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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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Federal Register
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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

[INS No. 1949–98]

RIN 1115–AF18

Jurisdictional Change for the Los Angeles and San Francisco Asylum Offices

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the Immigration and Naturalization Service (Service) regulations to transfer asylum office jurisdiction over the State of Hawaii and the Territory of Guam from the San Francisco Asylum Office to the Los Angeles Asylum office. The Los Angeles Asylum office will have jurisdiction over the states of Arizona, the southern portion of California, Hawaii, the southern portion of Nevada currently within the jurisdiction of the Las Vegas Suboffice, and the Territory of Guam. The intent of this regulation is to reallocate Service resources and improve processing efficiency for the Los Angeles and San Francisco Asylum Offices given the greater number of asylum officers stationed in Los Angeles.

DATES: This rule is effective July 24, 2000.

FOR FURTHER INFORMATION CONTACT: Christine Davidson, Supervisory Asylum Officer, or Marta Rothwarf, Asylum Officer, Office of International Affairs, Asylum Division, Immigration and Naturalization Service, 425 I Street, NW (ULLICO Building, Third Floor), Washington, DC 20536; Telephone (202) 305–2663.

SUPPLEMENTARY INFORMATION:

Did the Service Publish a Proposed Rule Transferring Jurisdiction Between the Los Angeles and San Francisco Asylum Offices?

A proposed rule discussing jurisdictional changes for the Los Angeles and San Francisco Asylum Offices was published in the **Federal Register** on December 8, 1999, at 64 FR 68638 with a 60-day public comment period. No public comments concerning the jurisdictional changes for the two asylum offices discussed in the proposed rule were received. Accordingly, this final rule, changing jurisdiction of the Los Angeles and San Francisco Asylum Offices, will become effective 30 days from the date of publication in the **Federal Register**.

Why is Jurisdiction Being Transferred to the Los Angeles Asylum Office?

The regulation at 8 CFR 100.4(f)(8) gives the San Francisco Asylum Office jurisdiction over asylum applications filed by individuals residing in the State of Hawaii and the Territory of Guam. Transferring jurisdiction over the State of Hawaii and the Territory of Guam to the Los Angeles Asylum Office under 8 CFR 100.4(f)(7) will enable the Service to better allocate its resources and improve processing efficiency based on the availability of asylum officers in the Los Angeles Asylum Office.

How Will This Change Affect Submission of Claims for Those Applicants Living in Hawaii and the Territory of Guam?

Currently, individuals residing in the State of Hawaii and the Territory of Guam must submit the Form I–589, Application for Asylum and Withholding of Removal, to the Nebraska Service Center. After the jurisdiction change becomes effective, individuals residing in the State of Hawaii and the Territory of Guam must submit the Form I–589 to the California Service Center. The Service will notify the public of this change in submission requirements through an attachment to the Form I–589 sent out by the Service's Forms Centers in addition to the publication of this rule in the **Federal Register**. The Service will continue to conduct asylum interviews in the State of Hawaii and the Territory of Guam; however, asylum offices from the Los Angeles Asylum Office will conduct the interviews rather than officers from the San Francisco Asylum Office.

What Will Happen to Those Applications Filed With the Nebraska Service Center After the Change in Jurisdiction Becomes Effective?

After the jurisdiction change becomes effective, the Nebraska Service Center will continue to accept asylum applications filed by applicants residing in the State of Hawaii and the Territory of Guam for 30 days after the effective date of this rule. Pending cases will be transferred to the Los Angeles Asylum Office for interview scheduling and interviews. Applications received 31 days after the effective date of this rule will be rejected due to the tight statutory and regulatory time constraints governing the adjudication of asylum applications. Rejected applications will contain a notice explaining that asylum applications must be resubmitted to the California Service Center. Rejected applications are not considered filed for work authorization purposes or for interview scheduling until they are properly resubmitted to the California Service Center. Members of the public are encouraged to save all correspondence with the Service, including any rejection letters received from the Service Centers. This correspondence may be submitted with asylum applications in the event that the 1-year filing deadline for asylum applications is at issue.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is that this rule is administrative in nature and merely transfers jurisdiction for processing asylum applications. This rule applies to individuals submitting applications and does not affect small entities as that term is defined in 5 U.S.C. 601(6).

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $100 million or more in any 1 year, and it will not

significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 13132

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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Executive Order 12988 Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects in 8 CFR Part 100

Organization and functions (Government agencies).

Accordingly, part 100 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION

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

Authority: 8 U.S.C. 1103; 8 CFR part 2.

2. In § 100.4, paragraphs (f)(7) and (f)(8) are revised to read as follows:

§ 100.4 Field offices.

* * * * *

(f) * * *

(7) *Los Angeles, California.* The Asylum Office in Los Angeles has jurisdiction over the States of Arizona, the southern portion of California as listed in § 100.4(b)(16) and § 100.4(b)(39), Hawaii, the southern portion of Nevada currently within the jurisdiction of the Las Vegas Suboffice, and the Territory of Guam.

(8) *San Francisco, California.* The Asylum Office in San Francisco has jurisdiction over the northern part of California as listed in § 100.4(b)(13), the portion of Nevada currently under the jurisdiction of the Reno Suboffice, and the States of Alaska, Oregon, and Washington.

* * * * *

Dated: June 6, 2000.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 00–15925 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–240–AD; Amendment 39–11790; AD 2000–12–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Industrie Model A300, A300–600, and A310 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Airbus Model A300, A300–600, and A310 series airplanes, that currently requires inspections to detect cracks in the lower spar axis of the nacelle pylon between ribs 9 and 10, and repair, if necessary. The existing AD also provides for optional modification of the pylon, which terminates the inspections for Model A300 and A310 series airplanes and increases the threshold and repetitive interval of the inspections for Model A300–600 series airplanes. This amendment reduces the inspection threshold and requires repetitive inspections following accomplishment of the optional modification for Model A310 series airplanes. 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, which could result in reduced structural integrity of the lower spar of the pylon.

DATES: Effective July 28, 2000.

The incorporation by reference of Airbus Industrie Service Bulletins A310–54–2016, Revision 02, dated June 11, 1999, and A310–54–2022, Revision 1, dated March 16, 1999 is approved by the Director of the Federal Register as of July 28, 2000.

The incorporation by reference of the remaining Airbus Industrie publications was approved previously by the Director of the Federal Register as of June 12, 1995 (60 FR 25604, May 12, 1995).

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 95–10–03, amendment 39–9220 (60 FR 25604, May 12, 1995), which is applicable to certain Airbus Model A300, A300–600, and A310 series airplanes, was published in the **Federal Register** on April 20, 2000 (65 FR 21154). The action proposed to continue to require inspections to detect cracks in the lower spar axis of the nacelle pylon between ribs 9 and 10, and repair, if necessary. The action also proposed to continue to provide for optional modification of the pylon, which terminates the inspections for Model A300 and A310 series airplanes and increases the threshold and repetitive interval of the inspections for Model A300–600 series airplanes. The action also proposed to reduce the inspection threshold and require repetitive inspections following accomplishment of the optional modification for Model A310 series airplanes.

Comments

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

Conclusion

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

Cost Impact

The FAA estimates that 140 airplanes of U.S. registry will be affected by this AD.

It will take approximately 4 work hours per airplane to accomplish the inspection that was previously required by AD 95–10–03, and retained in this AD, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection on U.S. operators is estimated to be $240 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.

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 39–9220 (60 FR 25604, May 12, 1995), and by adding a new airworthiness directive (AD), amendment 39–11790, to read as follows:

2000–12–12 Airbus Industrie: Amendment 39–11790. Docket 99–NM–240–AD. Supersedes AD 95–10–03, Amendment 39–9220.

Applicability: The following airplanes, certificated in any category:

—Model A300 series airplanes, as listed in Airbus Service Bulletin A300–54–071, Revision 1, dated October 15, 1993.

—Model A300–600 series airplanes, as listed in Airbus Service Bulletin A300–54–6011, Revision 1, dated October 15, 1993.

—Model A310 series airplanes, as listed in Airbus Service Bulletin A310–54–2016, Revision 02, dated June 11, 1999.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking, which could result in reduced structural integrity of the lower spar of the pylon, accomplish the following:

Restatement of Certain Requirements of AD 95–10–03

Model A300 Series Airplanes

(a) For Model A300 B4–2C, B2K–3C, B2–203, B4–103, and B4–203 series airplanes: Prior to the accumulation of 9,000 total landings, or within 500 landings after June 12, 1995 (the effective date of AD 95–10–03, amendment 39–9220), whichever occurs later, perform an internal eddy current inspection to detect cracks in the lower spar axis of the pylon between ribs 9 and 10, in accordance with Airbus Industrie Service Bulletin A300–54–071, dated November 12, 1991; or Revision 1, dated October 15, 1993.

(1) If no crack is found, repeat the inspection thereafter at intervals not to exceed 2,500 landings.

(2) If any crack is found that is less than or equal to 30 mm: Perform subsequent inspections and repair in accordance with the methods and times specified in the service bulletin.

(3) If any crack is found that is greater than 30 mm, but less than 100 mm: Prior to the accumulation of 250 landings after crack discovery, repair in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (DGAC) (or its delegated agent).

(4) If any crack is found that is greater than or equal to 100 mm: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116; or the DGAC (or its delegated agent).

(5) Accomplishment of the modification specified in Airbus Industrie Service Bulletin A300–54–0079, dated October 15, 1993, constitutes terminating action for the inspections required by paragraph (a) of this AD.

Model A300–600 Series Airplanes

(b) For Model A300–600 B4–620, C4–620, B4–622R, and B4–622 series airplanes: Except as provided by paragraph (b)(5) of this AD, prior to the accumulation of 4,000 total landings, or within 500 landings after June 12, 1995 (the effective date of AD 95–10–03), whichever occurs later, perform an internal eddy current inspection to detect cracks in the lower spar axis of the pylon between ribs 9 and 10, in accordance with Airbus Industrie Service Bulletin A300–54–6011, dated November 12, 1991, as amended by Service Bulletin Change Notice O.A., dated July 10, 1992; or Revision 1, dated October 15, 1993.

(1) If no crack is found, repeat the inspection thereafter at intervals not to exceed 2,500 landings.

(2) If any crack is found that is less than or equal to 30 mm: Perform subsequent inspections and repair in accordance with the methods and times specified in the service bulletin.

(3) If any crack is found that is greater than 30 mm, but less than 100 mm: Prior to the accumulation of 250 landings after crack discovery, repair in accordance with a method approved by the Manager, International Branch, ANM–116; or the Direction Générale de l'Aviation Civile (DGAC) (or its delegated agent).

(4) If any crack is found that is greater than or equal to 100 mm: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116; or the DGAC (or its delegated agent).

