for discussions involving consideration of matters not subject to public disclosure under 5 U.S.C. 552b(c)(1), and that the public interest requires that such activities be withheld from disclosure.

Questions concerning the meeting should be directed to William Slany, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC, 20520, telephone (202) 663–1123, (e-mail *history@state.gov*).

Dated: May 31, 2000.

William Slany,

Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, U.S. Department of State.

[FR Doc. 00–15023 Filed 6–13–00; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Air Carrier Operations Issues—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: Notice is given of a new task assigned to and accepted by the Aviation Rulemaking Advisory Committee (ARAC). This notice informs the public of the activities of ARAC.

FOR FURTHER INFORMATION CONTACT: Eric Van Opstal, Federal Aviation Administration (AFS–200), 800 Independence Avenue, SW., Washington, DC 20591; phone (202) 267–3774; fax (202) 267–5229.

SUPPLEMENTARY INFORMATION:

Background

The FAA has established an Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator, through the Associated Administrator for Regulation and Certification, on the full range of the FAA's rulemaking activities with respect to aviation-related issues. One area ARAC deals with is air carrier operations issues. These issues involve the operational requirements for air carriers, including crewmember requirements, airplane operating performance and limitations, and equipment requirements.

The Task

This notice informs the public that the FAA has asked ARAC to provide advice and recommendation on the following task:

Extended Range Operations with Two-Engine Aircraft (ETOPS)

1. Review the existing policy and requirements found in Advisory Circular (AC) 120–42A, applicable ETOPS special conditions, and policy memorandums and notices, for

certification and operational regulations and guidance material for ETOPS approvals up to 180 minutes.

2. Develop comprehensive ETOPS airworthiness standards for 14 CFR parts 25, 33, 121, and 135, as appropriate, to codify the existing policies and practices.

3. Develop ETOPS requirements for operations and excess of 180 minutes up to whatever extent that may be justified. Develop those requirements such that incremental approvals up to a maximum may be approved.

4. Develop standardized requirements for extended range operations for all airplanes, regardless of the number of engines, including all turbojet and turbopropeller commercial twin-engine airplanes (business jets), excluding reciprocating engine powered commercial airplanes. This effort should establish criteria for diversion times up to 180 minutes that is consistent with existing ETOPS policy and procedures. It should also develop criteria for diversion times beyond 180 minutes that is consistent with the ETOPS criteria developed by the working group.

5. Develop additional guidance and/or advisory material as the ARAC finds appropriate.

6. Harmonize such standardized requirements across national boundaries and regulatory bodies.

7. Any proposal to increase the safety requirements for existing ETOPS approvals up to 207 minutes must contain data defining the unsafe conditions that would warrant the safety requirements.

8. The working group will provide briefings to the Transport Airplane and Engine Issues group.

9. The recommendations should consider the comments received as a result of the April 27, 1999 and January 21, 2000 **Federal Register** notices.

10. Within one year of publication of the ARAC task in the **Federal Register**, submit recommendations to the FAA in the form of a proposed rule.

Working Group Activity

The ETOPS Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the tasks, including the rationale supporting such a plan, for consideration at the meeting of ARAC to consider air carrier operations issues held following publication of this notice.

2. Give a detailed conceptual presentation of the proposed recommendations, prior to a proceeding with the work stated in item 3 below.

3. Draft an appropriate report.

4. Provide a status report at each meeting of ARAC held to consider air carrier operations issues.

Participation in the Working Group

The ETOPS Working Group is composed of experts having an interest in the assigned task. A working group member need not be a representative of a member of the full committee.

A person who has expertise in the subject matter and wishes to become a member of the working group should contact Mark Lawyer, Federal Aviation Administration (ARM–107), 800 Independence Avenue, SW., Washington, DC 20591; phone (202) 493–4531; fax (202) 267–5075; email *mark_lawyer@faa.gov*. The person should describe his or her interest in the tasks and state the expertise he or she would bring to the working group. The request will be reviewed by the assistant chair, the assistant executive director, and the working group chair. The person will be advised whether or not the request can be accommodated. Requests to participate on the ETOPS Working Group should be submitted no later than June 26, 2000. To the extent possible, the composition of the working group will be balanced among the aviation interests selected to participate.

The Secretary of Transportation has determined that the formation and use of ARAC are necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of ARAC will be open to the public. Meetings of the ETOPS Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on June 7, 2000.

Gregory L. Michael,

Assistant Executive Director for Air Carrier Operations Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 00–14911 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Emergency Evacuation Issues

AGENCY: Federal Aviation Administration (FA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss emergency evacuation (EE) issues.

DATES: The meeting is scheduled for June 29, 2000, beginning at 8:30 a.m. Arrange for oral presentations by June 22.

ADDRESSES: Boeing Commercial Airplane Group, 535 Garden Avenue, N., Building 10–16, Renton, WA.

FOR FURTHER INFORMATION CONTACT: Effie M. Upshaw, Office of Rulemaking, ARM–209, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267--7626, FAX (202) 267–5075, or e-mail at effie.upshaw@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. III), notice is given of an ARAC meeting to be held June 29 in Renton, WA.

The agenda will include:

- Opening Remarks.
- FAA Report.
- Joint Aviation Authorities Report.
- Cabin Safety Harmonization Working Group Report.
- Performance Standards Working Group Report.
- Emergency Evacuation Charter Update Proposal.

Attendance is open to the public, but will be limited to the space available. Visitor badges are required to gain entrance to the building in which the meeting is being held. Please confirm your attendance with Norm Turner, (425) 234–3312, or by e-mail, *norman.g.turner@Boeing.com*. Please provide the following information: Full legal name, country of citizenship, and name of your company, if applicable.

The public must make arrangements by June 22 to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 25 copies to the Assistant Executive Director for Emergency Evacuation issues or by providing copies at the meeting. Copies of the documents to be voted upon may be made available by contacting the person

listed under the heading **FOR FURTHER INFORMATION CONTACT.**

If you are in need of assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT.** Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC on June 8, 2000.

Florence L. Hamn,

Acting Director, Office of Rulemaking.

[FR Doc. 00–14912 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Transport Airplane and Engine Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss transport airplane and engine (TAE) issues.

DATES: The meeting is scheduled for June 27–28, 2000, beginning at 8:30 a.m. on June 27. Arrange for oral presentations by June 22.

ADDRESSES: Boeing Commercial Airplane Group, 535 Garden Avenue, N., Building 10–16, Renton, WA.

FOR FURTHER INFORMATION CONTACT: Effie M. Upshaw, Office of Rulemaking, ARM–209, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–7626, FAX (202) 267–5075, or e-mail at effie.upshaw@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. III), notice is given of an ARAC meeting to be held June 27–28, in Renton, WA.

The agenda will include:

June 27

- Opening Remarks
- FAA Report
- Joint Aviation Authorities Report
- Transport Canada Report
- Executive Committee Meeting Report
- Harmonization Management Team Report
- Engine Harmonization Working Group (HWG) Report
- Avionics Systems HWG Report and Vote
- Flight Guidance System HWG Report and Vote
- Systems Design and Analysis HWG Report
- Ice Protection HWG Report
- Powerplant Installation HWG Report and Vote
- Seat Test HWG Report
- Design for Security HWG Report and Vote

June 28

- Braking System HWG Report and vote
- General Structures HWG Report and Vote
- Airworthiness Assurance HWG Report
- Flight Test HWG Report and Vote
- Electromagnetic Effects HWG Report
- Loads & Dynamics HWG Report and Vote
- Flight Controls HWG Report and Vote
- Mechanical Systems HWG Report and Vote
- Electrical Systems HWG Report and Vote

Nine HWGs-Avionics Systems, Flight Guidance System, Powerplant Installation, General Structures, Flight Test, Loads & Dynamics, Flight Controls, Mechanical Systems, and Electrical Systems—plan to request approval of technical reports drafted under the Fast Track process. The Design for Security HWG plans to seek approval of its phase 1 report.

The Braking Systems HWG plans to request a vote to submit a proposed disposition of comments to the FAA. The disposition of comments relate to a proposed rule on brakes and braking systems certification tests and analysis that was published in the **Federal Register** on August 10, 1999; the comment period closed November 8, 1999 (64 FR 43570).

Attendance is open to the public, but will be limited to the space available. Visitor badges are required to gain entrance to the building in which the meeting is being held. Please confirm your attendance with Norm Turner, (425) 234–3312, or by e-mail, *norman.g.turner@Boeing.com*. Please provide the following information: full legal name, country of citizenship, and name of your company, if applicable.

The public must make arrangements by June 22 to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 25 copies to the Assistant Executive Director for Transport Airplane and Engine issues or by providing copies at the meeting. Copies of the documents to be voted upon may be made available by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT.**

If you are in need of assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT.** Sign and oral interpretational, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC on June 8, 2000.

Florence L. Hamn,

Acting Director, Office of Rulemaking.

[FR Doc. 00–14913 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number ACE–00–23.561.01]

Proposed Issuance of Policy Memorandum, Methods of Approval of Retrofit Shoulder Harness Installations in Small Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of policy statement, request for comments.

SUMMARY: This document announces an FAA proposed general statement of policy applicable to the modification of small airplanes. This document advises the public, in particular, small airplane owners and modifiers, of additional information related to acceptable methods of approval of retrofit shoulder harness installations. This notice is necessary to advise the public of FAA policy and give all interested persons an opportunity to present their views on the policy statement.

DATES: Comments submitted must be received no later than July 14, 2000.

ADDRESSES: Send all comments on this policy statement to the individual identified under **FOR FURTHER INFORMATION CONTACT** at Federal Aviation Administration Small Airplane Directorate, ACE–111, Room 301, 901 Locust, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Michael Reyer, Federal Aviation Administration, Small Airplane Directorate, ACE–111, Room 301, 901 Locust, Kansas City, Missouri 64106, telephone (816) 329–4131; fax 816–329–4090; e-mail; michael.reyer@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this proposed policy statement, ACE–00–23–561–01, by submitting such written data, views, or arguments as they desire. Comments should be marked, "Comments to policy statement ACE–00–23.561–01," and be submitted in duplicate to the above address. The Manager, Small Airplane Directorate, will consider all communications received on or before the closing date for comments.

Background

This notice announces the availability of the following proposed policy memorandum, ACE–00–23.561–01, for review and comment. The purpose of this memorandum is to address methods of approval for retrofit shoulder harness installations in small airplanes.

Effect of General Statement of Policy

The FAA is presenting this information as a set of guidelines appropriate for use. However, this document is not intended to establish a binding norm, it does not constitute a new regulation and the FAA would not apply or rely upon it as a regulation. The FAA aircraft Certification Offices (ACO's) and Flight Standards District Offices (FSDO's) that certify changes in type design and approve modifications in normal, utility, and acrobatic category airplanes should generally attempt to follow this policy when appropriate. Applicants should expect that the certificating officials would consider this information when making findings of compliance relevant to retrofit shoulder harness installations.

Also, as with all advisory material, this statement of policy identifies one means, but not the only means, of compliance.

Because this proposed general statement of policy only announces what the FAA seeks to establish as policy, the FAA considers it to be an issue for which public comment is appropriate. Therefore, the FAA requests comment on the following proposed general statement of policy relevant to compliance with 14 CFR Part 23, § 23.561, and other related regulations.

General Statement of Policy

Summary

Retrofit shoulder harness installations may be approved by Supplemental Type Certificate (STC), Field Approval, or minor change. An STC is the most rigorous approval and it offers the highest assurance that all of the airworthiness regulations have been met. Field Approvals are granted for an individual airplane for an alteration that involves little or no engineering. Some shoulder harness installations have been made as a minor change. In this case, the FAA certificated mechanic who installs it makes an entry in the airplane's maintenance log.

We do not encourage retrofit shoulder harness installation by minor change. However, the FAA should not prohibit the airplane owner to have such installations made by minor change, even though they may not provide the 9.0 g forward occupant protection required by regulation [Civil Air Regulation (CAR) 3.386 or 14 CFR Part 23, § 23.561]. While the preferred method of approval of such installations is by STC of Field Approval, shoulder harnesses could be installed by minor change in:

(1) The front seats of those small airplanes manufactured before July 19, 1978, and

(2) In other seats of those small airplanes manufactured before December 13, 1986.

This may be performed as a minor change only if the installation requires no modification of the structure (such as welding or drilling holes). Also, the airplane's certification basis must be CAR 3 or predecessor regulations, or Part 23 prior to Amendment 23–20. Any retrofit shoulder harness installation, even those approved as a minor change, is a safety improvement over occupant restraint by seat belt alone.

Introduction

In January 1997, the Anchorage Aircraft Certification Office (ACO) Manager requested the Small Airplane Directorate to study the issue of retrofit shoulder harness installations in small airplanes. The Anchorage ACO specifically requested guidance for a Supplemental Type Certificate (STC) project to install shoulder harnesses in Piper PA–18 series airplanes. This proposed policy presents the results of our study for public comment. Approval of the harness installation only is addressed. Approval of the harness is made to Technical Standard Order (TSO)–C114, Torso Restraint Systems.

During 1998, our office participated in an Aviation Safety Program to increase the use and effectiveness of occupant restraint systems in general aviation airplanes. This program is in support of the occupant survivability element of the Administrator's Safety Agenda for general aviation, which has a goal of significantly reducing the number of fatal accidents over a ten-year period. Most of the content of this proposed policy was presented in a paper at the August 19, 1998, meeting of this Aviation Safety Program.

The Manager of the Continuing Airworthiness Maintenance Division of Flight Standards, AFS–300, has reviewed this proposed policy and concurs with it.

References

1. Advisory Circular (AC) 21–34, Shoulder Harness—Safety Belt Installations, June 4, 1993.
2. AC 23–4, Static Strength Substantiation of Attachment Points for Occupant Restraint System Installations, June 20, 1986.
3. AC 43.13–2A, Acceptable Methods, Techniques, and Practices—Aircraft Alterations, Revised 1977.
4. Order 8300.10, Airworthiness Inspectors Handbook, Volume 2, Change 10, October 30, 1995.
5. Technical Standard Order (TSO)–C114, Torso Restraint Systems, March 27, 1987.

Discussion

Requirements

1. *Front seat shoulder harnesses required.* 14 CFR Part 23, § 23.785, as amended by Amendment 23–19, effective July 18, 1977, required all normal, utility, and acrobatic category airplanes for which application for types certificate was made on or after July 18, 1977, to have an approved shoulder harness for each front seat. Section 91.205(b)(14) requires all small civil airplanes manufactured after July 18, 1978, to have an approved shoulder harness for each front seat. The shoulder harness must be designed to protect the occupant from serious head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2). The inertia force requirements are discussed in paragraph 3 below.

2. *Shoulder harnesses required at all seats.* Section 91.205(b)(16) requires all normal, utility, and acrobatic category airplanes with a seating configuration of 9 or less, excluding pilot seats, manufactured after December 12, 1986, to have a shoulder harness, for forward-facing and aft-facing seats, that meets the requirements of § 23.785(g) [which requires that the occupant be protected from the ultimate inertia forces specified in § 23.56(b)(12)]. Section 23.78(g) also provides: "For other seat orientations, the seat and restraint means must be designed to provide a level of occupant protection equivalent to that provided for forward and aft-facing seats with safety belts and shoulder harnesses installed." The above Part 91 operating rule stems from § 23.2, Special retroactive requirements,

Amendment 23–32, effective December 12, 1985.

3. Civil Air Regulation (CAR) 3.386 and Part 23, § 23.561, Amendments 23–0 through 23–34, effective February 17, 1987, require occupant protection from serious injury during a minor crash landing when "proper use is made of belts or harnesses provided for in the design," when the occupants are subjected to the following ultimate inertia forces:

	Normal and utility category	Acrobatic category
Forward	9.0 g	9.0 g
Sideward	1.5 g	1.5 g
Upward	3.0 g	4.5 g

At Amendment 23–36, effective September 14, 1988, the above words in quotes were changed in § 23.561 to read: "proper use is made of seats, safety belts, and shoulder harnesses provided for in the design." The ultimate inertia forces remain the same through the current amendment.

For inertia force requirements for occupant protection preceding CAR 3, refer to Table 1 in AC 21–34, which lists the requirements for the regulations dating from Bulletin 7–A to the original Part 23.

Methods of Approval of Retrofit Shoulder Harness Installations

1. *Supplemental Type Certificate (STC):* An STC is the most desirable and most rigorous approval, and it offers the highest assurance that all of the airworthiness regulations have been met. The STC approvals are issued by the FAA Aircraft Certification Offices (ACO's). Supplemental Type Certificate approvals are usually obtained by a shoulder harness installation kit supplier for multiple airplane installations in a particular airplane model or model series.

Advisory Circular 21–34 and 23–4 (References 1 and 2) provide guidance and acceptable means of compliance for shoulder harness and seat belt installations. Advisory Circular 23–4 specifically addresses Part 23 installations. These AC's would also be applicable to installations in airplanes having a certification basis of predecessor regulations (CAR 3, etc).

The applicant for an STC will often use a salvaged airplane fuselage to perform the pull test to apply the prescribed ultimate inertia loads because the 9.0 g forward load, in particular, may cause structural failure or permanent set. It may be a problem that the available test airframe may be stronger than the lowest strength production airframe. This may particularly be a problem in steel tube airframes. During the production of such airframes over the course of many years, even decades, various specification materials may be used. For example, many CAR 3 (and predecessor regulations) airplanes were originally produced from 1025 steel tubing and later constructed from higher strength 4130 steel. In the case studied, two different specification 1025 steel tubings were used that may have an ultimate tensile strength (UTS) ranging from 55,000 to 79,000 psi. The UTS of 4130 steel is 90,000 to 95,000 psi.

The test article should be representative of the lowest strength production airframe. This may be accomplished by a conformity inspection using the production drawings. The strength of materials of parts affected by the modification needs to be verified by the airframe manufacturer's process and production records. The serial number of the test article needs to be verified. An alternative course of action would be to determine, by appropriate tests (*e.g.*, chemical analysis, hardness tests, strength tests), the strength of the parts of the test article affected by the modification, and test to a conservatively higher load that accounts for the difference in strengths of the test article and the lowest strength production article. Determination of the higher applied test load should take into account any uncertainty in the test(s) used to determine the strength of the material.

Advisory Circular 23–4 provides an acceptable means of compliance for static strength substantiation of attachment points for occupant restraint system installations. A test block is described to apply the 9.0 g forward inertia load. The safety belt installation alone is tested to 100 percent of the load. The shoulder and safety belt combined load is distributed 40 percent to the shoulder harness and 60 percent to the seat belt.

In airplanes having side-by-side seats, the pull test may need to be applied simultaneously to the harness fittings for both seats, depending on the type of harness and where the upper ends are anchored. Normally, this would not be necessary for a single diagonal belt shoulder harness attached to the outboard fuselage side or wing spar root end.

In the case of a pull test for a retrofit shoulder harness installation in the tandem-seat tubular steel PA–18 fuselage, the forward inertia load was applied simultaneously for both harnesses. This was done for convenience in applying and reacting the loads. It was found that due to the tube geometry, the load at the aft harness attachment caused a tension in the rear spar carrythrough tube, to which the front seat shoulder harness upper end was attached. This enabled the front seat harness attachment to test to a higher load than if the pull test was applied to each harness individually. In such a case, the test loads for each harness should be performed individually.

Part 21, § 21.50(b), requires the holder of an STC to furnish Instructions for Continued Airworthiness, prepared in accordance with § 23.1529.

An STC cannot be used to modify an aircraft without the permission of the STC holder. Federal Aviation Administration Notice 8110.69 dated June 30, 1997, requires the STC holder to provide the customer (installer or airplane owner) with a signed permission statement that includes the following:

(a) Product (aircraft, engine, propeller, or appliance) to be altered, inducing serial number of the product;

(b) The STC number; and

(c) The person(s) who is being given consent to use the STC.

The permission statement needs to be maintained as part of the aircraft records. The requirement for this permission statement originated in the Federal Aviation Authorization Act of 1996 (Public Law 104–264). This provision was put into law to try to stop the "pirating" of STC's.

2. *Field Approval.* Shoulder harnesses may be installed by a Field Approval (FAA Form 337), given by a Flight Standards Aviation Safety Inspector. Field Approvals are granted for an individual airplane for an alteration that involves little or no engineering. If the installation requires structural modification, an engineering approval will need to be completed by an ACO. An installation by Field Approval would normally be performed when an STC is not available. A Field Approval constitutes a change to type design and must meet the same regulatory requirements as a STC.

Advisory Circular 43.13–2A (Reference 3) contains methods, techniques, and practices acceptable to the Administrator for use in altering civil aircraft. Chapter 9 covers shoulder harness installations. Section 3 covers attachment methods. Shoulder harnesses installed by Field Approval must meet the same regulatory requirements as an STC. Therefore, the applicant should demonstrate by test 9.0 g forward load capability. The test load should be 814 pounds for Normal

Category or 910 pounds for Utility or Acrobatic Category, in accordance with AC 23–4.

Reference 4, Chapter 1, Perform Field Approval of Major Repairs and Major Alterations, Section 1, paragraph 5. D(2) states: "Acceptable data that may be used on an individual basis to obtain approval are:

- AC's 43.13–1A and 43.13–2A, as amended: *
- Manufacturer's technical information (*e.g.*, manuals, bulletins, kits, etc.)
- FAA Field Approvals"

Note: Advisory Circular (AC) 43.13–1A has been superseded by AC 43.13–1B, dated September 8, 1998.