(5) Accomplishment of the modification specified in Airbus Industrie Service Bulletin A300–54–6019, dated October 15, 1993, increases the threshold and repetitive interval of the inspections required by paragraph (b) of this AD to the threshold and

interval specified in paragraph 2.D. of the Accomplishment Instructions of Airbus Industrie Service Bulletin A300–54–6011, Revision 1, dated October 15, 1993.

New Requirements of This AD

Model A310 Series Airplanes

(c) For Model A310–221, –222, –322, –324, and –325 series airplanes: Perform an internal eddy current inspection to detect cracks in the lower spar axis of the pylon between ribs 9 and 10, in accordance with Airbus Industrie Service Bulletin A310–54–2016, dated November 12, 1991; or Revision 1, dated October 15, 1993; or Revision 02, dated June 11, 1999; at the time specified in paragraph (d) of this AD.

(1) If no crack is found, repeat the inspection thereafter at intervals not to exceed 2,500 landings.

(2) If any crack is found that is less than or equal to 30 mm: Perform subsequent inspections and repair in accordance with the methods and times specified in the service bulletin.

(3) If any crack is found that is greater than 30 mm, but less than 100 mm: Prior to the accumulation of 250 landings after crack discovery, repair in accordance with a method approved by the Manager, International Branch, ANM–116; or the DGAC (or its delegated agent).

(4) If any crack is found that is greater than or equal to 100 mm: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116; or the DGAC (or its delegated agent).

(5) Accomplishment of the modification specified in Airbus Industrie Service Bulletin A310–54–2022, dated October 15, 1993; or Revision 01, dated March 16, 1999; increases the threshold and repetitive interval of the inspections required by paragraph (c) of this AD to the threshold and interval specified in paragraph 2.D. of the Accomplishment Instructions of Airbus Industrie Service Bulletin A310–54–2016, Revision 02, dated June 11, 1999.

(d) Perform the initial inspection required by paragraph (c) of this AD at the earlier of the times specified by paragraphs (d)(1) and (d)(2) of this AD.

(1) Prior to the accumulation of 25,000 total landings, or within 500 landings after June 12, 1995, whichever occurs later.

(2) At the applicable time specified by paragraph (d)(2)(i), (d)(2)(ii), or (d)(2)(iii) of this AD.

(i) For airplanes that have accumulated fewer than 10,000 landings as of the effective date of this AD: Perform the inspection prior to the accumulation of 3,800 total landings, or within 1,500 landings after the effective date of this AD, whichever occurs later.

(ii) For airplanes that have accumulated 10,000 total landings or more, but fewer than 20,000 total landings, as of the effective date of this AD: Perform the inspection within 1,000 landings after the effective date of this AD.

(iii) For airplanes that have accumulated 20,000 total landings or more as of the effective date of this AD: Perform the inspection within 500 landings after the effective date 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. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

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

Special Flight Permits

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

Incorporation by Reference

(g) Except as provided by paragraphs (a)(3), (a)(4), (b)(3), (b)(4), (c)(3), and (c)(4) of this AD, the actions shall be done in accordance with the following Airbus Industrie service bulletins, as applicable.

Airbus Industrie Service Bulletin No.	Revision Level	Service Bulletin Date
A300–54–071	Original	November 12, 1991.
A300–54–071	1	October 15, 1993.
A300–54–0079	Original	October 15, 1993.
A300–54–6011	Original	November 12, 1991.
Change Notice O.A. A300–54–6011	Original	July 10, 1992.
A300–54–6011	1	October 15, 1993.
A300–54–6019	Original	October 15, 1993.
A310–54–2016	Original	November 12, 1991.
A310–54–2016	1	October 15, 1993.
A310–54–2022	Original	October 15, 1993.
A310–54–2022	01	March 16, 1999.
A310–54–2016	02	June 11, 1999.

(1) The incorporation by reference of Airbus Industrie Service Bulletin

A310–54–2016, Revision 02, dated June 11, 1999; and A310–54–2022, Revision 1, dated March 16, 1999, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of the remaining Airbus Industrie publications was approved previously by the Director of the Federal Register as of June 12, 1995 (60 FR 25604, May 12, 1995).

(3) Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 1999–237–285(B), dated June 2, 1999.

(h) This amendment becomes effective on July 28, 2000.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–15185 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–37–AD; Amendment 39–11787; AD 2000–12–09]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S–76A Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for

Sikorsky Model S–76A helicopters. This AD requires inspecting the air conditioning system at specified intervals until installing a soft-start assembly retrofit kit to prevent a continuous flow of current through the soft-start resistor. This amendment is prompted by a report of overheating of the soft-start assembly. The actions specified by this AD are intended to prevent overheating of the air conditioning soft-start assembly, damage in the lower tailcone, an electrical fire, and subsequent loss of control of the helicopter.

DATES: Effective July 28, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 28, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Sikorsky Aircraft Corporation, Attn: Manager, Commercial Tech Support, 6900 Main Street, P. O. Box 9729, Stratford, Connecticut 06497–9129, phone (203) 386–7860, fax (203) 386–4703. 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: Terry Fahr, Aviation Safety Engineer, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238–7155, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD for Sikorsky Model S–76A helicopters was published in the **Federal Register** on March 22, 2000 (65 FR 15280). That action proposed to require inspecting the soft-start assembly at intervals not to exceed 25 hours time-in-service until installing a soft-start assembly retrofit kit on the Aero Aire Air Conditioning System in 120 calendar days to prevent a continuous flow of current through the soft-start resistor.

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 9 helicopters of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Aero Aire Service Bulletin No. 97002 states that the retrofit kit will be provided at no charge. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,620.

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:

2000–12–09 Sikorsky Aircraft Corporation: Amendment 39–11787. Docket No. 99–SW–37–AD.

Applicability: Model S–76A helicopters with Aero Aire Air Conditioning System, part number (P/N) S–76A–1–2, modified in accordance with Supplemental Type Certificate SH4680SW, 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 (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating of the air conditioning soft-start control assembly, damage in the lower tailcone, a fire, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours time-in-service (TIS) and thereafter at intervals not to exceed 25 hours TIS, inspect the soft-start control assembly in accordance with the Accomplishment Instruction, Section III, of Aero Aire Corporation Service Bulletin No. 970001, Revision A, dated September 18, 1997, except neither contact nor return of the soft-start controller unit is required.

(b) Within 120 calendar days, install a soft start assembly retrofit kit (kit), P/N 76SB001, in accordance with the Accomplishment Instructions, Section III, of Aero Aire Corporation Service Bulletin 970002, dated December 18, 1997. Installing the kit is terminating action for the requirements of this AD.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Boston Aircraft Certification Office.

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

(e) The inspection shall be done in accordance with the Accomplishment Instruction, Section III, of Aero Aire Corporation Service Bulletin No. 970001, Revision A, dated September 18, 1997. The modification shall be done in accordance with the Accomplishment Instructions, Section III, of Aero Aire Corporation Service Bulletin 970002, dated December 18, 1997. 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 Sikorsky Aircraft Corporation, Attn: Manager, Commercial Tech Support, 6900

Main Street, P. O. Box 9729, Stratford, Connecticut 06497–9129, phone (203) 386–7860, fax (203) 386–4703. 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.

(f) This amendment becomes effective on July 28, 2000.

Issued in Fort Worth, Texas, on June 8, 2000.

Larry M. Kelly,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–15309 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–330–AD; Amendment 39–11797; AD 2000–12–19]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that requires repetitive inspections of the aft pressure bulkhead to detect cracking, and repair, if necessary. This amendment is prompted by a report of fatigue cracking found in the upper half of the aft pressure bulkhead. The actions specified by this AD are intended to detect and correct cracking in the aft pressure bulkhead, which could result in rapid decompression of the fuselage or overpressurization of the tail section.

DATES: Effective July 28, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 28, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes was published in the **Federal Register** on February 2, 2000 (65 FR 4900). That action proposed to require repetitive inspections of the aft pressure bulkhead to detect cracking, and repair, if necessary.

Comments

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

The commenter supports the proposed rule.

Conclusion

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

Cost Impact

There are approximately 552 airplanes of the affected design in the worldwide fleet. The FAA estimates that 84 airplanes of U.S. registry will be affected by this AD.

It will take approximately 7 work hours per airplane to accomplish the required detailed visual inspection, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the required detailed visual inspection on U.S. operators is estimated to be $35,280, or $420 per airplane, per inspection cycle.

It will take approximately 7 work hours per airplane to accomplish the required HFEC inspections, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the required HFEC inspections on U.S. operators is estimated to be $35,280, or $420 per airplane, per inspection cycle.

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

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:

2000–12–19 Boeing: Amendment 39–11797. Docket 99–NM–330–AD.

Applicability: Model 747 series airplanes, as listed in Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998; certificated in any category.

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

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking in the aft pressure bulkhead, which could result in rapid decompression of the fuselage or overpressurization of the tail section, accomplish the following:

Initial and Repetitive Inspections

(a) Except as provided by paragraph (f) of this AD, prior to the accumulation of 20,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later, perform a detailed visual inspection of the upper half of the aft pressure bulkhead to detect cracking, in accordance with Figure 6 or 7, as applicable, of Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998. Repeat the detailed visual inspection thereafter at intervals not to exceed 1,500 flight cycles. For areas of the upper half of the aft pressure bulkhead that have been repaired previously, this detailed visual inspection may be deferred for up to 15,000 flight cycles after accomplishment of the repair, as described in the NOTE in paragraph 3.D. of the Accomplishment Instructions of the alert service bulletin.

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

(b) Except as provided by paragraph (f) of this AD, if no cracking is detected during the initial detailed visual inspection required by paragraph (a) of this AD: Within 1,500 flight cycles after accomplishment of that inspection, perform a high frequency eddy current (HFEC) inspection of the upper and lower halves of the aft pressure bulkhead to detect cracking, in accordance with Figure 8 of Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998. Repeat the HFEC inspection thereafter at intervals not to exceed 3,000 flight cycles.

(c) Except as provided by paragraph (f) of this AD, if any cracking is detected during any inspection required by paragraph (a) of this AD: Prior to further flight, perform an HFEC inspection of the upper and lower halves of the aft pressure bulkhead to detect cracking, in accordance with Figure 8 or 9, as applicable, of Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998. Repeat the HFEC inspection thereafter at intervals not to exceed 3,000 flight cycles.

Repair

(d) Except as provided by paragraphs (e) and (f) of this AD, if any cracking is detected during any inspection required by paragraph (a), (b), or (c) of this AD: Prior to further flight, repair in accordance with Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998.

(e) If any cracking is detected during any inspection required by paragraph (a), (b), or (c) of this AD, and Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998, specifies to contact Boeing for repair instructions: Repair any cracking, prior to further flight, in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Operator's "Equivalent Procedure"

(f) Where Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998, specifies that an inspection or a repair, as applicable, may be accomplished in accordance with an operator's "equivalent procedure": The inspection or repair, as applicable, must be accomplished in accordance with the applicable chapter of the Boeing 747 Maintenance Manual or the Boeing 747 Structural Repair Manual specified in the alert service bulletin.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(i) Except as provided by paragraphs (e) and (f) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on July 28, 2000.

Issued in Renton, Washington, on June 12, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–15308 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–77–AD; Amendment 39–11798; AD 2000–12–20]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A310 series airplanes, that requires modification of the position 1 flap screw jack. 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 fracture of the lead screw of the position 1 flap screw jack, which could result in failure of the tie bar and possible disconnection of the flap structure from the airplane.

DATES: Effective July 28, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 28, 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, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A310 series airplanes was published in the **Federal Register** on April 19, 2000 (65 FR 20921). That action proposed to require modification of the position 1 flap screw jack.

Comments

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

Conclusion

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

Cost Impact

The FAA estimates that 41 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required modification, and that the average labor rate is $60 per work hour. Required parts will cost approximately $105 per airplane. Based on these figures, the cost impact of the required modification AD on U.S. operators is estimated to be $9,225, or $225 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:

2000–12–20 Airbus Industrie: Amendment 39–11798. Docket 2000–NM–77–AD.

Applicability: Model A310 series airplanes, certificated in any category, except those airplanes on which Airbus Modification 10855 or Airbus Service Bulletin A310–27–2075 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 (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fracture of the lead screw of the position 1 flap screw jack, which could result in failure of the tie bar and possible disconnection of the flap structure from the airplane, accomplish the following:

Modification

(a) Within 18 months after the effective date of this AD, modify the position 1 flap screw jack in accordance with Airbus Service Bulletin A310–27–2075, Revision 02, dated February 8, 2000.

Note 2: Modifications accomplished prior to the effective date of this AD, in accordance with Airbus Service Bulletin A310–27–2075, dated November 18, 1994, or Revision 01, dated July 20, 1995, are considered acceptable for compliance with the modification specified by this AD.

Note 3: The Airbus service bulletin references Lucas/Liebherr Service Bulletin 537–27-M537–15, dated May 12, 1994, as an additional source of service information for accomplishing the applicable action required by this AD.

Spares

(b) As of the effective date of this AD, no person shall install on any airplane a position 1 flap screw jack having part number 537G0000–02, unless modified in accordance with this AD.

Alternative Methods of Compliance

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

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Incorporation by Reference

(e) The modification shall be done in accordance with Airbus Service Bulletin A310–27–2075, Revision 02, dated February 8, 2000. This incorporation by reference was approved by the Director of the **Federal Registe.** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington, or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in French airworthiness directive 1999–510–299(B), dated December 29, 1999.

(f) This amendment becomes effective on July 28, 2000.

Issued in Renton, Washington, on June 12, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–15307 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–66–AD; Amendment 39–11799; AD 2000–12–21]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400 Series Airplanes Equipped with Pratt & Whitney PW4000 Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747–400 series airplanes. The AD requires installation of a modification of the thrust reverser control and indication system and wiring on each engine; and repetitive functional tests of that installation to detect discrepancies, and repair, if necessary. This amendment is prompted by the results of a safety review, which revealed that in-flight deployment of a thrust reverser could result in a significant reduction in airplane controllability. The actions specified by this AD are intended to ensure the integrity of the fail-safe features of the thrust reverser system by preventing possible failure modes, which could result in inadvertent deployment of a thrust reverser during flight, and consequent reduced controllability of the airplane.

DATES: Effective July 28, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 28, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Larry Reising, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2683; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 747–400 series airplanes was published in the **Federal Register** on December 28, 1999 (64 FR 72579). That action proposed to require installation of a modification of the thrust reverser control and indication system and wiring on each engine; and repetitive functional tests of that installation to detect discrepancies, and repair, if necessary.

Comments

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

Support for the Proposed Rule

One commenter states that it has no objection to the proposed rule and does not anticipate any adverse impact due to the proposed rule.

Request to Reference Previous Revisions of Service Bulletins

Two commenters request that the FAA revise the proposed rule to reference Boeing Service Bulletin 747–78–2155, Revision 1, dated January 30, 1997, as an acceptable source of service information for accomplishment of the actions specified in paragraph (a)(1) of the proposed rule. [The proposed rule referenced Revision 2 of Boeing Service Bulletin 747–78–2155, dated November 5, 1998, as the appropriate source of service information for the actions specified in paragraph (a)(1).] One of the commenters also requests that the FAA revise paragraph (a)(2)(iii) of the proposed rule to reference Boeing Service Bulletin 747–78–2154, Revision 1, dated November 2, 1995, and Revision 2, dated October 31, 1996, as acceptable sources of service information. [The proposed rule referenced Revision 3 of Boeing Service Bulletin 747–78–2154, dated December 11, 1997, as the appropriate source of service information for the actions specified in paragraph (a)(2)(iii).] One of the commenters, an operator, states that it has already modified its Model 747–400 series airplanes using Boeing Service Bulletin 747–78–2155, Revision 1. The other commenter notes that the earlier issues of the service bulletins are similar to the revisions referenced in the proposed rule, which only made corrections of typographical errors and clarifications of illustrations.

The FAA concurs with the commenters' requests. The FAA has reviewed and approved Boeing Service Bulletins 747–78–2155, Revision 1, and 747–78–2154, Revisions 1 and 2, and finds that they are substantially similar to the later revisions of the service bulletins referenced in the proposed rule. Accordingly, two new notes (Note 2 and Note 3) have been added to this final rule to give credit for accomplishment of the actions in paragraphs (a)(1) and (a)(2)(iii) of this AD prior to the effective date of this AD in accordance with the earlier revisions of the service bulletins described previously.

Request To Specify Terminating Action

One commenter requests that the proposed rule be revised to specify that, for airplanes having line numbers 1067 and higher on which the intent of Boeing Service Bulletin 747–78–2155 was accomplished during production, this AD is terminating action for AD 94–15–05, amendment 39–8976 (59 FR 37655, July 25, 1994). The commenter states that this is not clear in the proposed rule.

Because paragraph (a) of this AD does not apply to airplanes having line numbers 1067 and higher, the FAA infers that the commenter is requesting that paragraph (b) of the proposed rule be revised to state that accomplishment of the functional test in that paragraph constitutes terminating action for the actions required by AD 94–15–05. The FAA concurs with the commenter's request. Paragraph (a) of AD 94–15–05 requires various inspections and functional tests of the thrust reverser control and indication system, and correction of any discrepancy found, on Boeing Model 747–400 series airplanes powered by Pratt & Whitney PW4000 series engines. For airplanes having line numbers 1067 and higher on which the intent of Boeing Service Bulletin 747–78–2155 was accomplished during production, accomplishment of the repetitive functional tests required by paragraph (b) of this AD constitutes terminating action for the repetitive inspections and functional tests required by paragraph (a) of AD 94–15–05. Therefore, a new paragraph (c) has been added to this AD to state this, and all subsequent paragraphs have been relettered accordingly.

Explanation of Additional Change to Proposed Rule

Paragraph (b) of the proposed rule contains an incorrect reference. That paragraph specifies that any discrepancy detected during the functional test must be corrected in accordance with procedures described in the Boeing 747 Airplane Maintenance

Manual. The correct source of service information for the accomplishment of corrective actions is the Boeing 747–400 Airplane Maintenance Manual. Paragraph (b) of this final rule has been revised accordingly.

Conclusion

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

Cost Impact

There are approximately 177 Model 747–400 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 53 airplanes of U.S. registry will be affected by this AD.

For airplanes identified in Boeing Service Bulletin 747–78–2155, Revision 2 (45 airplanes), it takes approximately 510 work hours per airplane to accomplish the required installation, at an average labor rate of $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the installation required by this AD on U.S. operators is estimated to be $1,377,000, or $30,600 per airplane.

For all airplanes (53 airplanes) it will take approximately 2 work hours per airplane to accomplish the required functional test, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the functional test required by this AD on U.S. operators is estimated to be $6,360, or $120 per airplane, per test cycle.

The cost impact figures discussed below refer to actions in other service bulletins for the airplanes identified in Boeing Service Bulletin 747–78–2155, Revision 2 (affects 45 U.S.-registered airplanes), that must be accomplished prior to or concurrent with the installation specified in Boeing Service Bulletin 747–78–2155, Revision 2.

It will take approximately 3 work hours per airplane to accomplish the central maintenance computer system modification, at an average labor rate of $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this modification is estimated to be $8,100, or $180 per airplane.

It will take approximately 2 work hours per airplane to accomplish the changes to the integrated display system, at an average labor rate of $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this modification is estimated to be $5,400, or $120 per airplane.

It will take approximately 346 work hours per airplane to accomplish wiring provisions for the thrust reverser sync locks, at an average labor rate of $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this modification is estimated to be $934,200, or $20,760 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–12–21 Boeing: Amendment 39–11799. Docket 99–NM–66–AD.

Applicability: Model 747–400 series airplanes equipped with Pratt & Whitney PW4000 series engines; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent deployment of a thrust reverser during flight and consequent reduced controllability of the airplane, accomplish the following:

Modifications

(a) For airplanes identified in Boeing Service Bulletin 747–78–2155, Revision 2, dated November 5, 1998: Accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD at the times specified in those paragraphs. Accomplishment of these actions constitutes terminating action for the inspections and tests required by paragraph (a) of AD 94–15–05, amendment 39–8976.

(1) Within 36 months after the effective date of this AD: Install an additional locking system on each engine thrust reverser in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–78–2155, Revision 2, dated November 5, 1998.

Note 2: Installations accomplished prior to the effective date of this AD in accordance with Boeing Service Bulletin 747–78–2155, Revision 1, dated January 30, 1997, are considered acceptable for compliance with paragraph (a)(1) of this AD.

(2) Prior to or concurrent with the installation required by paragraph (a)(1) of this AD, accomplish the requirements of paragraphs (a)(2)(i), (a)(2)(ii), and (a)(2)(iii) of this AD:

(i) Modify the central maintenance computer system hardware and software in accordance with Boeing Service Bulletin 747–45–2016, Revision 1, dated May 2, 1996.

(ii) Modify the integrated display system software in accordance with Boeing Service Bulletin 747–31–2245, dated June 27, 1996.

(iii) Install the provisional wiring for the locking system on the thrust reversers in accordance with Boeing Service Bulletin 747–78–2154, Revision 3, dated December 11, 1997.