When using a previous Field Approval as acceptable data, the pull test need not be performed if it can be determined that a previous pull test applied 814 pounds for Normal Category or 910 pounds for Utility or Acrobatic Category. Field Approvals for shoulder harness installations should not be done by referring a previous Field Approval and deleting the pull test, unless the attachment parts have a Parts Manufacturer Approval (PMA), or other FAA approval. If the attachment parts have no FAA approval, the strength is not known or assured, since they have not been manufactured to an FAA approved quality control system.

Shoulder harness installations attaching to the center of an unsupported wing carrythrough tube, or other unsupported member, should not be given a Field Approval without a design approval by an Aircraft Certification Office. Applying the test load in such cases may cause damage or permanent set to the affected structure. Figure 9–16 in AC 43.13–2A shows typical shoulder harness attachments to tubular members. These are all at tube intersections and not at the center of unsupported tubes. Figure 9–12 shows a typical wing carrythrough member installation. This appears to be in the center of the carrythrough member, which is a hat section as found in mental skinned airplanes. Part of this figure shows that the hat section is reverted to sheet metal skin (which would provide longitudinal support).

Personnel performing the Field Approval must ensure that both the harness and belt are compatable and have a TSO approval.

Flight Standards Information Bulletin for Airworthiness (FSAW) 98–03, dated January 30, 1998, (in Order 8300.1) requires that a Field Approval include Instructions for Continued Airworthiness prepared (in the case of Part 23 airplanes) in accordance with § 23.1529. The instructions will be documented on FAA Form 337 and become a part of either the aircraft's inspection or maintenance program, or both.

3. *Minor change.* 14 CFR Part 21, § 21.93(a), Classification of changes in type design states. "A minor change is one that has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of the product."

Information provided to us by the Anchorage ACO indicates that some shoulder harness installations that provide known safety improvements have been made as a minor change. In these situations, the FAA certificated mechanic who installs it makes an entry in the airplane's maintenance log.

One shoulder harness installation kit supplier uses this process (no FAA approvals) to install shoulder harnesses in PA–18 airplanes. The installation does not require modification of the airframe. The front seat harness attaches to the center of the rear wing spar carrythrough tube. However, it may not meet the 9.0 g forward inertia load required by CAR 3.386. The kit supplier stated that some airplane owners that had accidents reported that the harness installation had saved their lives. Again, shoulder harness installations should not attach to the center of an unsupported wing carrythrough tube or other unsupported member, since this type of attachment may pose a risk to the structural integrity of the airplane.

Some shoulder harnesses that have been installed by minor change do not have a TSO approval. Technical Standard Order C114, Torso Restraint Systems, was issued March 27, 1987, Torso restraint systems manufactured before that date did not have to meet the prescribed Society of Automotive Engineers standard, Aerospace Standard 8043, Aircraft Torso Restraint System, dated March 1986.

We have studied the circumstances and legality of shoulder harnesses installations approved by minor change. An airplane owner may wish to install shoulder harnesses, but an STC or prior Field Approval is not available for his airplane. In this case, it is not likely that an individual airplane owner would apply for an STC or a Field Approval because of the costs involved in hiring an engineering consultant to perform the structural test and any associated structural analysis. Also, there is a possibility that the airframe may be damaged during the pull test. In such installations, a pull test would not be performed and there is no assurance that the installation will provide occupant protection to the ultimate inertia force requirements (particularly the 9.0 g forward force) of § 23.561 or CAR 3.386.

Concerning the legality of shoulder harness installation by minor change, we conclude the following: Since CAR 3.386 and § 23.561(b)(1) prior to Amendment 23–26 (which became effective September 14, 1988) state that "proper use is made of belts or harnesses provided in the design," the previously approved seat belt installation alone must meet the prescribed ultimate inertia forces.

Civil Air Regulation 3.652, Functional and installational requirements, states: "Each item of equipment which is essential to the safe operation of the airplane shall be found by the Administrator to perform adequately the functions for which it is to be used, shall function properly when installed and shall be adequately labeled as to its identification, function, operational limitations, or any combination of these, whichever is applicable." Prior to Amendment 23–20 (which became effective September 1, 1977), § 23.1301 contained essentially the same requirement as CAR 3.652. Amendment 23–20 deleted the words "essential to safe operation" and made the provisions of § 23.1301 applicable to "each item of installed equipment." Regarding these rules, we conclude that if a shoulder harness is not required equipment, it is not essential to the safe operation of the airplane. Therefore, CAR 3.652 and § 23.1301, prior to Amendment 23–20, should not be used as a basis to prohibit shoulder harness installation by minor change. These rules should be applied to shoulder harness installations made by STC, Field Approval, and minor change, but there is no way of enforcing this in the case of installation by minor change.

The mechanic making such installations should consult AC 43.13–2A, Chapter 9, for information on restraint systems, effective restraint angles, attachment methods, and other details of installation. Only harnesses with TSO–C114 approval should be installed.

Issued in Kansas City, Missouri, on May 31, 2000.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–14910 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2000–7493]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ENTERPRIZE.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before July 14, 2000.

ADDRESSES: Comments should refer to docket number MARAD–2000–7493. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., S.W., Washington, D.C. 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, S.W., Washington, DC 20590. Telephone 202–366–0760.

SUPPLEMENTARY INFORMATION: Title V of P.L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (less than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested: Name of vessel: ENTERPRIZE. Owner: Joseph Lorenzo

(2) Size, capacity and tonnage of vessel: According to the Applicant: 38 foot, the gross tonnage is 17 (Under 46 U.S.C. 14502).

(3) Intended use for vessel, including geographic region of intended operation and trade: According to the applicant: The vessel will be used for sight seeing and family boat rides up to 3 miles offshore on the Gulf of Mexico and Florida intercoastal waterways from Clearwater Beach to Marco Island, Florida.

(4) Date and place of construction and (if applicable) rebuilding: Date of construction: 1974. Place of construction: The vessel was built at Pompano Beach, Florida, by Chris Craft Corporation. There were parts that were built in Taiwan also.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators: According to the applicant: This vessel will not affect any other businesses in the area, since almost all other boat charters in the area are fishing charters. The only other ones that do pleasure cruises are 80 to 300 people vessels. There are a few pontoon boats that take people out to the Islands, along with a few sailing charters.

(6) A statement on the impact this waiver will have on U.S. shipyards: According to the applicant: This waiver will have absolutely no affect on any shipyards in any way whatsoever.

By Order of the Maritime Administrator.

Dated: June 8, 2000.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 00–14974 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2000–7494]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel *Maria Christina.*

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S. build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub.L. 105–383 and MARAD's regulations at 46 CFR 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before July 14, 2000.

ADDRESSES: Comments should refer to docket number MARAD–2000–7494. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW, Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Michael Hokana, U.S. Department of Transportation, Maritime

Administration, MAR 832 Room 7201, 400 Seventh Street, SW, Washington, DC 20590. Telephone 202–366–0760.

SUPPLEMENTARY INFORMATION: Title V of Pub.L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (less than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commentor's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested: Name of vessel: *Maria Christina* Owner: Paul S. Mackey

(2) Size, capacity and tonnage of vessel: According to the Applicant: "Size: 47 ft.—25 tons pursuant to 46 U.S.C. 14502."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: Six person dinner charters and sailing tours from Portsmouth, New Hampshire to Cape Elizabeth, Maine.

(4) Date and place of construction and (if applicable) rebuilding. Date of construction: 1978, place of construction: Blue Water Yachts, Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "I believe there will be no impact on any commercial passenger vessel in the North East region where as there is no other vessels that I know of offering small six person dinner charters. There are larger—150 person plus tour boats in the N.E. region that I know of."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: " I don't see where six person dinner charters would have any impact on any U.S. shipyards."

By Order of the Maritime Administrator.

Dated: June 8, 2000.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 00–14973 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–2000–6944 (Notice No. 00–6)]

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comments. The ICRs describe the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collections of information was published on April 5, 2000, [17940–17943].

DATES: Comments must be submitted on or before July 14, 2000.

FOR FURTHER INFORMATION CONTACT: Deborah Boothe, Office of Hazardous Materials Standards (DHM–10), Research and Special Programs Administration, Room 8422, 400 Seventh Street, SW, Washington, DC 20590–0001, Telephone (202) 366–8553.

SUPPLEMENTARY INFORMATION:

Title: Rail Carriers and Tank Car Tanks Requirements.

OMB Control Number: 2137–0559.

Type of Request: Extension of a currently approved collection.

Abstract: This information collection consolidates and describes the information collection provisions in parts 172, 173, 174, 179, and 180 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) on the transportation of hazardous materials by rail and the manufacture, qualification, maintenance and use of tank cars. The types of information collected include:

(1) Approvals of the Association of American Railroads (AAR) Tank Car Committee: An approval is required from the AAR Tank Car Committee for a tank car to be used for a commodity other than those specified in part 173 and on the certificate of construction. This information is used to ascertain whether a commodity is suitable for transportation in a tank car. AAR approval also is required for an application for approval of designs, materials and construction, conversion or alteration of tank car tanks constructed to a specification in part 179 or an application for construction of tank cars to any new specification. This information is used to ensure that the design, construction or modification of a tank car or the construction of a tank car to a new specification is performed in accordance with the applicable requirements.

(2) Progress Reports: Each owner of a tank car that is required to be modified to meet certain requirements specified in § 173.31(b) must submit a progress report to the Federal Railroad Administration (FRA). This information is used by FRA to ensure that all affected tank cars are modified before the regulatory compliance date.

(3) FRA Approvals: An approval is required from FRA to transport a bulk packaging (such as a portable tank, IM portable tank, intermediate bulk container, cargo tank, or multi-unit tank car tank) containing a hazardous material in container-on-flat-car or trailer-on-flat-car service other than as authorized by § 174.63. FRA uses this information to ensure that the bulk package is properly secured using an adequate restraint system during transportation. Also an FRA approval is required for the movement of any tank car that does not conform to the applicable requirements in the HMR. RSPA proposed (September 30 1999; 64 FR 53169) to broaden this provision to include the movement of covered hopper cars, gondola cars, and other types of railroad equipment when they no longer conform to Federal law but may safely be moved to a repair location. These latter movements are currently being reported under the information collection for exemption applications.

(4) Manufacturer Reports and Certificate of Construction: These documents are prepared by tank car manufacturers and are used by owners, users and FRA personnel to verify that rail tank cars conform to the applicable specification.

(5) Quality Assurance Program: Facilities that build, repair and ensure the structural integrity of tank cars are required to develop and implement a quality assurance program. This information is used by the facility and DOT compliance personnel to ensure that each tank car is constructed or

repaired in accordance with the applicable requirements.

(6) Inspection Reports: A written report must be prepared and retained for each tank car that is inspected and tested in accordance with § 180.509 of the HMR. Rail carriers, users, and the FRA use this information to ensure that rail tank cars are properly maintained and in safe condition for transporting hazardous materials.

Affected Public: Manufacturers, owners and rail carriers of tank cars.

Estimated Number of Respondents: 260.

Estimated Number of Responses: 16,640.

Annual Estimated Burden Hours: 2,759.

Frequency of Collection: Annually.