Note 3: Installations accomplished prior to the effective date of this AD in accordance with Boeing Service Bulletin 747–78–2154, Revision 1, dated November 2, 1995, and Revision 2, dated October 31, 1996, are considered acceptable for compliance with paragraph (a)(2)(iii) of this AD.

Repetitive Functional Tests

(b) Within 4,000 hours time-in-service after accomplishment of paragraph (a) of this AD, or production equivalent; or within 1,000 hours time-in-service after the effective date of this AD, whichever occurs later: Perform a functional test to detect discrepancies of the additional locking system on each engine thrust reverser, in accordance with Appendix 1 of this AD. Prior to further flight, correct any discrepancy detected and repeat the functional test of that repair, in accordance with the procedures described in the Boeing 747–400 Airplane Maintenance Manual. Repeat the functional test thereafter at intervals not to exceed 4,000 hours time-in-service.

Terminating Action: Airplanes Having Line Numbers 1067 and Higher

(c) For airplanes having line numbers 1067 and higher on which the intent of Boeing Service Bulletin 747–78–2155, Revision 2, dated November 5, 1998, was accomplished during production: Accomplishment of the repetitive functional tests required by paragraph (b) of this AD constitutes terminating action for the repetitive inspections and functional tests required by paragraph (a) of AD 94–15–05, amendment 39–8976.

Alternative Methods of Compliance

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

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Incorporation by Reference

(f) Except as provided by paragraph (b) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 747–78–2155, Revision 2, dated November 5, 1998; Boeing Service Bulletin 747–45–2016, Revision 1, dated May 2, 1996; Boeing Service Bulletin 747–31–2245, dated June 27, 1996; or Boeing Service Bulletin 747–78–2154, Revision 3, dated December 11, 1997; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on July 28, 2000.

Issued in Renton, Washington, on June 14, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–15545 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–9]

Amendment to Class D and Class E5 Airspace, Greenwood, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D and E airspace at Greenwood—Leflore Airport, Greenwood, MS. An Area Navigation (RNAV) Runway (RWY) 18 Standard Instrument Approach Procedure (SIAP) has been developed for Greenwood, MS. As a result, additional controlled airspace extending upward from the surface and extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP. This action also makes a technical change by amending the name of the VORTAC from Greenwood to Sidon.

EFFECTIVE DATE: 0901 UTC, October 5, 2000.

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

SUPPLEMENTARY INFORMATION:

History

On April 19, 2000, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class D and E airspace at Greenwood—Leflore Airport, Greenwood, MS. This action would provide adequate Class D and E airspace at the airport for the RNAV RWY 18 SIAP. Class D airspace designations are published in Paragraph 5000, Class E4 airspace designations are published in Paragraph 6004 and Class E5 airspace designations are published in Paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1, dated September 1, 1999. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class D and E airspace at Greenwood—Leflore Airport, Greenwood, MS. This action also makes a technical change by amending the name of the VORTAC from Greenwood to Sidon.

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

List of Subjects in 14 CFR part 71

Airspace, Incorporated by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO MS D Greenwood, MS [Revised]

Greenwood—Leflore Airport, MS
(Lat. 33°29′40″ N, long. 90°05′05″ W)
Sidon VORTAC
(Lat. 33°27′50″N, long. 90°16′38″W)

That airspace extending upward from the surface, to and including 2,700 feet MSL within a 4.4–mile radius of the Greenwood—Leflore Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

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

* * * * *

ASO MS E4 Greenwood, MS [Revised]

Greenwood—Leflore Airport, MS
(Lat. 33°29′40″N, long. 90°05′05″W)

That airspace extending upward from the surface within 1.4 miles each side of the Sidon VORTAC 079° radial, extending from the 4.4–miles radius of Greenwood—Leflore Airport to 4 miles east of the VORTAC. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the earth.

* * * * *

ASO MS E5 Greenwood, MS [Revised]

Greenwood—Leflore Airport, MS
(Lat. 33°29′40″N, long. 90°05′05″W)
Sidon VORTAC
(Lat. 33°27′50″N, long. 90°16′38″W)

That airspace extending upward from 700 feet above the surface within a 6.9–mile radius of Greenwood Airport and within 1.2 miles each side of the Sidon VORTAC 079° radial, extending from the 6.9–mile radius to 2 miles each of the VORTAC

* * * * *

Issued in College Park, Georgia, on June 12, 2000.

John Thompson,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 00–15950 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–18]

Amendment of Class E Airspace; Smithville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Smithville, TN. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for Dekalb County Hospital, Smithville, TN. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP.

EFFECTIVE DATE: 0901 UTC, October 5, 2000.

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

SUPPLEMENTARY INFORMATION:

History

On May 9, 2000, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E airspace at Smithville, TN, (65 FR 26787). This action provides adequate Class E airspace for IFR operations at Dekalb County Hospital. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E airspace at Smithville, TN.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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 6005 Class E Airspace Areas Extending Upward from 700 feet or More above the Surface of the Earth.

* * * * *

ASO TN E5 Smithville, TN [Revised]

Smithville Municipal Airport, TN
Lat. 35°59'07"N, long. 85°48'34"W
Dekalb County Hospital
Point in Space Coordinates
Lat. 35°58'17"N, long. 85°49'32"W

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Smithville Municipal Airport and within a 6-mile radius of the point in space (Lat. 35°58'17"N, long. 85°49'32"W) serving Dekalb County Hospital; excluding that airspace within the McMinnville, TN, Class E airspace area.

* * * * *

Issued in College Park, Georgia, on June 12, 2000.

John Thompson,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 00–15946 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–19]

Amendment of Class E Airspace; Tullahoma, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Tullahoma, TN. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIP), helicopter point in space approach, has been developed for Manchester Medical Center, Manchester, TN. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP.

EFFECTIVE DATE: 0901 UTC, October 5, 2000.

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

SUPPLEMENTARY INFORMATION:

History

On May 9, 2000, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E airspace at Tullahoma, TN, (65 FR 26788). This action provides adequate Class E airspace for IFR operations at Manchester Medical Center, Manchester, TN. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E airspace at Tullahoma, TN.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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 6005 Class E Airspace Areas Extending Upward from 700 feet or More above the Surface of the Earth.

* * * * *

ASO TN E5 Tullahoma, TN [Revised]

Tullahoma Regional Airport/Wm Northern Field, TN
Lat. 35°22'52"N, long. 86°14'37"W
Arnold Air Force Base
Lat. 35°23'33"N, long. 86°05'09"W
Winchester Municipal Airport
Lat. 35°10'39"N, long. 86°03'58"W
Manchester Medical Center
Point In Space Coordinates
Lat. 35°29'56"N, long. 86°05'37"W

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Tullahoma Regional Airport/Wm Northern Field Airport and within a 7-mile radius of Arnold Air Force Base and within an 11-mile radius of Winchester Municipal Airport and within a 6-mile radius of the point in space (lat. 35°29'56"N, long. 86°05'37"W) serving Manchester Medical Center; excluding that airspace within the Shelbyville, TN, Class E airspace area.

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Issued in College Park, Georgia, on June 12, 2000.

John Thompson,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 00–15945 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–17]

Amendment of Class E Airspace; Fort Payne, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Fort Payne, AL. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for Dekalb Medical Center, Fort Payne, AL. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP.

EFFECTIVE DATE: 0901 UTC, October 5, 2000.

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

SUPPLEMENTARY INFORMATION:

History

On May 9, 2000, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E airspace at Fort Payne, AL, (65 FR 26785). This action provides adequate Class E airspace for IFR operations at Dekalb Medical Center. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E airspace at Fort Payne, AL.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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 6005 Class E Airspace Areas Extending Upward from 700 feet or More above the Surface of the Earth.

* * * * *

ASO AL E5 Fort Payne, AL [Revised]

Fort Payne, Isbell Field Airport, AL

Lat. 34°28′22″N, long. 85°43′20″W

Fort Payne NDB

Lat. 34°31′16″N, long. 85°40′24″W

Dekalb Medical Center

Point In Space Coordinates

Lat. 34°26′57″N, long. 85°44′45″W

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Isbell Field Airport and within 8.3 miles northwest and 4.3 miles southwest of the Fort Payne NDB 040° bearing, extending from the NDB to 16 miles northeast of the NDB and that airspace within a 6-mile radius of the point in space (lat. 34°26′57″N, long. 85°44′45″W) serving Dekalb Medical Center.

* * * * *

Issued in College Park, Georgia, on June 12, 2000.

John Thompson,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 00–15947 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–16]

Amendment of Class E Airspace; Jasper, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Jasper, TN. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for North Jackson Hospital, Bridgeport, AL. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP.

EFFECTIVE DATE: 0901 UTC, October 5, 2000.

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

SUPPLEMENTARY INFORMATION:

History

On May 9, 2000, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E airspace at Jasper, TN, (65 FR 26786). This action provides adequate Class E airspace for IFR operations at North Jackson Hospital. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E airspace at Jasper, TN.

The FAA has determined that this regulation only involves an established body of technical regulations for which

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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 6005 Class E Airspace Areas Extending Upward from 700 feet or More above the Surface of the Earth.

* * * * *

ASO TN E5 Jasper, TN [Revised]

Jasper, Marion County—Brown Field Airport, TN
Lat. 35°03′37″N, long. 85°35′08″W
North Jackson Hospital, Bridgeport, AL
Point In Space Coordinates
Lat. 34°55′10″N, long. 85°45′32″W

That airspace extending upward from 700 feet above the surface within a 12.6-mile radius of Marion County—Brown Field and that airspace within a 6-mile radius of the point in space (lat. 34°55′10″N, long. 85°45′32″W) serving North Jackson Hospital, Bridgeport, AL; excluding that airspace within the Chattanooga, TN, Class E airspace areas.

* * * * *

Issued in College Park, Georgia, on June 12, 2000.

John Thompson,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 00–15948 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–15]

Establishment of Class E Airspace; Scottsboro, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Scottsboro, AL. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for Jackson County Hospital, Scottsboro, AL. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP.

EFFECTIVE DATE: 0901 UTC, October 5, 2000.

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

SUPPLEMENTARY INFORMATION:

History

On May 10, 2000, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Scottsboro, AL (65 FR 30036). This action provides adequate Class E airspace for IFR operations at Jackson County Hospital. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Scottsboro, AL.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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 6005 Class E Airspace Areas Extending Upward from 700 feet or More above the Surface of the Earth.

* * * * *

ASO AL E5 Scottsboro, AL [New]

Jackson County Hospital
Point in Space Coordinates
Lat. 34°39′47″N, long. 86°01′51″W

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the point in space (Lat. 34°49′47″N, long. 86°01′54″W) serving Jackson County Hospital.

* * * * *

Issued in College Park, Georgia, on June 12, 2000.