Title: Requirements for Cargo Tanks

OMB Control Number: 2137–0014

Type of Request: Extension of a currently approved collection.

Abstract: This information collection consolidates and describes the information collection provisions in parts 178 and 180 of the HMR involving the manufacture, qualification, maintenance and use of all specification cargo tank motor vehicles. Also it includes the information collection and recordkeeping requirements for persons who are engaged in the manufacture, assembly, requalification and maintenance of DOT specification cargo tank motor vehicles. The types of information collected include:

(1) Registration Statements: Cargo tank manufacturers and repairers and cargo tank motor vehicle assemblers are required to be registered with DOT by furnishing information relative to their qualifications to perform the functions in accordance with the HMR. The registration statements are used to identify these persons so that DOT can ensure that they have the knowledge and skills necessary to perform the required functions and that they are performing the specified functions in accordance with the applicable regulations.

(2) Requalification and Maintenance Reports: These reports are prepared by persons who requalify or maintain cargo tanks. This information is used by cargo tank owners, operators and users, and DOT compliance personnel to verify that the cargo tanks are requalified, maintained and are in proper condition for the transportation of hazardous materials.

(3) Manufacturers' Data Reports, Certificates and Related Papers: These reports are prepared by cargo tank manufacturers, certifiers and are used by cargo tank owners, operators, users and DOT compliance personnel to verify that a cargo tank motor vehicle was designed and constructed to meet all requirements of the applicable specification.

Affected Public: Manufacturers, assemblers, repairers, requalifiers, certifiers and owners of cargo tanks.

Estimated Number of Respondents: 41,366.

Estimated Number of Responses: 132,600.

Annual Estimated Burden Hours: 106,262.

Frequency of Collection: Periodically.

Title: Rulemaking, Exemption, and Preemption Requirements.

OMB Control Number: 2137–0051.

Type of Request: Extension of a currently approved collection.

Abstract: This collection of information applies to rulemaking procedures regarding the HMR. Specific areas covered in this information collection include Part 106, Subpart B, "Procedures for Adoption of Rules," Part 107, subpart B, "Exemptions," Part 107, Subpart C, "Preemption." The Federal hazardous materials transportation law directs the Secretary of Transportation to prescribe regulations for the safe transportation of hazardous materials in commerce. RSPA is authorized to accept petitions for rulemaking and for reconsideration of rulemakings, as well as applications for exemptions, preemption determinations and waivers of preemption. The types of information collected include:

(1) Petitions for Rulemaking: Any person may petition the Associate Administrator for Hazardous Materials Safety to establish, amend, or repeal a substantive regulation, or may petition the Chief Counsel to establish, amend, or repeal a procedural regulation in Part 106 or 107.

(2) Petitions for Reconsideration: Except as provided in § 106.39(d), any person may petition the Associate Administrator for reconsideration of any regulation issued under Part 106, or may petition the Chief Counsel for reconsideration of any procedural regulation issued under Part 106 and contained in Part 106 or 107.

(3) Application for Exemption: Any person applying for an exemption must include the citation of the specific regulation from which the applicant seeks relief; specification of the proposed mode or modes of transportation: detailed description of the proposed exemption (e.g., alternative packaging, test procedure or activity), including written descriptions, drawings, flow charts, plans and other supporting documents, etc.

(4) Application for Preemption Determination: Any person directly affected by any requirement of a State, political subdivision, or Indian tribe may apply for a determination whether that requirement is preempted under 49 U.S.C. 5125, or regulations issued thereunder. The application must include the text of the State or political subdivision or Indian tribe requirement for which the determination is sought; specify each requirement of the Federal hazardous material transportation law or the regulations issued thereunder with which the applicant seeks the State, political subdivision or Indian tribe requirement to be compared; explanation of why the applicant believes the State or political subdivision or Indian tribe requirement should or should not be preempted under the standards of § 107.202; and how the applicant is affected by the State or political subdivision or Indian tribe requirements.

(5) Waivers of Preemption: With the exception of requirements preempted under 49 U.S.C. 5125(c), any person may apply to the Associate Administrator for a waiver of preemption with respect to any requirement that the State or political subdivision thereof or an Indian tribe acknowledges to be preempted under the Federal hazardous material transportation law or the regulations issued thereunder, or that has been determined by a court of competent jurisdiction to be so preempted. The Associate Administrator may waive preemption with respect to such requirement upon a determination that such requirement affords an equal or greater level of protection to the public than is afforded by the requirement of the Federal hazardous material transportation law or the regulations issued thereunder and does not unreasonably burden commerce.

The information collected under these application procedures is used in the review process by RSPA in determining the merits of the petitions for rulemakings and for reconsideration of rulemakings, as well as applications for exemptions, preemption determinations and waivers of preemption to the HMR. The procedures governing these petitions for rulemaking and for reconsideration of rulemakings are covered in Subpart A of Part 106. Applications for exemptions, preemption determinations and waivers of preemption are covered Subparts B and C of Part 107. Rulemaking procedures enable RSPA to determine if a rule change is necessary, is consistent with public interest, and maintains a level of safety equal to or superior to

that of current regulations. Exemption procedures provide the information required for analytical purposes to determine if the requested relief provides for a comparable level of safety as provided by the HMR. Preemption procedures provide information for RSPA to determine whether a requirement of a State, political subdivision, or Indian tribe is preempted under 49 U.S.C. 5125, or regulations issued thereunder, or whether a waiver of preemption should be issued.

Affected Public: Shippers, carriers, packaging manufacturers, and other affected entities.

Estimated Number of Respondents: 3,304.

Estimated Number of Responses: 4,294.

Annual Estimated Burden Hours: 4,219.

Frequency of Collection: Periodically.

Title: Approvals for Hazardous Materials.

OMB No.: 2137–0557.

Type of Request: Revision of a currently approved collection.

Abstract: This information collection consolidates and describes the information collection provisions in parts 107, 172,173, 174,176, and 178 regarding requirements for approvals for hazardous materials in the HMR. Responses to these information collection requirements are required to obtain benefits, such as to become an approval or certification agency or to obtain a variance from packaging or handling requirements based on information provided by the respondent. The types of information collected include: applications to become designated approval agencies, independent cylinder testing agencies, and foreign manufacturers of cylinders; applications for approval of classifications of new explosives; applications for safety determinations to the adequacy of old packagings for materials with special hazards; applications to allow the regulated public to use alternative packagings or test methods; etc. The information collected is used to:

(1) Determine whether applicants who apply to become designated approval agencies are qualified to evaluate package design, test packages, classify hazardous materials, etc.;

(2) Verify that various containers and special loading requirements for vessels meet the requirements of the HMR;

(3) Assure that regulated hazardous materials pose no danger to life and property during transportation; and

(4) Allow minor variations to regulatory requirements (as specifically authorized by regulation), based on information provided by respondents, without requiring the respondent to apply using less timely and more burdensome exemption procedures.

Affected Public: Businesses and other entities who must meet the approval requirements in the HMR.

Estimated Number of Respondents: 3,518.

Estimated Number of Responses: 3,869.

Annual Estimated Burden Hours: 18,381.

Frequency of Collection: On occasion.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to Office of Management and Budget, Attention: Desk Officer for RSPA, 725 17th Street, NW., Washington, DC 20503.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued in Washington, DC on June 8, 2000.

Edward T. Mazzullo,

Director, Office of Hazardous Materials Standards.

[FR Doc. 00–14908 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33879]

Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over BNSF's rail line between BNSF milepost 117.4 near Shawnee Junction, WY, and BNSF milepost 0.0 near Northport, NE, a distance of 143.1 miles.[1]

The transaction was scheduled to be consummated on, or as soon as possible after, June 10, 2000.

The purpose of the trackage rights is to permit UP to use the BNSF trackage when UP's trackage is out of service for scheduled maintenance.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.-Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33879, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Robert T. Opal, 1416 Dodge Street, Room 830, Omaha, NE 68179.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: June 8, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–15048 Filed 6–13–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–303 (Sub-No. 23X)]

Wisconsin Central Ltd.—Abandonment Exemption—In Forest and Langlade Counties, WI

On May 25, 2000, Wisconsin Central Ltd. (WC) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903–05 to abandon a line of railroad known as the Crandon-White Lake Line,

[1] On June 6, 2000, UP filed a petition for exemption in STB Finance Docket No. 33879 (Sub-No. 1), *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, wherein UP requests that the Board permit the proposed overhead trackage rights arrangement described in the present proceeding to expire on June 25, 2000. That petition will be addressed by the Board in a separate decision.

between milepost 254 south of Crandon and milepost 280 near White Lake, in Forest and Langlade Counties, WI, a distance of 26 miles. The line traverses U.S. Postal Service Zip Codes 54520 and 54491, and includes stations at Woodlawn (milepost 259.9) and Lily (milepost 269.0).

The line does not contain federally granted rights-of-way. Any documentation in WC's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by September 12, 2000.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,000 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than July 5, 2000. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–303 (Sub-No. 23X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001; and (2) Michael J. Barron, Jr., P.O. Box 5062, Rosemont, IL 60017–5062. Replies to the WC petition are due on or before July 5, 2000.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days after the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days after its service.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: June 8, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–15047 Filed 6–13–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistic

[Docket No. BTS–00–7489]

Motor Carrier Financial and Operating Information; Requests for Exemptions From Public Release of Reports

AGENCY: Bureau of Transportation Statistics, DOT.

ACTION: Notice.

SUMMARY: Class I and Class II motor carriers of property and household goods are required to file annual and quarterly reports with the Bureau of Transportation Statistics (BTS). As provided by statute, carriers may request that their reports be withheld from public release. BTS has received three requests covering the 1999 annual report, which also request an exemption from public release of the 2000 quarterly reports. BTS invites comments on these requests.

DATES: Comments must be submitted by July 14, 2000.

ADDRESSES: Please direct comments to the Docket Clerk, Docket No. BTS–00–7489, Department of Transportation, 400 Seventh Street, SW., Room PL–401, Washington, DC 20590, from 10 a.m. to 5 p.m., Monday through Friday, except federal holidays.

Comments should identify the docket number and be submitted in duplicate to the address listed above. Commenters wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on Docket BTS–00–7489. The Docket Clerk will date stamp the postcard and mail it back to the commenter.

If you wish to file comments using the Internet, you may use the US DOT Dockets Management System website at http://dms.dot.gov. Please follow the instructions online for more information.

FOR FURTHER INFORMATION CONTACT: David Mednick, K–1, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590; (202) 366–8871; fax: (202) 366–3640; e-mail: david.mednick@bts.gov.

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 14123 and its implementing regulations at 49 CFR 1420, BTS collects financial and operating information from for-hire motor carriers of property and household goods. The data are collected on annual Form M, filed by Class I and Class II carriers, and quarterly Form QFR, filed only by Class I carriers. The data are used by the Department of Transportation, other federal agencies, motor carriers, shippers, industry analysts, labor unions, segments of the insurance industry, investment analysts, and the consultants and data vendors that support these users. Among the uses of the data are: (1) Developing the U.S. national accounts and preparing the quarterly estimates of the Gross Domestic Product, which help us better understand the U.S. economy and the motor carrier industry's role in it; (2) measuring the performance of the for-hire motor carrier industry and segments within it; (3) monitoring carrier safety; (4) benchmarking carrier performance; and (5) analyzing motor carrier safety and productivity.

Generally, all data are made publicly available. A carrier can, however, request that its report be withheld from public release, as provided for by statute, 49 U.S.C. 14123(c)(2), and its implementing regulations, 49 CFR 1420.9. BTS will grant a request upon a proper showing that the carrier is not a publicly held corporation or that the carrier is not subject to financial reporting requirements of the Securities and Exchange Commission, and that the exemption is necessary to avoid competitive harm and to avoid the disclosure of information that qualifies as trade secret or privileged or confidential information under 5 U.S.C. 552(b)(4).

The carrier must submit a written request containing supporting information. BTS must receive the request by the report's due date, unless it is postmarked by the due date or there are extenuating circumstances. Requests covering the quarterly reports must be received by the due date of the annual report that relates to the prior year. In

its request, a carrier may want or need to present information that is itself confidential. In this case, the carrier must clearly identify the information contained in its submittal that it believes should be protected from public release and provide information supporting its claim of confidential treatment. If BTS agrees, it will withhold the identified information.

In accordance with our regulations, after each due date of each annual report BTS then publishes a notice, such as this one, in the **Federal Register** requesting comments on any requests it has received. After considering the requests and comments, BTS will decide to grant or deny each request no later than 90 days after the request's due date. While a decision is pending, BTS will not publicly release the report except as allowed under 49 CFR 1420.10(c).

Request for Comments

BTS invites comments on several carrier requests for exemption from public release. These requests cover the 1999 annual report and the 2000 quarterly reports. Comments should be made within the context of the governing regulations at 49 CFR 1420.9, which were published in the **Federal Register** on March 23, 1999 (64 FR 13916). We are inviting your comments on requests from the following carriers:

H&R Transport, Inc. (MC 148000)

PGT Trucking, Inc. (MC 155377)

Reliable Carriers, Inc. (MC 172994)

If you wish to read their exemption requests and the comments submitted in response to this Notice, use the DOT Dockets Management System. This is located at the Department of Transportation, 400 Seventh Street, SW., Room PL–401, Washington, DC 20590, and is open from 10:00 a.m. to 5:00 p.m., Monday through Friday, except federal holidays. Internet users can access the Dockets Management System at http://dms.dot.gov. Please follow the instructions online for more information and help.

You must also use to Dockets Management System if you wish to comment on one or more exemption requests. Please follow the instructions listed above under **ADDRESSES.**

Ashish Sen,

Director.

[FR Doc. 00–14990 Filed 6–13–00; 8:45 am]

BILLING CODE 4910–FE–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the State and Local Training Registration Request.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20720, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to James M. Mercer, State and Local Training Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–3098.

SUPPLEMENTARY INFORMATION:

Title: State and Local Training Registration Request.

OMB Number: 1512–0556.

Form Number: ATF F 6400.1.

Abstract: The Bureau of Alcohol, Tobacco and Firearms provides arson and explosives investigative techniques training to State and local investigators. The State and Local Training Registration Request, ATF F 6400.1 is used by prospective students when applying to attend this training.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 500.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 50.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 6, 2000.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 00–15018 Filed 6–13–00; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Monthly Report-Tobacco Products Importer.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachussetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the form(s) and instructions should be directed to Cliff Mullen, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8181.

SUPPLEMENTARY INFORMATION:

Title: Monthly Report-Tobacco Products Importer.

OMB Number: 1512–0557.

Form Number: ATF F 5220.6.

Abstract: Reports of the lawful importation and disposition of tobacco products dealers are necessary to determine whether those issued the permits required by 26 U.S.C. Section 5713 should be allowed to renew their operations or renew their permits.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,500.

Estimated Time Per Respondent: 48 minutes.

Estimated Total Annual Burden Hours: 14,400.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 6, 2000.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc 00–15019 Filed 6–13–00; 8:45 am]

BILLING CODE 4810–13–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). The Community Development Financial Institutions Fund (the Fund) within the Department of the Treasury is soliciting comments concerning its Conflict of Interest package that contract personnel will be required to complete and submit as a prerequisite for evaluating applications for Federal financial assistance under the Community Development Financial Institutions Program (the CDFI Program).

DATES: Written comments should be received on or before August 16, 2000 to be assured of consideration.

ADDRESSES: Direct all comments, in writing, to the Director, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005, Facsimile (202) 622–8244.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the Conflict of Interest package should be directed, in writing, to the Office of Legal Counsel, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005, by calling (202) 622–9018, or by sending an email to *cdfihelp@cdfi.treas.gov.*

SUPPLEMENTARY INFORMATION:

Title: Conflict of Interest Package for Community Development Financial Institutions Fund Non Federal Readers.

OMB Number: New number.

Abstract: The mission of the Fund is to promote economic revitalization and community development through investment in and assistance to community development financial institutions (CDFIs). CDFIs are financial institutions that, among other things, have a primary mission of community development and whose principal activities are targeted toward serving underserved people and/or residents of distressed communities. The Fund fulfills its mission principally through the CDFI Program through which the Fund provides financial assistance to CDFIs. The Fund makes funding determinations through a competitive evaluation and selection process. As part of its initial substantive review of applications under the CDFI Program, the Fund frequently utilizes a peer review process of three person reader teams. Each team typically comprises one Federal employee reader and two non-Federal employee readers whose services are acquired under contract.

Consistent with the Federal Acquisition Regulations provisions on conflicts of interest, the Fund seeks to identify and evaluate potential conflicts of interest as early in the acquisition process as possible and avoid, neutralize, or mitigate significant potential conflicts before non-Federal employees are selected to serve as readers under the CDFI Program. Specifically, the Fund seeks to collect information from prospective contractors/readers to avoid their participation in the evaluation or process of selection of applications where such participation creates a conflict of interest or an appearance of a conflict of interest.

Current Actions: The Fund plans to send a Conflict of Interest package to prospective contractors/readers early in 2001 for purposes of identifying and evaluating potential conflicts of interest associated with their evaluation of applications under the CDFI Program—Core Component. The Fund anticipates that the initial substantive review of applications under the Core Component will take place in the first quarter of 2001.

Type of review: New collection.

Affected Public: Contractors.

Estimated Number of Respondents: 80.

Estimated Annual Time Per Respondent: 45 minutes.

Estimated Total Annual Burden Hours: 60 hours.

Requests for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the proposed collection of information is necessary to identify and evaluate conflict of interests and/or appearances of conflicts of interest and whether such collection will have practical utility; (b) the accuracy of the Fund's estimate of the

burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the requested information on prospective contractors/readers through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, such as permitting electronic submission of responses with electronic signatures.

Authority: 12 U.S.C. 4703 and 48 CFR subpart 9.5.

Dated: June 8, 2000.

Ellen Lazar,

Director, Community Development Financial Institutions Fund.

[FR Doc. 00–14978 Filed 6–13–00; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Proposed Renewal of Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995. Currently, the OCC is soliciting comment concerning its renewal of an information collection titled, "(MA)-Municipal Securities Dealers and Government Securities Brokers and Dealers Registration and Withdrawal."

DATES: You should submit written comments by August 14, 2000.

ADDRESSES: You should direct all written comments to the Communications Division, Attention: 1557–0184, Third Floor, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. In addition, you may send comments by facsimile transmission to (202) 874–5274, or by electronic mail to regs.comments@occ.treas.gov. You can inspect and photocopy the comments at the OCC's Public Reference Room, 250 E Street, SW., Washington, DC, between 9 a.m. and 5 p.m. on business days. You can make an appointment to inspect the comments by calling (202) 874–5043.

FOR FURTHER INFORMATION CONTACT: You can request additional information from or a copy of the collection from Jessie Dunaway or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division (1557–0184), Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: (MA)-Municipal Securities Dealers and Government Securities Brokers and Dealers Registration and Withdrawal.

OMB Number: 1557–0184.

Form Numbers: MSD, MSDW, MSD–4, MSD–5, G–FIN, G–FINW.

Abstract: This information collection is required to satisfy the requirements of the Securities Act Amendments of 1975 and the Government Securities Act of 1986 which requires that any national bank that acts as a government securities broker/dealer or a municipal securities dealer notify the OCC of its broker/dealer activities. The OCC uses this information to determine which national banks are government and municipal securities broker/dealers and to monitor institutions entry into and exit from government and municipal securities broker/dealer activities. The OCC also uses the information in planning bank examinations.

Type of Review: Renewal of a currently approved collection.

Affected Public: Businesses or other for-profit; individuals.

Estimated Number of Respondents: 100.

Estimated Total Annual Responses: 3,080.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 2,706 burden hours.

Comments

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 8, 2000.

Mark Tenhundfeld,

Assistant Director, Legislative & Regulatory Activities Division.

[FR Doc. 00–14969 Filed 6–13–00; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5500–EZ

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5500–EZ, Annual Return of One-Participant (Owners and Their Spouses) Retirement Plan.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Annual Return of One-Participant (Owners and Their Spouses) Retirement Plan.

OMB Number: 1545–0956.

Form Number: 5500–EZ.

Abstract: Form 5500–EZ is an annual return filed by a one-participant or one-participant and spouse pension plan. The IRS uses this data to determine if the plan appears to be operating properly as required under the Internal Revenue Code or whether the plan should be audited.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and farms.

Estimated Number of Respondents: 250,000.

Estimated Time Per Respondent: 25 hours, 26 minutes.

Estimated Total Annual Burden Hours: 6,357,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 7, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15037 Filed 6–13–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 1040–SS, 1040–PR, and Anejo H–PR

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1040–SS, U.S. Self-Employment Tax Return; Form 1040–PR, Planilla Para La Declaracion De La Contribucion Federal Sobre El Trabajo Por Cuenta Propia—Puerto Rico; and Anejo H–PR, Contribuciones Sobre El Empleo De Empleados Domesticos.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form 1040–SS, U.S. Self-Employment Tax Return, Form 1040–PR, Planilla Para La Declaracion De La Contribucion Federal Sobre El Trabajo Por Cuenta Propia—Puerto Rico; and Anejo H–PR, Contribuciones Sobre El Empleo De Empleados Domesticos.

OMB Number: 1545–0090.

Form Number: Forms 1040–SS, 1040–PR, and Anejo H–PR.

Abstract: Form 1040–SS is used by self-employed individuals in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands to report and pay self-employment tax and provide proper credit to the taxpayer's social security account. Form 1040–PR is a Spanish version of Form 1040–SS for use in Puerto Rico. Anejo H–PR is used to compute household employment taxes.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations and farms.

Estimated Number of Responses: 56,400.

Estimated Time Per Respondent: 10 hours, 18 minutes.