John Thompson,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 00–15949 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33–7867; 34–42942; 35–27185; 39–2386; IC–24498]

RIN 3235–AG96

Adoption of Updated EDGAR Filer Manual

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting revisions to the EDGAR Filer Manual and is providing for their incorporation by reference into the Code of Federal Regulations. On May 16, 2000, we adopted a new Volume II, which described the Modernized EDGAR system implemented by EDGAR Release 7.0. Today, we are adopting conforming changes to the parts of the EDGAR Manual that concern the old (Legacy) EDGAR system (Volume I) and the filing of Form N–SAR documents (Volume III).

EFFECTIVE DATE: June 23, 2000. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of June 23, 2000.

FOR FURTHER INFORMATION CONTACT: In the Office of Information Technology, Richard Heroux at (202) 942–8800; in the Division of Investment Management, for questions concerning investment company filings, Shaswat K. Das, Attorney, at (202) 942–0978, and for questions concerning Volume III (N–SAR Supplement), Carolyn A. Miller, Senior Financial Analyst, at (202) 942–0513; and for questions concerning Corporation Finance company filings, Herbert Scholl, Office Chief, EDGAR and Information Analysis, Division of Corporation Finance, at (202) 942–2930.

SUPPLEMENTARY INFORMATION: The EDGAR Filer Manual ("Filer Manual") describes the technical formatting requirements for the preparation and submission of electronic filings through the Electronic Data Gathering, Analysis, and Retrieval ("EDGAR") system.[1] On May 16, 2000, we adopted a new Volume II of the Filer Manual, containing the technical specifications for using the new modernized EDGAR system implemented by EDGAR Release 7.0.[2] Today we are updating the provisions of the Filer Manual governing the Legacy EDGAR system, and the N–SAR Supplement, to reflect the limited changes being made to these systems with the implementation of EDGAR Release 7.0. The Filer Manual provisions governing the Legacy EDGAR system are found in Volume I.[3] The provisions governing N–SAR filings are found in Volume III.

Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format.[4] Filers should consult the Filer Manual in conjunction with our rules governing mandated electronic filing when preparing documents for electronic submission.[5]

The principal revisions to the Legacy EDGAR provisions reflect these changes in EDGAR Release 7.0: an update to the use of magnetic tape cartridges and the removal of 9 track tapes when support of the Legacy EDGAR system ends; the elimination of diskette filing effective July 10, 2000; and the need for filers using the Legacy EDGAR software system to update company information, change passwords or change CIK confirmation codes by either entering the new data using the new EDGAR website available on the Internet or submitting an amended Form ID. Filers using the old version of EDGARLink will not be able to take advantage of EDGAR's new graphic and hypertext linking features.

The principal revision to the N–SAR provisions reflects the capability to install and run the N–SAR application under a Windows operating system environment. While filers will be able to submit their Forms N–SAR using the modernized EDGARLink, we do not encourage its use at this point, since certain header-building assistance and error checking is not yet available to filers using the modernized EDGARLink.

We are also amending Rule 301 of Regulation S–T to provide for the incorporation by reference into the Code of Federal Regulations of the updated Volumes I and III of the Filer Manual. 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.

You may obtain paper copies of the updated Filer Manual at the following address: Public Reference Room, U.S. Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549–0102. We will post electronic format copies on the SEC's Web Site. The SEC's Web Site address for the Filer Manual is http://www.sec.gov/asec/ofis/filerman.htm. You may also obtain copies from Disclosure Incorporated, the paper and microfiche contractor for the Commission, at (800) 638–8241.

Since the Filer Manual relates solely to agency procedures or practice, publication for notice and comment is not required under the Administrative Procedure Act (APA).[6] It follows that the requirements of the Regulatory Flexibility Act[7] do not apply.

The effective date for the updated Filer Manual and the rule amendments is June 23, 2000. In accordance with the APA,[8] we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The EDGAR system upgrade to Release 7.0 took effect on May 30, 2000. The Commission believes that it is necessary

[1] We originally adopted the Filer Manual on April 1, 1993, with an effective date of April 26, 1993. Release No. 33–6986 (Apr. 1, 1993) [58 FR 18638]. We implemented the most recent update to the Filer Manual on May 16, 2000. *See* Release No. 33–7858 (May 16, 2000) [65 FR 34079].

[2] EDGAR Release 7.0 includes features that will be available for the first time to filers using a new, modernized version of EDGARLink software, the filer assistance software we provide filers filing on the EDGAR system. Among these features are the ability to include expanded hyperlinks and graphics in filings, and to make filings over the Internet.

[3] We will be maintaining the Legacy EDGAR system at least until November 1, 2000. We are doing this to provide filers abundant time to transition to the new modernized system.

[4] *See* Rule 301 of Regulation S–T (17 CFR 232.301).

[5] *See* Release Nos. 33–6977 (Feb. 23, 1993) [58 FR 14628], IC–19284 (Feb. 23, 1993) [58 FR 14848], 35–25746 (Feb. 23, 1993) [58 FR 14999], and 33–6980 (Feb. 23, 1993) [58 FR 15009] in which we comprehensively discuss the rules we adopted to govern mandated electronic filing. *See also* Release No. 33–7122 (Dec. 19, 1994) [59 FR 67752], in which we made the EDGAR rules final and applicable to all domestic registrants; Release No. 33–7427 (July 1, 1997) [62 FR 36450], in which we adopted minor amendments to the EDGAR rules; Release No. 33–7472 (Oct. 24, 1997) [62 FR 58647], in which we announced that, as of January 1, 1998, we would not accept in paper filings that we require filers to submit electronically; Release No. 34–40935 (Jan. 12, 1999) [64 FR 2843], in which we made mandatory the electronic filing of Form 13F; Release No. 33–7684 (May 17, 1999) [64 FR 27888], in which we adopted amendments to implement the first stage of EDGAR modernization; and Release No. 33–7855 (April 24, 2000) [65 FR 23937], in which we implemented EDGAR Release 7.0.

[6] 5 U.S.C. 553(b).

[7] 5 U.S.C. 601–612.

[8] 5 U.S.C. 553(d)(3).

to coordinate the effectiveness of the updated Filer Manual with the scheduled system upgrade in order to minimize confusion to EDGAR filers.

Statutory Basis

We are adopting the amendments to Regulation S–T under Sections 6, 7, 8, 10, and 19(a) of the Securities Act,[9] Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,[10] Section 20 of the Public Utility Holding Company Act of 1935,[11] Section 319 of the Trust Indenture Act of 1939,[12] and Sections 8, 30, 31, and 38 of the Investment Company Act.[13]

List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

Text of the Amendment

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

1. The authority citation for Part 232 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*(d), 79t(a), 80a–8, 80a–29, 80a–30 and 80a–37.

2. Section 232.301 is revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. For the period during which Legacy EDGAR will be available, prior to the complete transition to the use of Modernized EDGAR, the EDGAR Filer Manual will consist of three parts. For filers using Legacy EDGAR, the requirements are set forth in EDGAR Filer Manual (Release 7.0), Volume I—Legacy EDGARLink. For filers using modernized EDGARLink, the requirements are set forth in EDGAR Filer Manual (Release 7.0), Volume II—Modernized EDGARLink. Additional provisions applicable to Form N–SAR filers are set forth in EDGAR Filer Manual (Release 7.0), Volume III—N–SAR Supplement. All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. You must comply with these requirements in order for documents to be timely received and accepted. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, U.S. Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549–0102 or by calling Disclosure Incorporated at (800) 638–8241. Electronic format copies are available on the SEC's Web Site. The SEC's Web Site address for the Manual is http://www.sec.gov/asec/ofis/filerman.htm. Information on becoming an EDGAR e-mail/electronic bulletin board subscriber is available by contacting TRW/UUNET at (703) 345–8900 or at www.trw-edgar.com.

Dated: June 14, 2000.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–15489 Filed 6–22–00; 8:45 am]

BILLING CODE 8010–01–U

[9] 15 U.S.C. 77f, 77g, 77h, 77j and 77s(a).

[10] 15 U.S.C. 78c, 78*l*, 78m, 78n, 78o, 78w and 78*ll*.

[11] 15 U.S.C. 79t.

[12] 15 U.S.C. 77sss.

[13] 15 U.S.C. 80a–8, 80a–29, 80a–30 and 80a–37.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 171

[T.D. 00–41]

RIN 1515–AC08

Guidelines for the Imposition and Mitigation of Penalties for Violations of 19 U.S.C. 1592

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document revises Appendix B to Part 171 of the Customs Regulations, which sets forth the guidelines for remitting and mitigating penalties relating to violations of section 592 of the Tariff Act of 1930, as amended. A violation of section 592 involves the entry or introduction or attempted entry or introduction of merchandise into the commerce of the United States by fraud, gross negligence, or negligence. Many of the changes to Appendix B reflect the Customs Modernization Act and its themes of "informed compliance" and "shared responsibility."

EFFECTIVE DATE: July 24, 2000.

FOR FURTHER INFORMATION CONTACT: Charles D. Ressin, Penalties Branch (202) 927–2344.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, the President signed the North American Free Trade Agreement Implementation Act (Public Law 103–182). The Customs Modernization portion of this Act (Title VI), popularly known as the Customs Modernization Act or "the Mod Act", became effective when it was signed. The Mod Act emphasizes the themes of "shared responsibility" and "informed compliance" for Customs and the public.

Consistent with the Mod Act, Customs has initiated a thorough examination and review of its procedures and processes relating to importer compliance with Customs laws, regulations, and policies. In this review, the agency has considered a number of innovative approaches to improving the service it provides the importing public as well as new approaches to encourage compliance and address incidents of non-compliance.

With regard to compliance, Customs is dedicated to educating its personnel to improve agency selection of appropriate remedies to address incidents of non-compliance. In keeping with the Mod Act theme of informed compliance, Customs is also attempting to educate the importing public about its requirements, particularly in areas involving complex import transactions. A more informed public promotes an overall greater level of compliance than the threat of an occasional and often ineffective penalty.

In Appendix B to Part 171 of the Customs Regulations (19 CFR part 171) Customs has guidelines for remitting and mitigating penalties relating to violations of section 592 of the Tariff Act of 1930, as amended (19 U.S.C. 1592) (hereinafter referred to as section 592). A violation of section 592 involves the entry or introduction or attempted entry or introduction of merchandise into the United States by fraud, gross negligence or negligence. In accordance with the "shared responsibility" and "informed compliance" approach of the Mod Act, Customs proposed a revision of these guidelines in a notice of proposed rulemaking published in the **Federal Register** (63 FR 57628) on October 28, 1998. This proposed revision consisted of a reorganization of the content of the current guidelines into a new format intended to more clearly identify important provisions which are contained in the present text.