Estimated Total Annual Burden Hours: 581,052.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 7, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15038 Filed 6–13–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–251985–96]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995,

Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–251985–96 (TD 8786), Source of Income From Sales of Inventory Partly From Sources Within a Possession of the United States; Also, Source of Income Derived From Certain Purchases From a Corporation Electing Section 936 (§ 1.863–3).

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Source of Income From Sales of Inventory Partly From Sources Within a Possession of the United States; Also, Source of Income Derived From Certain Purchases From a Corporation Electing Section 936.

OMB Number: 1545–1556.

Regulation Project Number: REG–251985–96.

Abstract: Section 1.863–3(f)(6) of this regulation requires taxpayers to attach a statement to their tax return furnishing certain information regarding the methodology used to determine the source of their income from cross-border sales of inventory, and the amount of income allocated or apportioned to U.S. or foreign sources in these sales. The information is used by the IRS to establish whether the taxpayer determined the source of its income in accordance with Code section 863.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time Per Respondent: 2 hours, 30 minutes.

Estimated Total Annual Burden Hours: 500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 2, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15039 Filed 6–13–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5884

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5884, Work Opportunity Credit.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Work Opportunity Credit.

OMB Number: 1545–0219.

Form Number: 5884.

Abstract: Internal Revenue Code section 38(b)(2) allows a credit against income tax to employers hiring individuals from certain targeted groups such as welfare recipients, etc. The employer use Form 5884 to compute this credit. The IRS uses the information on the form to verify that the correct amount of credit was claimed.

Current Actions: The order of Part II, Tax Liability Limit, was revised for this form. Section 501 of Public Law 106–170 extended the provision that allows individuals to offset the regular tax liability in full for personal credits. Previously filers were allowed to claim credits to the extent that the regular tax liability exceeded the tentative minimum tax. For tax years beginning in 2000 and 2001, personal nonrefundable credits may offset both the regular tax and the minimum tax. Also, the computation was changed in Part II to reflect and to conform to changes that were made to the tax computation on Form 1040. A new line 7 was added to show the sum of the regular tax before credits and the alternative minimum tax.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and farms.

Estimated Number of Respondents: 10,630.

Estimated Time Per Response: 9 hours, 34 minutes.

Estimated Total Annual Burden Hours: 101,729.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and

tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 5, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15040 Filed 6–13–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 1042 and 1042–S

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, and Form 1042–S, Foreign Person's U.S. Source Income Subject to Withholding.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, and Form 1042–S, Foreign Person's U.S. Source Income Subject to Withholding.

OMB Number: 1545–0096.

Form Number: 1042 and 1042–S.

Abstract: Form 1042 is used by withholding agents to report tax withheld at source on payment of certain income paid to nonresident alien individuals, foreign partnerships, or foreign corporations. The IRS uses this information to verify that the correct amount of tax has been withheld and paid to the United States. Form 1042–S is used to report certain income and tax withheld information to nonresident alien payees and beneficial owners.

Current Actions: There are no major changes to Form 1042. However, the following changes are under consideration for the 2001 Form 1042–S:

1. Withholding agents will use a separate Form 1042–S for each type of FDAP (fixed or determinable, annual or periodic payment) they report to the IRS on Copy A of Form 1042–S.

2. New box 8 will be added to reflect the new reimbursement procedure outlined in Regulations section 1.1461–2(a)(2)(i).

3. New boxes 9 and 14, "TIN type indicator checkboxes," will be added at the request of the Information Reporting Program Advisory Committee.

4. New boxes 17 through 20 will be added to request identifying information (*i.e.*, name, country code, address, and TIN) about nonqualified intermediaries or flow-through entities (*e.g.*, partnerships and certain trusts and hybrid entities).

5. In an effort to streamline the form, many of the entry spaces will be rearranged, renumbered, or changed from letters to numbers.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for profit organizations and individuals or households.

Estimated Number of Respondents: 22,000.

Estimated Time Per Respondent: 40 hours, 43 minutes.

Estimated Total Annual Burden Hours: 895,840.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 6, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15041 Filed 6–13–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1040NR

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is

soliciting comments concerning Form 1040NR, U.S. Nonresident Alien Income Tax Return.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: U.S. Nonresident Alien Income Tax Return.

OMB Number: 1545–0089.

Form Number: 1040NR.

Abstract: Form 1040NR is used by nonresident alien individuals and foreign estates and trusts to report their income subject to tax and compute the correct tax liability. The information on the return is used to determine whether income, deductions, credits, payments, etc., are correctly reported.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and farms.

Estimated Number of Respondents: 271,000.

Estimated Time Per Respondent: 14 hours.

Estimated Total Annual Burden Hours: 4,064,385.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 6, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15042 Filed 6–13–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8860

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8860, Qualified Zone Academy Bond Credit.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Qualified Zone Academy Bond Credit.

OMB Number: 1545–1606.

Form Number: 8860.

Abstract: Under Internal Revenue Code section 1397E, a qualified zone academy bond is a taxable bond issued after 1997 by a state or local government, with the proceeds used to improve certain eligible public schools. In lieu of receiving interest payments from the issuer, an eligible holder of the bond is generally allowed an annual income tax credit. Eligible holders of qualified zone academy bonds use Form 8860 to figure and claim this credit.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for profit organizations and state, local or tribal governments.

Estimated Number of Respondents: 100.

Estimated Time Per Respondent: 5 hours, 16 minutes.

Estimated Total Annual Burden Hours: 526.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 7, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15043 Filed 6–13–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1120–POL

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1120–POL, U.S. Income Tax Return for Certain Political Organizations.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: U.S. Income Tax Return for Certain Political Organizations.

OMB Number: 1545–0129.

Form Number: 1120–POL.

Abstract: Certain political organizations file Form 1120–POL to report the tax imposed by Internal Revenue Code section 527. The form is used to designate a principal business campaign committee that is subject to a lower rate of tax under Code section 527(h). IRS uses Form 1120–POL to determine if the proper tax was paid.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 6,527.

Estimated Time Per Respondent: 36 hours.

Estimated Total Annual Burden Hours: 234,972.

The following paragraph applies to all of the collections of information covered by this notice: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 5, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15044 Filed 6–13–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 23

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 23, Application for Enrollment to Practice Before the Internal Revenue Service.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for Enrollment to Practice Before the Internal Revenue Service.

OMB Number: 1545–0950.

Form Number: 23.

Abstract: Form 23 must be completed by those who desire to be enrolled to practice before the Internal Revenue Service. The information on the form will be used by the Director of Practice to determine the qualifications and eligibility of applicants for enrollment.

Current Actions: There are no changes being made to the form at this time. However, there are some changes under consideration in the near future.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and the Federal government.

Estimated Number of Respondents: 2,400.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 2,400.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 5, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15045 Filed 6–13–00; 8:45 am]

BILLING CODE 4830–01–U

TWENTY-FIRST CENTURY WORKFORCE COMMISSION

Notice of Business Meeting

AGENCY: Twenty-First Century Workforce Commission.

ACTION: Releasing the Final Report of the 21st Century Workforce Commission and a Policy Summit.

SUMMARY: This notice is to announce an event taking place on Tuesday, June 27, 2000. Members of the public are invited to attend this event. The agenda is set forth below.

The purpose of the event is the release of the Commission's Report to the President and Congress. The Commission's final report will provide an analysis of how leadership in regional partnerships of educators, employers, employees, government and community-based organizations can build a foundation of "21st Century Literacy" among Americans and effectively address shortages of individuals who are skilled for today's demanding and rewarding information technology jobs. The Commission will also host a policy summit around the major issues identified in the report. Participants in the summit will include: Elected congressional, state and local officials, educators, business leaders, employees and community leaders—many of whom participated in the Commission's six regional hearings and associated site visits.

DATES: The event will take place on Tuesday, June 27, 2000, from 9:00 a.m. to approximately 3:30 p.m. Registration is from 9:00 a.m. to 10:00 a.m. The dates, locations and times for subsequent meetings will be announced in advance in the **Federal Register**.

ADDRESSES: The event will take place in the United States Senate Hart Building, Room 216. All interested parties are invited to attend this event. There is no charge to attend, but advance registration is required.

FOR FURTHER INFORMATION CONTACT: Nickie McKenzie (including all requested information) by email at *mckenzien@nab.com.*

SUPPLEMENTARY INFORMATION:

A. Registration

Registration for this event will be coordinated by the National Alliance of Business.

Members of the public that are interested in attending the event can send email to Nickie McKenzie (including all requested information) at *mckenzien@nab.com* The email should contain the following information:

Name:
Title:
Organization:
Email address:
Phone:
Fax:
Street Address 1:
Street Address 2:
City:
State:
Zip:
Will attend:____morning session____ luncheon____afternoon session.

Members of the public may also Register on-line at *http://www.workforce21.org/registration.html.*

B. Tentative Schedule

9:30 a.m. Coffee
10:00 a.m.: Introduction and Release of Commission Report, Chairman Lawrence Perlman, Vice-Chair Kathy Clark, (Members of the press have been invited.)
11:00 a.m.: Remarks by Members of Congress, Executive Branch leadership and other invited guests on "Leadership Through Partnerships."
Noon: Keynote speaker
1:30–3:30 p.m.: Afternoon Panelists and speakers, closing remarks.

Members of the public who are not able to attend in person, plan on viewing our live 'web-cast' on June 27 at *WWW.WORKFORCE21.ORG.* The public can register for an email reminder at the website.

(*The above schedule is subject to change and general seating may be limited.*)

There will be no registrations taken by telephone. For general information about the Commission and the Policy Summit, visit the Commission's website (*www.workforce21.org*) or contact Mr. Hans Meeder, Executive Director, Twenty-First Century Workforce Commission, 1201 New York Avenue, NW, Suite 700, Washington, DC 20005. (Telephone (202) 289–2939. TTY (202) 289–2977) These are not toll-free numbers. Email: *Workforce21@nab.com.*

C. Background Information

Establishment of the Twenty-First Century Workforce Commission was mandated by Subtitle C of Title III of the Workforce Investment Act, Sec. 331 of Pub. L. 105–220, 112 Stat. 1087–1091, (29 U.S.C. 2701 note), signed into law on August 7, 1998. The 15 voting member Twenty-First Century Workforce Commission is charged with studying all aspects of the information technology workforce in the United States.

Notice is hereby given of the public release of the Twenty-First Century Workforce Commission's Report to the President and Congress.

The Workforce Investment Act (Pub. L. No. 105–220), signed into law on August 7, 1998, established the Twenty-First Century Workforce Commission. The Commission is charged with carrying out a study of the information technology workforce in the U.S., including the examination of the following issues:

1. What skills are currently required to enter the information technology workforce? What technical skills will be demanded in the near future?
2. How can the United States expand its number of skilled information technology workers?
3. How do information technology education programs in the United States compare with other countries in effectively training information technology workers? [The Commission study should place particular emphasis upon contrasting secondary, non-and-post-baccalaureate degree education programs available within the U.S. and foreign countries.]