Below is a summary of the proposed revised guidelines.

Summary of Proposed Revised Guidelines

After the introductory text, the proposed revised guidelines broke current section (A) into 2 paragraphs. Proposed section (A) discussed what constitutes section 592 violations and proposed section (B) discussed what is meant by materiality.

Proposed section (A) clarified that placing merchandise in-bond is considered entering or introducing merchandise into the United States for purposes of section 592. The paragraph also made it clear that if one unintentionally transmits a clerical error to Customs electronically, and that clerical error is transmitted repetitively by the electronic system, Customs will not consider repetitions of the non-intentional electronic transmission of the initial clerical error as constituting a pattern, unless Customs has drawn the error to the party's attention.

In proposed section (B), defining materiality under section 592, that definition was clarified by providing that a document, statement, act, or omission is material if it significantly impairs Customs ability to collect and report accurate trade statistics, deceives the public as to the source, origin or quality of the merchandise, or constitutes an unfair trade practice in violation of federal law.

Proposed section (C) discussed the degrees of culpability under section 592. The degrees of culpability are currently discussed in section (B).

A section (D) was proposed to be added to include terms used throughout the guidelines. Included in this section were discussions of the terms: duty loss violations; non-duty loss violations; actual loss of duty; potential loss of duty; reasonable care; clerical error; and mistake of fact.

A section (E) was proposed to be added which tracked the administrative penalty process in chronological order. Proposed section (E) was a revision of current section (C). It began with the case initiation and proceeded to describe the considerations pertinent to the decision to issue a pre-penalty notice and how the different types of violations can produce different proposed claim amounts depending upon the level of culpability and the presence of mitigating and/or aggravating factors. The proposed guidelines contained express guidance regarding statute of limitations considerations and Customs policy regarding waivers when the issuance of pre-penalty and penalty notices are involved.

Continuing in their chronological progression, the proposed guidelines next addressed steps to be taken when Customs decides whether to close a case or issue a penalty notice. Most of this material is contained in paragraph (C)(2) of the current guidelines. However, the proposed guidelines provided that penalty notices can indicate higher degrees of culpability and proposed penalty amounts than were contained in the original pre-penalty notice if less than 9 months remain before the expiration of the statute of limitations, and a waiver of the statute has not been received. The current guidelines provide that such increased penalty notices would only be issued if less than 3 months remained.

Section (F) of the proposed guidelines covered the procedures that are to be followed and elements that Customs will consider as part of the case record for any mitigating and/or aggravating factors. The current guidelines discuss mitigating factors in section (F) and aggravating factors in section (G). Proposed section (F) was arranged so the various types and degrees of violations are explained and respective mitigation considerations are explained. The section also informed the reader who within Customs has the authority to cancel or remit penalty claims.

Proposed paragraph (F)(2)(f) provided a discussion of prior disclosure and the reduced penalties based upon the different levels of culpability for a valid prior disclosure. Prior disclosure is discussed in section (E) of the current guidelines.

Proposed section (G) of the guidelines discussed the factors that are considered by Customs in proposing a penalty or mitigating an assessed penalty claim. Among these factors are: an error by Customs that contributed to the violation; the extent of cooperation by the violator with the investigation by Customs into the alleged violation; whether or not the violator takes immediate steps to remedy the situation that caused the violation; inexperience in importing; and the prior record of the violator in its dealings with Customs. This proposed section combined the factors located in sections (F) and (H) of the current guidelines. It was felt that a separate section was no longer necessary for "extraordinary" factors such as the ability of Customs to obtain personal jurisdiction over the violator, the violator's financial status, and whether Customs had actual knowledge of repeated violations but failed to inform the violator thus depriving him of the opportunity to take corrective action. All these factors were contained in the one section. The proposed section allowed that additional factors may be considered in appropriate circumstances.

Proposed section (H) contained the factors that Customs believes are to be treated as aggravating factors when considering mitigation of proposed or assessed penalties. Most of these factors are found in section (G) of the current guidelines. While the list of factors was not intended to be all-inclusive, two new factors were proposed to be added. They were: the discovery of evidence of a motive to evade a prohibition or restriction on the admissibility of merchandise, and failure to comply with a lawful demand for records or a Customs summons.

Section (I) of the proposed guidelines addressed offers in compromise (settlement offers). This was a new element not contained in the current guidelines. The proposed section instructed parties who wish to submit a civil offer in compromise pursuant to 19 U.S.C. 1617 to follow procedures outlined in 161.5 of the Customs Regulations (19 CFR 161.5). The section summarized what steps will be taken by both parties once such an offer has been made.

Section (J) of the proposed guidelines contained instructions to be followed in instances where Customs makes a demand for payment of actual loss of duties pursuant to section 592(d). This is a subject not addressed in the current guidelines. The section provided that Customs will follow the procedures set forth in § 162.79b of the Customs Regulations (19 CFR 162.79b) and stated that no such demand will be issued unless the record establishes the presence of a violation of section 592(a). The section stated that, absent statute of limitations problems, Customs will endeavor to issue section 592(d) demands to concerned sureties and non-violator importers only after default by principals.

Section (K) of the proposed guidelines addressed violations of section 592 by brokers. The current guidelines discuss brokers in section (I). The section proposed to continue the present practice of applying the overall mitigation guidelines in instances of fraud or where the broker shares in the financial benefits of a violation. However, where there has been no fraud or sharing of the financial benefits, the proposed section removed the dollar limitations contained in the current guidelines and advised that Customs may charge the broker under 19 U.S.C. 1641.

Section (L) of the proposed guidelines covered arriving travelers and consisted of a reordering of the provisions of section (J) of the current guidelines.

Section (M) of the proposed guidelines referred Customs officers to other Federal agencies for recommendations in instances where violations of laws administered by other agencies are discovered. These provisions are the same as those contained in section (K) of the current guidelines.

Analysis of Comments

The notice of proposed rulemaking invited public comments. The comment period closed on December 28, 1998. Seventeen comments were received. Many commenters applauded Customs efforts to re-organize and simplify the existing guidelines. Nine of the commenters set forth similar concerns and objections to Customs change in the guidelines relating to penalty assessment of customs brokers who violate section 592. Also, eight of the commenters voiced concerns and recommendations regarding the proposed guidelines on a section by section basis. Three commenters also made general comments which were not directly related to a specific section of the proposal.

The specific "section by section" recommendations and/or suggestions, general recommendations and/or suggestions, and the Customs responses to the comments, are set forth below.

Proposed Introductory Paragraph of the Guidelines

Comment: Three commenters object to the language in the introductory paragraph that indicates that "a mitigated penalty is conditioned upon payment of any actual loss of duty as well as a *release by the party that indicates that the mitigation decision constitutes full accord and satisfaction.*" The commenters believe that if other statutory remedies are available to importers, the importers should have the right to pursue those remedies separately and distinctly from the settlement of any civil penalty for violation of section 592.

Also, one commenter takes issue with Customs statement in the introduction that the guidelines "may supplement, and are not intended to preclude application of, any other special guidelines promulgated by Customs." The commenter believes that the language is unclear and would permit Customs to issue, without prior notice, draconian special guidelines to fit the immediate needs of the agency.

Customs Response: Customs does not agree that an alleged violator who seeks mitigation of a civil penalty initiated by Customs under section 592 is deprived of other statutory remedies or judicial recourse in the event that the party chooses not to comply with the agency decision. In other words, the party *elects* to pay the mitigated amount. The agency must, in turn, sue the party to collect an assessed penalty in the event that the violator decides not to comply with the agency decision. Consequently, given the elective nature of the mitigation proceedings and the availability of judicial recourse, we do not agree with the commenters' objections.

Also, we do not share the commenter's concern regarding issuance of "special guidelines" inasmuch as these guidelines merely reflect policies issued pursuant to the discretionary authority of the Customs Service pursuant to 19 U.S.C. 1618 to remit and mitigate penalties. As such, the Customs Service may depart from the guidelines as appropriate circumstances warrant, including the application of special guidelines.

Proposed Section (A) Violations of Section 592

Comment: One commenter takes issue with Customs characterization of "in-bond" movements as encompassed within the language "entry, introduction, or attempted entry or introduction." The commenter believes that the in-bond language is an impermissible expansion of section 592. In the commenter's view, a mere transportation movement should not be considered an "entry" under section 592 because nothing has been presented to Customs for entry or introduction into the commerce of the United States.

Two commenters express concern regarding Customs discussion of clerical error and pattern of negligent conduct. Specifically, one commenter believes that the section is contradictory because Customs initially states that "an unintentional repetition by an electronic system of an initial clerical error, generally shall not constitute a pattern of negligent conduct" unless Customs has brought the error to the party's attention. In the next sentence the commenter feels that Customs contradicts itself where it is stated that "* * * the unintentional repetition of a clerical mistake over a significant period of time or involving many entries could indicate a pattern of negligent conduct and a failure to exercise reasonable care." Both commenters believe that this language should be clarified.

Customs Response: With respect to the objection regarding inclusion of "in bond" applications within the meaning of entry, introduction, or attempted entry or introduction, Customs does not believe that such inclusion contradicts either statute or regulation. For example, if merchandise entered under bond is subsequently diverted (*i.e.*, "introduced" into the commerce of the United States contrary to the terms of the bond, the penalty provisions of section 592 may apply.

We also disagree with the two comments relating to Customs language concerning "clerical error" and "pattern of negligent conduct." Clearly, in those cases where Customs calls the error to the attention of the party and the error is not corrected, the party may be subject to potential section 592 penalty. Similarly, in those cases where the repetition of a clerical mistake occurs over a significant period of time or involves many entries, a violation may occur if the facts and circumstances surrounding the transactions indicate a failure to exercise reasonable care. In the latter instance, the proposed language does not mandate assessment of a penalty, but rather, contemplates the possibility of a penalty depending on the facts and circumstances of the transactions at issue.

Proposed Section (B) Definition of Materiality Under Section 592

Comment: Three commenters object to Customs definition of materiality as either "too subjective" or not within the scope of section 592. One of the commenters is of the opinion that the Court of Appeals' decision in *Pentax Corp.* v. *Robinson*, 125 F.3d 1457 (Fed. Cir. 1997), amended, 135 F.3d 760 (1998), does not permit Customs to include an importer's liability for marking duties in the agency definition of materiality. Two commenters also expressed concern that the language "whether an unfair trade practice has been committed under the anti-dumping or countervailing duty laws or a similar statute" is too broad and may result in Customs adding its penalty on top of other agencies' statutory remedies. Similarly, one of these commenters also believes that the definition of materiality should not include a determination of whether an unfair act has been committed involving patent, trademark or copyright infringement, in view of other remedies available to Customs for such intellectual property rights infractions. Lastly, one of the commenters believes that the definition's inclusion of "collection and reporting of accurate trade statistics" exceeds the statutory limits of section

592. This commenter is involved with oil and gas importations and is of the opinion that statistical discrepancies for the majority of these products bear no relevance to the entry of such products, and that therefore, Customs definition of materiality should not include statistical errors.