The Workforce Investment Act directs the Commission to issue recommendations to the President and Congress within six months. The Commission first met on November 16, 1999.

D. Agenda

At the Washington, D.C. event, the Commission will release its Report to the President and Congress. The Commission's final report will provide an analysis of how leadership in regional partnerships of educators, employers, employees, government and community-based organizations can build a foundation of "21st Century Literacy" among Americans and effectively address shortages of

individuals who are skilled for today's demanding and rewarding information technology jobs. The Commission will also host a policy summit around the major issues identified in the report.

E. Commission Membership

The Workforce Investment Act mandates that 15 voting members be appointed by the President, Majority Leader of the Senate, and Speaker of the House (5 members each), including 3 educators, 3 state and local government representatives, 8 business representatives and 1 labor representative. The Act also mandates that the President appoint 2 ex-officio members, one each from the Departments of Labor and Education.

The Commissioners are: Chairman Lawrence Perlman, Ceridian Corporation, Minneapolis, MN; Vice Chair, Katherine K. Clark, Landmark Systems Corporation, Reston, VA; Susan Auld, Capitol Strategies, Ltd., Montpelier, VT; Morton Bahr, Communication Workers of America, Washington, DC; Patricia Gallup, PC Communications, Inc., Merrimack, NH; Dr. Bobby Garvin, Mississippi Delta Community College, Moorhead, MS; Seth D. Harris (ex officio), U.S. Department of Labor, Washington, DC; Randel Johnson, U.S. Chamber of Commerce, Washington, DC; Roger Knutsen, National Council for Higher Education, Auburn, WA; Patricia McNeil (ex officio), U.S. Department of Education, Washington, DC; The Honorable Mark Morial, Mayor, City of New Orleans, LA; Thomas Murrin, Ph.D., Duquesne University, Pittsburgh, PA; Leo Reynolds, Electronic Systems, Inc., Sioux Falls, SD; The Honorable Frank Riggs, National Homebuilders Institute, Washington, DC; The Honorable Frank Roberts, Mayor, City of Lancaster, California; Kenneth Saxe, Stambaugh-Ness, York, PA; David L. Steward, World Wide Technology, Inc., St. Louis, MO; Hans K. Meeder, Executive Director, Washington, DC.

F. Public Participation

Members of the public are invited to attend this event.

The Commission has established a web site, *www.workforce21.org*. Any written comments regarding documents published on this web site should be directed to Mr. Hans Meeder, as shown above.

G. Special Accommodations

Reasonable accommodations will be available. Persons needing any special assistance such as sign language interpretation, or other special accommodation, are invited to contact Mr. Hans Meeder, as shown above. Requests for accommodations must be made four days in advance of the meeting.

Due to scheduling difficulties we are unable to provide a full 15-day advance notice of this meeting.

Signed at Washington, DC this 8th day of June, 2000.

Hans K. Meeder,

Executive Director, Twenty-First Century Workforce Commission.

[FR Doc. 00–14991 Filed 6–13–00; 8:45 am]

BILLING CODE 4510–23–P

TWENTY-FIRST CENTURY WORKFORCE COMMISSION

Notice of Open Meeting

AGENCY: Twenty-First Century Workforce Commission.

ACTION: Notice of Open Meeting by Telephone Conference Call.

SUMMARY: Establishment of the Twenty-First Century Workforce Commission was mandated by Subtitle C of Title III of the Workforce Investment Act, Sec. 331 of Pub. L. 105–220, 112 Stat. 1087–1091 (29 U.S.C. 2701 note), signed into law on August 7, 1998. The 15 voting member Twenty-First Century Workforce Commission is charged with studying all aspects of the information technology workforce in the United States.

Time and Place: The open meeting will be held via telephone conference call at 9:30 a.m. to approximately 10:00 a.m. on Monday, June 26, 2000 at the U.S. Department of Labor, 200 Constitution Ave, NW, Washington DC 20210, in the Policy Center, Room S–2312. Commissioners will also attend via telephone conference call.

Agenda: The agenda for the Commission meeting includes approval of the Commission's final report and discussion of the Commission's press conference and policy summit to be held on June 27, 2000.

Public Participation: The meeting, held via telephone conference call from 9:30 a.m. to approximately 10:00 a.m., is open to the public. Individuals with disabilities should contact Sondra Nixon at (202) 219–6197, ext. 183, if special accommodations are needed.

FOR FURTHER INFORMATION CONTACT: Sondra Nixon, Program Analyst, Office of the Assistant Secretary for Policy, U.S. Department of Labor, at (202) 219–6197, ext 183.

Signed at Washington, D.C., this 8th day of June, 2000.

Hans K. Meeder,

Executive Director, Twenty-First Century Workforce Commission.

[FR Doc. 00–14992 Filed 6–13–00; 8:45 am]

BILLING CODE 4510–23–M

Federal Register

Wednesday,
June 14, 2000

Part II

Office of Management and Budget

48 CFR 9903
Cost Accounting Standards Board; Changes In Cost Accounting Practices; Final Rule

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9903

Cost Accounting Standards Board; Changes In Cost Accounting Practices.

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

ACTION: Final rule.

SUMMARY: The Office of Federal Procurement Policy, Cost Accounting Standards Board (CASB), is amending the Board's regulations pertaining to actions the cognizant Federal agency official can take when a contractor makes a compliant change to an established cost accounting practice that is used to estimate, accumulate and report the costs of covered negotiated government contracts or does not comply with applicable Cost Accounting Standards (CAS). The amendments provide that accounting changes directly associated with external restructuring activities that are subject to and meet certain statutory requirements are not subject to the CASB's contract price and cost adjustment requirements, and establishes new coverage for processing compliant cost accounting practice changes and noncompliant cost accounting practice conditions in accordance with CAS contract clause requirements. The existing CAS contract clause interest rate citation is also amended to make explicit the specific interest rate to be applied when increased costs paid are recovered by the Government. This rulemaking is authorized pursuant to Section 26 of the Office of Federal Procurement Policy Act.

The Board is taking these actions after having given careful consideration to the comments it received regarding the Supplemental Notice of Proposed Rulemaking issued August 20, 1999 on this topic (SNPRM-II).

DATES: The effective date of this final rule is June 14, 2000.

FOR FURTHER INFORMATION CONTACT: Rudolph J. Schuhbauer, Project Director, Cost Accounting Standards Board (telephone: 202–395–1052).

SUPPLEMENTARY INFORMATION:

A. Regulatory Process

The CASB's rules, regulations and Cost Accounting Standards (CAS) are codified at 48 CFR Chapter 99. Section 26(g)(1) of the Office of Federal Procurement Policy Act, 41 U.S.C. § 422(g), requires that the Board, prior to the establishment of any new or revised Standard, complete a prescribed rulemaking process. The process generally consists of the following four steps:

(1) Consult with interested persons concerning the advantages, disadvantages and improvements anticipated in the pricing and administration of Government contracts as a result of the adoption of a proposed Standard (e.g., promulgation of a Staff Discussion Paper (SDP)).

(2) Issue an Advance Notice of Proposed Rulemaking (ANPRM).

(3) Issue a Notice of Proposed Rulemaking (NPRM).

(4) Promulgate a Final Rule.

This Notice is step four of the four-step process.

B. Background

Prior Promulgations.

Many commenters identified the Board's regulatory coverage on "changes in cost accounting practice" as a matter requiring clarification and/or further coverage. The CASB requested public comments from interested parties on this topic in an SDP published in the **Federal Register** on April 9, 1993 (58 FR 18428), in an ANPRM published on April 25, 1995 (60 FR 20252) and in an NPRM published on September 18, 1996 (61 FR 49196). The CASB requested additional comments in two Supplemental NPRM's that were published on July 14, 1997 (62 FR 37654) and August 20, 1999 (64 FR 45700).

The various Notices proposed to amend the Board's current coverage governing what constitutes a change to a cost accounting practice. The previously proposed revisions included amendments to conform the language contained in the contract clauses for "Full" and "Modified" coverage, to address certain Federal agency responsibilities, to expand the criteria for desirable change determinations and to exempt certain changes in a contractor's cost accounting practices from the Board's contract price and cost adjustment requirements. A new subpart was also proposed to delineate the actions to be taken by the contracting parties when a contractor makes a compliant change to a cost accounting practice or follows a noncompliant practice.

Public Comments

Fifty-three sets of public comments were received in response to the SNPRM-II. The public comments were received from contractors, educational institutions, professional associations, Federal agencies, accounting organizations, and individuals. An open public meeting was held on December 6, 1999, regarding the Board's SNPRM-II. On January 7, 2000, the Department of Defense replaced its initial comments submitted on November 22, 1999, with an alternative proposal for the Board's consideration. Twelve public commenters from the contractor community subsequently withdrew their formally submitted comments and advised the Board that they preferred the alternate proposal submitted by the Department of Defense. On February 29, 2000, the Department of Defense submitted a revised alternative proposal. The two alternative proposals were developed in an open forum hosted by the National Contract Management Association. The February 29, 2000, proposal contained alternative language for what constitutes a change to a cost accounting practice, for exempting certain accounting changes from the cost impact process and for determining when a change to an accounting practice may be determined to be a "desirable" change. Three of the twelve commenters referred to above, further expressed their preference for the February 29, 2000, proposal.

On February 7, 2000, the CASB published an interim rule in the **Federal Register** (65 FR 5990), to adjust CAS applicability requirements and dollar thresholds in accordance with the provisions of the National Defense Authorization Act for Fiscal Year 2000, Pub. L. 106–65. This action is expected to reduce the number of CAS-covered contracts and the number of contractor business units performing CAS-covered contracts.

On April 18, 2000, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) proposed to amend the Federal Acquisition Regulation (FAR) to delineate the process for determining and resolving the cost impact on contracts and subcontracts when a contractor makes a compliant change to a cost accounting practice or follows a noncompliant practice. The FAR proposal was in response to an initiative by the Administrator, Office of Federal Procurement Policy. The proposed FAR coverage addresses many aspects of the fundamental CAS administration process that the Board's above referenced proposals also addressed. The Board encourages the Councils to finalize the proposed rulemaking.

In view of the circumstances that now prevail, a projected decline in CAS-covered contracts and the expected

issuance of more explicit FAR guidance regarding the CAS cost impact process, the Board believes that issuance of any amendments to its regulations, in addition to those included in this final rule, is not presently warranted.

Summary of Amendments

In subpart 9903.2, CAS Program Requirements, of Part 9903, Contract Coverage, subsection 9903.201–4 is amended to clarify, in certain prescribed CAS contract clauses, that the applicable interest rate cited for use when recovering increased cost paid due to a contractor's failure to comply with an applicable CAS or to follow any cost accounting practice consistently is the underpayment rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 6621(a)(2)).

Subsection 9903.201–6 is amended to provide guidance for determining:

— For a required change, that a change to an established cost accounting practice is required to comply with applicable CAS;

— For a unilateral practice change that a contractor makes, that the contemplated contract price and cost adjustments will protect the United States from payment of increased costs, in the aggregate; and that the net effect of the adjustments being made does not result in the recovery of more than the estimated amount of such increased costs;

— When a compliant change in cost accounting practice may be determined to be desirable and not detrimental to the Government's interests; and,

— For a noncompliant cost accounting practice, that the contemplated contract price and cost adjustments will protect the United States from payment of increased costs, in the aggregate; and that the net effect of the adjustments being made does not result in the recovery of more than the estimated amount of such increased costs.

Subsection 9903.201–8 is added to establish that the CASB's contract price and cost adjustment requirements are not applicable to compliant cost accounting practice changes directly associated with external restructuring activities that are subject to and meet the requirements of 10 U.S.C. § 2325.

C. Paperwork Reduction Act

The Paperwork Reduction Act, Public Law 96–511, does not apply to this rule, because this rule imposes no paperwork burden on offerors, affected contractors and subcontractors, or members of the public which requires the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Executive Order 12866 and the Regulatory Flexibility Act

The economic impact of this rule on contractors and subcontractors is expected to be minor. As a result, the Board has determined that this is not a "major rule" under the provisions of Executive Order 12866, and that a regulatory impact analysis is not required. Furthermore, this rule will not have a significant effect on a substantial number of small entities because small businesses are exempt from the application of the Cost Accounting Standards. Therefore, this rule does not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980.

List of Subjects in 48 CFR Part 9903

Cost accounting standards, government procurement.

Nelson F. Gibbs,

Executive Director, Cost Accounting Standards Board.

For the reasons set forth in this preamble, chapter 99 of title 48 of the Code of Federal Regulations is amended as set forth below:

1. The authority citation for part 9903 continues to read as follows:

Authority: Pub. L. 100–679, 102 Stat. 4056, 41 U.S.C. 422.

2. Section 9903.201–4 is amended as follows:

a. The contract clause heading immediately following paragraph (a) is revised, and in that contract clause the second sentence of paragraph (a)(5) is revised;

b. The contract clause heading immediately following paragraph (c) is revised, and in that contract clause the first sentence of paragraph (a)(3)(ii) and the second sentence of paragraph (a)(4) are revised;

c. The contract clause heading immediately following paragraph (e) is revsied, and in that contract clause the second sentence of paragraph (a)(5) is revised.

The revisions read as follows:

9903.201–4 Contract clauses.

(a) * * *

* * * * *

Cost Accounting Standards (June 2000)

(a) * * *

(5) * * * Such adjustment shall provide for recovery of the increased costs to the United States, together with interest thereon computed at the annual rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 6621(a)(2)) for such period, from the time the payment by the United States was made to the time the adjustment is effected. * * *

* * * * *

(c) * * *

* * * * *

Disclosure and Consistency of Cost Accounting Practices (June 2000)

(a) * * *

(3)(i) * * *

(ii) The Contractor shall, when the parties agree to a change to a cost accounting practice and the Contracting Officer has made the finding required in 9903.201–6(c) that the change is desirable and not detrimental to the interests of the Government, negotiate an equitable adjustment as provided in the Changes clause of this contract.

* * *

(4) * * * Such adjustment shall provide for recovery of the increased costs to the United States, together with interest thereon computed at the annual rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 6621(a)(2)) for such period, from the time the payment by the United States was made to the time the adjustment is effected. * * *

* * * * *

(e) * * *

* * * * *

Cost Accounting Standards—Educational Institutions (June 2000)

(a) * * *

(5) * * * Such adjustment shall provide for recovery of the increased costs to the United States, together with interest thereon computed at the annual rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 6621(a)(2)) for such period, from the time the payment by the United States was made to the time the adjustment is effected. * * *

* * * * *

3. Section 9903.201–6 is revised to read as follows:

9903.201–6 Findings.

(a) Required change. (1) *Finding.* Prior to making any equitable adjustment under the provisions of paragraph (a)(4)(i) of the contract clause set forth in 9903.201–4(a) or 9903.201–4(e), or paragraph (a)(3)(i) of the contract clause set forth in 9903.201–4(c), the Contracting Officer shall make a finding that the practice change was required to comply with a CAS, modification or interpretation thereof, that subsequently became applicable to the contract; or, for planned changes being made in order to remain CAS compliant, that the

former practice was in compliance with applicable CAS and the planned change is necessary for the contractor to remain in compliance.

(2) *Required change* means a change in cost accounting practice that a contractor is required to make in order to comply with applicable Standards, modifications, or interpretations thereto, that subsequently become applicable to an existing CAS-covered contract due to the receipt of another CAS-covered contract or subcontract. It also includes a prospective change to a disclosed or established cost accounting practice when the cognizant Federal agency official determines that the former practice was in compliance with applicable CAS and the change is necessary for the contractor to remain in compliance.

(b) Unilateral change. (1) *Findings.* Prior to making any contract price or cost adjustment(s) under the change provisions of paragraph (a)(4)(ii) of the contract clause set forth in 9903.201–4(a) or 9903.201–4(e), or paragraph (a)(3)(ii) of the contract clause set forth in 9903.201–4(c), the Contracting Officer shall make a finding that the contemplated contract price and cost adjustments will protect the United States from payment of increased costs, in the aggregate; and that the net effect of the adjustments being made does not result in the recovery of more than the estimated amount of such increased costs.

(2) *Unilateral change by a contractor* means a change in cost accounting practice from one compliant practice to another compliant practice that a contractor with a CAS-covered contract(s) elects to make that has not been deemed desirable by the cognizant Federal agency official and for which the Government will pay no aggregate increased costs.

(3) *Action to preclude the payment of aggregate increased costs by the Government.* In the absence of a finding pursuant to paragraph (c) of this subsection that a compliant change is desirable, no agreement may be made with regard to a change to a cost accounting practice that will result in the payment of aggregate increased costs by the United States. For these changes, the cognizant Federal agency official shall limit upward contract price adjustments to affected contracts to the amount of downward contract price adjustments of other affected contracts, i.e., no net upward contract price adjustment shall be permitted.

(c) Desirable change. (1) *Finding.* Prior to making any equitable adjustment under the provisions of paragraph (a)(4)(iii) of the contract clause set forth in 9903.201–4(a) or 9903.201–4(e), or paragraph (a)(3)(ii) of the contract clause set forth in 9903.201–4(c), the cognizant Federal agency official shall make a finding that the change to a cost accounting practice is desirable and not detrimental to the interests of the Government.

(2) *Desirable change* means a compliant change to a contractor's established or disclosed cost accounting practices that the cognizant Federal agency official finds is desirable and not detrimental to the Government and is therefore not subject to the no increased cost prohibition provisions of CAS-covered contracts affected by the change. The cognizant Federal agency official's finding need not be based solely on the cost impact that a proposed practice change will have on a contractor's or subcontractor's current CAS-covered contracts. The change to a cost accounting practice may be determined to be desirable even though existing contract prices and/or cost allowances may increase. The determination that the change to a cost accounting practice is desirable, should be made on a case-by-case basis.

(3) Once a determination has been made that a compliant change to a cost accounting practice is a desirable change, associated management actions that also have an impact on contract costs should be considered when negotiating contract price or cost adjustments that may be needed to equitably resolve the overall cost impact of the aggregated actions.

(4) Until the cognizant Federal agency official has determined that a change to a cost accounting practice is deemed to be a desirable change, the change shall be considered to be a change for which the Government will not pay increased costs, in the aggregate.

(d) *Noncompliant cost accounting practices.* (1) *Findings.* Prior to making any contract price or cost adjustment(s) under the provisions of paragraph (a)(5) of the contract clause set forth in 9903.201–4(a) or 9903.201–4(e), or paragraph (a)(4) of the contract clause set forth in 9903.201–4(c), the Contracting Officer shall make a finding that the contemplated contract price and cost adjustments will protect the United States from payment of increased costs, in the aggregate; and that the net effect of the adjustments being made does not result in the recovery of more than the estimated amount of such increased costs. While individual contract prices, including cost ceilings or target costs, as applicable, may be increased as well as decreased to resolve an estimating noncompliance, the aggregate value of all contracts affected by the estimating noncompliance shall not be increased.

4. Section 9903.201–8 is added to read as follows:

9903.201–8 Compliant accounting changes due to external restructuring activities

The contract price and cost adjustment requirements of this part 9903 are not applicable to compliant cost accounting practice changes directly associated with external restructuring activities that are subject to and meet the requirements of 10 U.S.C. 2325.

[FR Doc. 00–14243 Filed 6–13–00; 8:45 am]
BILLING CODE 3110–01–P

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Ocean and coastal resource management:

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Gulf of Farallones National Marine Sanctuary, CA; motorized personal watercraft operation; comments due by 6-21-00; published 5-22-00

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DEFENSE DEPARTMENT

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New River, NC; U.S. Marine Corps waterborne refueling training operation in Morgan Bay sector; comments due by 6-22-00; published 5-23-00

Permits for discharges of dredged or fill material into U.S. waters:

Fill material and discharge of fill material; definitions; comments due by 6-19-00; published 4-20-00

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Large municipal waste combustors constructed on or before September 20, 1994; Federal plan requirements; comments due by 6-23-00; published 5-24-00

Large municipal waste combustors constructed on or before September 20, 1994; Federal plan requirements; comments due by 6-23-00; published 5-24-00

Air quality implementation plans; approval and promulgation; various States:

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Minnesota; comments due by 6-21-00; published 5-22-00

Air quality planning purposes; designation of areas:

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Hazardous waste program authorizations:

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Permits for discharges of dredged or fill material into U.S. waters:

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National priorities list update; comments due by 6-21-00; published 5-22-00

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Outer burial receptacles; monetary allowances; comments due by 6-19-00; published 4-18-00

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

S.J. Res. 44/P.L. 106–205
Supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II. (May 26, 2000; 114 Stat. 312)

H.R. 154/P.L. 106–206
To allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes. (May 26, 2000; 114 Stat. 314)

H.R. 371/P.L. 106–207
Hmong Veterans' Naturalization Act of 2000 (May 26, 2000; 114 Stat. 316)

H.R. 834/P.L. 106–208
National Historic Preservation Act Amendments of 2000 (May 26, 2000; 114 Stat. 318)

H.R. 1377/P.L. 106–209
To designate the facility of the United States Postal Service located at 9308 South Chicago Avenue, Chicago, Illinois, as the "John J. Buchanan Post Office Building". (May 26, 2000; 114 Stat. 320)

H.R. 1832/P.L. 106–210
Muhammad Ali Boxing Reform Act (May 26, 2000; 114 Stat. 321)

H.R. 3629/P.L. 106–211
To amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III. (May 26, 2000; 114 Stat. 330)

H.R. 3707/P.L. 106–212
American Institute in Taiwan Facilities Enhancement Act (May 26, 2000; 114 Stat. 332)

S. 1836/P.L. 106–213
To extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama. (May 26, 2000; 114 Stat. 334)

Last List May 25, 2000

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