Customs Response: Customs is of the opinion that the definition of materiality set forth in the proposed guidelines comports with law and judicial precedent. With respect to the inclusion of a marking duties assessment as an example of a "Customs action" that could be influenced by a false statement, omission, or act, in Customs view, the *Pentax* decision does not preclude liability for marking duties in connection with section 592 violations in all cases.

We note that in cases involving either antidumping, other agency or intellectual property rights infractions, the law does not preclude the use of section 592 in appropriate cases, despite the availability of other government remedies. Further, with respect to that part of the definition of materiality involving collection and reporting of accurate trade statistics, we note that there is judicial precedent that supports this aspect of Customs definition.

Proposed Section (D) Discussion of Additional Terms

Comment: Two commenters suggest that Customs include fees and taxes in the definition of loss of duty in the paragraph entitled "(1) Duty Loss Violations" so that there is consistency with the definition of loss of duty as set forth in the paragraphs entitled "(3) Actual Loss of Duties," and "(4) Potential Loss of Duties." Two other commenters object to including marking duties in the definition of "duty loss" based on the same objections expressed above regarding materiality and the *Pentax* decision.

One commenter is of the opinion that the last sentence in section (D) paragraph (4) "Potential Loss of Duties", should be deleted. The commenter points out that if an entry summary is filed without inclusion of information regarding antidumping or countervailing duty investigations the regulations provide that the entry should be rejected. The commenter believes that such a case should not give rise to a potential loss of duties inasmuch as Customs is not discovering a violation but rather merely enforcing a regulation.

The same commenter suggests that Customs revise section (D) paragraph (6) "Reasonable Care", to include language that failure to follow a binding Customs ruling pertaining to its merchandise evidences a failure to exercise reasonable care.

Customs Response: Customs agrees that the definition of duty loss set forth in section (D) paragraph (1) "Duty Loss Violations", should be amended to conform to the definition of duty loss set forth in section (D) paragraph (3) "Actual Loss of Duties", and has made the necessary change.

As indicated in our response to comments regarding materiality, section 592 liability may arise in certain cases where the government has been deprived of marking duties. Consequently, Customs believes that the inclusion of marking duties in the definition of duty loss is appropriate.

With regard to the suggestion that Customs delete the last sentence of section (D) paragraph (4) "Potential Loss of Duties", we note that the failure to provide required information on the entry documents may give rise to section 592 liability and that Customs may "discover" such an omission after the filing of the documents. Therefore, it is accurate to state that a potential loss of duties equals the amount of the duties, taxes, and fees that would have occurred had Customs not discovered the violation prior to liquidation and taken steps to correct the entry.

With regard to the commenter's suggestion involving "Reasonable Care", we believe that the suggested revision is unnecessary. Customs notes that the regulations already establish the requirement that an importer who receives a ruling from Customs regarding the tariff classification of merchandise shall set forth in connection with a subsequent entry of that merchandise the tariff classification set forth in the ruling.

Proposed Section (E) Penalty Assessment

Comment: A commenter recommends that section (E) be revised to require the Customs field officer to include copies of the evidence relied upon for issuance of the prepenalty notice with appropriate deletions based on Freedom of Information Act exemptions. This commenter also believes that if Customs agrees to a waiver of the statute of limitations, the guidelines should reflect a requirement that the Customs officer signing the waiver has the contractual authority to sign the waiver. Also, the commenter is of the opinion that the guidelines should be amended to require that penalty notices provide explanations why a petitioner's prepenalty response arguments are defective or without merit. Lastly, the commenter believes that the guidelines should require that the Customs field officer promptly notify the alleged violator in cases where the officer has determined that the statute of limitations has expired.

Another commenter questions Customs approach to the "parking ticket" penalties of up to $10,000, set forth in paragraph (E)(1)(c). The commenter believes that $10,000 is an excessive penalty for per entry infractions especially when the case involves a number of entries. The same commenter expresses concern regarding Customs approach to statute of limitations waivers. The commenter is of the opinion that the paragraphs in section (E) relating to statute of limitations waivers override the clear legislative intent underlying the statute of limitations applicable to section 592 violations—*i.e.*, that the agency identify and resolve the violations within a specified period of time. For example, the commenter objects to Customs Headquarters recently requiring agents to obtain waivers of the statute of limitations immediately upon initiating a case.

Another commenter objects to Customs lengthening the time during which Customs can lawfully indicate a degree of culpability and penalty amount higher than were set forth in the original prepenalty notice, without having to issue a new prepenalty notice (*i.e.*, from the current 3 months to the proposed 9 months before expiration of the statute of limitations). The commenter believes that the proposed revision needlessly extends the period of time within which Customs may claim higher levels of culpability without providing the alleged violator full due process. The commenter believes that this proposal provides a strong incentive for Customs to delay its section 592 investigation.

Customs Response: Customs does not agree with the commenter's recommendation to include copies of evidence with the prepenalty notice. Neither the statute nor corresponding regulations authorize release of evidence at the time of issuance of the prepenalty notice, and to require its production would be tantamount to engaging in unauthorized pre-trial discovery. Also, Customs does not agree with this commenter's suggestions to establish a requirement that the Customs officer signing a waiver of the statute of limitations has the contractual authority to sign such a waiver. Such signing authority already has been established through the appropriate Customs delegation procedures. Moreover, waivers involve the unilateral action of the involved party and such

action has nothing to do with any contractual authority with Customs. Further, inasmuch as section 592 does not require the agency to furnish explanations why a prepenalty response is deficient or defective, Customs does not believe that such a requirement is necessary. In Customs view, the statute provides adequate safeguards for the alleged violator by requiring the agency ultimately to furnish the party with its findings of fact and conclusions of law in the agency decision. Lastly, because the statute of limitations is an affirmative defense available to an alleged violator, we do not agree with the commenter's recommendation that Customs should be required to notify the alleged violator in cases where the statute has expired.

With respect to the commenter's concern regarding Customs approach to technical violations and "parking ticket" penalties of up to $10,000, Customs notes that this paragraph does not mandate a $10,000 fixed sum penalty per entry violation, but rather provides for ranges of fixed sum penalties—generally $1,000 to $2,000 per infraction where there are no prior violations. The higher fixed sum amounts may be appropriate in cases of multiple or repeat violations, and Customs does not believe that these fixed sum amounts are excessive. In response to this commenter's concern regarding statute of limitations waivers, Customs notes that an alleged violator is not required to provide a waiver to Customs, and the guidelines merely serve to advise the alleged violator of the consequences of providing a waiver, as well as the consequences of choosing not to provide a waiver of the statute of limitations. Customs notes that the guidelines, for the most part, reiterate already established regulatory provisions.

Customs also does not agree with the comment raising a due process objection to Customs lengthening the time in which Customs can lawfully indicate a higher degree of culpability and penalty amount than were set forth in the original prepenalty notice without having to issue a new prepenalty notice. Customs notes that the guidelines do not affect the alleged violator's due process rights, inasmuch as the party may file a petition to contest the allegations set forth in the penalty notice. Customs would also like to point out that this provision affects only those few cases where evidence is uncovered at a point in time where the statute of limitations poses a significant concern to the government's ability to timely process the penalty action.

Proposed Section (F) Administrative Penalty Disposition

Comment: One commenter believes that the penalty dispositions for non-duty loss violations (based on a percentage of the dutiable value) are unfair to importers of duty-free articles. The commenter is of the opinion that the penalty disposition in non-duty loss cases should be under 10 percent of the dutiable value (plus interest), including cases of fraud.

Customs Response: Customs disagrees. Some of the most egregious violations involve non-dutiable articles (*e.g.*, quota evasion).

Proposed Section (G) Mitigating Factors

Comment: Two commenters object to the proposed requirement that "Contributory Customs Error" may only be claimed where the misleading or erroneous advice given by a Customs officer is given in writing. The commenters believe that the writing requirement will have the effect of eliminating the ability to claim this factor, and one of the commenters expresses the view that because the alleged violator has the burden of proof, a writing requirement is unnecessary.

One commenter objects to Customs elimination of "Inexperience in Importing" as a mitigating factor, and believes that the Customs Modernization Act's concept of "reasonable care" suggests that the factor should be included in the guidelines. This commenter also believes that Customs should not require the cooperation with an investigation be "extraordinary" to be entitled to mitigation; that the "inability to obtain jurisdiction" factor should not be eliminated as a mitigating factor and that there should not be an increase in penalties in non-duty loss cases where Customs knew of the infraction but failed to take action.

Finally, with respect to the mitigating factor of "Customs Knowledge" another commenter recommends deletion of the qualifying language "without justification," that precedes the requirement that Customs "failed to inform the violator so that it could have taken earlier corrective action." The commenter is of the opinion that the qualifying language makes the benefit of this factor unobtainable.

Customs Response: Customs disagrees with the two commenters' objections to the "Contributory Customs Error" writing requirement. In view of the responsibility of the importer to act with reasonable care (as set forth in the Customs Modernization Act), Customs believes it is reasonable to require that the importer demonstrate "Contributory Customs Error" by tangible written evidence.

With regard to the commenter's concern involving the proposal to eliminate "Inexperience in Importing," as a mitigating factor, Customs has reconsidered the proposal and decided to retain the factor. With respect to the commenter's concern regarding cooperation, Customs believes that it is appropriate that the cooperation be extraordinary, as it is expected that the party does more than merely cure the defect or problem that resulted in the violative conduct. Customs also believes that "inability to obtain jurisdiction" (*i.e.*, personal jurisdiction) is a matter that is better addressed at the litigation stage of the proceedings in the event of non-compliance with the agency decision. As for the commenter's question regarding the rationale for increasing the "Customs Knowledge" non-duty loss penalties, we note that the change is being made so that the non-duty loss penalty amounts are consistent with the corresponding duty loss penalty amounts.

Finally, Customs disagrees with the commenter's opinion regarding the suggested deletion of the "without justification" language set forth in the "Customs Knowledge" mitigating factor. Customs notes that there may be circumstances (such as an open investigation) that warrant delay in notifying the alleged violator of the purported infraction.

Proposed Section (H) Aggravating Factors

Comment: One commenter believes that because the new proposed aggravating factors of "evading a quota restriction" and "failure to comply with a lawful demand for records" are themselves subject to penalty, these factors should not be considered to increase the penalty or proposed penalty of an alleged violator.

Another commenter expresses reservations about the aggravating factor that involves "textile imports that have been the subject of illegal transshipment, whether or not the merchandise bears false country of origin markings." The commenter asks how goods can be transshipped if they are properly marked—and implies that this factor should be deleted.

Customs Response: With regard to the first commenter, it should be noted that the guidelines indicate that the "presence of one or more aggravating factors may not be used to raise the level of culpability attributable to the alleged violations, but may be utilized to offset the presence of mitigating factors."

Consequently, although we agree that the offenses may be subject to separate penalties, the inclusion of these two aggravating factors do not serve to potentially increase the section 592 penalties, but rather, may serve to offset the presence of mitigating factors in the action.

With respect to the second commenter's question concerning the aggravating factor involving transshipped textile products, Customs notes that the factor's qualifying language indicates "whether or not the merchandise bears false country of origin markings." Therefore, although the textile article may not bear a false country of origin marking, it does not necessarily follow that the article is properly marked. For example, an imported textile product may bear no country of origin marking at all, and therefore be improperly marked as well as possibly illegally transshipped.

Proposed Section (J) Section 592(d) Demands

Comment: One commenter believes that Customs should make it very clear that where an entry has been finally liquidated, that absent proof of a violation of section 592, no further duties may be collected.

Customs Response: Customs believes that no additional language to the proposed section is warranted inasmuch as the second sentence of the section makes clear that with respect to finally liquidated entries "information must be present establishing a violation of section 592(a)," before a section 592(d) demand may be issued.

Proposed Section (K) Customs Brokers

Comment: Nine commenters object to the change of Customs position regarding the applicability of section 592 to Customs brokers in "non-fraud" cases and in those cases where the broker does not share in the benefits of the violation to an extent over and above customary brokerage fees. In sum, in these cases, the commenters object to the proposed language requiring that Customs "shall" proceed against the Customs broker pursuant to the remedies provided under 19 U.S.C. 1641. The commenters believe that this language is a clear invitation for Customs field offices to make every suspected negligent violation of section 592 by a broker into a 19 U.S.C. 1641 broker penalty case. Most of the commenters believe that adoption of such a change would result in the maximum $30,000 broker penalty for such infractions. Two of the nine commenters believe that the current broker guidelines should be retained while one of the commenters is of the opinion that Customs should amend the proposed language to provide discretion to local field offices by substituting the words "may" for "shall" before the remaining language "proceed against the Customs broker pursuant to the remedies provided under 19 U.S.C. 1641.

Customs Response: In view of the comments received in connection with this proposed section, Customs has reconsidered its position and adopted the commenter's suggestion to substitute the word "may" for "shall" in the language relating to broker penalty assessment pursuant to 19 U.S.C. 1641. The agency notes that the existing Customs Directive regarding 19 U.S.C. 1641 penalties already provides for incremental assessment of broker penalties in appropriate cases (*e.g.*, initial warning letters). Therefore, Customs believes that apprehensions about immediate $30,000 penalty assessments in every broker negligence case are unwarranted.

Proposed Section (L) Arriving Travelers

Comment: One commenter believes that this section should be clarified to indicate that alleged violators that are arriving travelers will be assessed only one penalty under either section 592, 19 U.S.C. 1497 or 19 U.S.C. 1595(a) so that the traveler will know how to prepare his or her petition.

Customs Response: Inasmuch as the law does not provide that section 592 is the exclusive remedy available to the agency in cases involving violations by arriving travelers, the commenter's suggestion cannot be adopted. More than one statute can be violated by the arriving traveler. However, the seizure or penalty notice will indicate the statute underlying the alleged violation.

Proposed Section (M) Violations of Laws Administered by Other Federal Agencies

Comment: One commenter recommends that this section be clarified so that Customs cannot impose a penalty for the release of seized merchandise for laws administered by other federal agencies.

Customs Response: Customs notes that in cases where merchandise is legally seized for violations of laws administered by other federal agencies, Customs may, by law, require payment of a penalty in order to remit the forfeiture in appropriate cases. Therefore, we cannot adopt the commenter's suggestion.

General Comments

Comment: One commenter recommends the proposed guidelines include a definition of the term "domestic value," since that term is used frequently within the guidelines.

Customs Response: Customs notes that the term "domestic value" already is defined in the Customs Regulations in 19 CFR 162.43(a) and clearly is applicable to penalty assessments. Therefore, we do not believe that adoption of the commenter's suggestion is warranted.

Comment: One commenter believes that Customs should explicitly provide that the agency has the authority to mitigate section 592 "interest" penalties in non-fraudulent actual duty loss cases involving a valid prior disclosure. The commenter feels that the proposed guidelines' failure to expressly provide for such mitigation authority diminishes the agency's policy position of encouraging valid prior disclosures.

Customs Response: Although the language in the proposed guidelines does not explicitly rule out the possibility of affording mitigation in extraordinary cases involving valid prior disclosures, the agency believes that the current language best reflects Congressional intent—namely, that the monetary benefits of a valid prior disclosure are those reduced penalties provided for by law.

Comment: A commenter suggests that the first sentence of proposed Appendix B providing for remission or mitigation of section 592 penalties pursuant to section 1618 of the Tariff Act of 1930, be added to the Customs Regulations. The commenter believes that the subjects of remission and mitigation discussed in the guidelines are not found in the regulations, and that by including these subjects in the regulations, Customs would have greater discretion regarding the use and application of the guidelines.

Customs Response: Customs notes that the regulations already discuss the mitigation and remission authority of the agency in connection with penalties and forfeitures in 19 CFR 162.31.

Comment: A commenter expresses concern that the proposed guidelines do not explicitly address the situation where a party makes a false statement, or engages in an omission or act that results in the overpayment of duty and taxes. The commenter is unclear whether such a case could result in the imposition of penalties under section 592.

Customs Response: Customs notes that liability under section 592 may arise in cases involving an overpayment of duty and taxes (*e.g.*, an overpayment to evade a tariff rate quota or an established government trigger-price mechanism). In Customs view, the

proposed guidelines adequately addressed these situations. For example, section (F) provides for penalty dispositions for such infractions as non-duty loss violations.

Comment: One commenter expresses reservations about the Customs field officer's ability to take into account the presence of mitigating factors when considering the issuance of a section 592 prepenalty notice. The commenter believes that this may be an unproductive use of the field officer's time and appears to be premature since the necessary information from the alleged violator has not yet been received.

The commenter also questions the need for sending "information copies" of section 592(d) demands to sureties in all cases except in those cases where less than a year remains under the statute of limitations. In the commenter's view, this can be a time-consuming task for Customs field officers where there are many entries and multiple sureties. The commenter also would like the "shortened response times" discussed in proposed section (E) made applicable to section 592(d) demands.

Finally, this commenter suggests that the "arriving travelers" section be re-lettered and moved closer in location to the section involving liability for penalties so that the Customs officer, in a rushed situation, will not miss the section on arriving travelers because the officer did not read far enough along in the guidelines.

Customs Response: With respect to the first suggestion, Customs notes that the proposed guidelines set forth that the field officer consider whether mitigating factors are *present* at the pre-penalty stage regardless of the level of culpability. Customs is not instructing the field officer at the pre-penalty stage of the proceedings to manufacture mitigating factors or speculate regarding their existence, but rather is attempting to promote development of realistic initial penalty assessments commensurate with the level of available evidence.

With respect to the commenter's concern involving the need for furnishing information copies of section 592(d) demands to sureties, Customs believes that in view of statute of limitations concerns associated with section 592(d) demands, and in order to assist sureties in tracking contingent liabilities, the benefits derived from such practice for both the government and the sureties outweighs any administrative burden imposed upon the Customs field office. Also, inasmuch as the Customs regulations do not provide for a shortened response time in connection with section 592(d) demands, the commenter's recommendation is rejected.

Lastly, to reduce the likelihood of the problem discussed in the commenter's last recommendation, we have added a sentence to the end of proposed section (E)(1)(a) to direct parties to the special assessments and dispositions section in cases involving arriving travelers.

Conclusion

Accordingly, based on the comments received and the analysis of those comments as set forth above, and after further review of this matter, Customs believes that the proposed revised guidelines should be adopted with the changes discussed above. Certain other clarifying changes are made as well.

Regulatory Flexibility Act

Because this revision of the guidelines relates to rules of agency procedure and policy, and no notice of proposed rulemaking was required pursuant to 5 U.S.C. 553, the document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Executive Order 12866

Because the document is not regulatory in nature, but merely serves to inform the public about certain agency procedures and practices, the revised guidelines do not meet the criteria for a "significant regulatory action" under E.O. 12866.

List of Subjects in 19 CFR Part 171

Customs duties and inspection, Law enforcement, Penalties, Seizures and forfeitures.

Amendment to the Regulations

Part 171 of the Customs Regulations (19 CFR part 171) is amended as set forth below:

PART 171—FINES, PENALTIES, AND FORFEITURES

1. The general authority citation for Part 171 continues to read as follows:

Authority: 19 U.S.C. 66, 1592, 1618, 1624. The provisions of subpart C also issued under 22 U.S.C. 401; 46 U.S.C. App. 320 unless otherwise noted.

2. Appendix B to Part 171 is revised to read as follows:

Appendix B to Part 171—Customs Regulations, Guidelines for the Imposition and Mitigation of Penalties for Violations of 19 U.S.C. 1592

A monetary penalty incurred under section 592 of the Tariff Act of 1930, as amended (19 U.S.C. 1592; hereinafter referred to as section 592) may be remitted or mitigated under section 618 of the Tariff Act of 1930, as amended (19 U.S.C. 1618), if it is determined that there are mitigating circumstances to justify remission or mitigation. The guidelines below will be used by the Customs Service in arriving at a just and reasonable assessment and disposition of liabilities arising under section 592 within the stated limitations. It is intended that these guidelines shall be applied by Customs officers in pre-penalty proceedings and in determining the monetary penalty assessed in any penalty notice. The assessed penalty or penalty amount set forth in Customs administrative disposition determined in accordance with these guidelines does not limit the penalty amount which the Government may seek in bringing a civil enforcement action pursuant to section 592(e). It should be understood that any mitigated penalty is conditioned upon payment of any actual loss of duty as well as a release by the party that indicates that the mitigation decision constitutes full accord and satisfaction. Further, mitigation decisions are not rulings within the meaning of part 177 of the Customs Regulations (19 CFR part 177). Lastly, these guidelines may supplement, and are not intended to preclude application of, any other special guidelines promulgated by Customs.

(A) Violations of Section 592

Without regard to whether the United States is or may be deprived of all or a portion of any lawful duty, tax or fee thereby, a violation of section 592 occurs when a person, through fraud, gross negligence, or negligence, enters, introduces, or attempts to enter or introduce any merchandise into the commerce of the United States by means of any document, electronic transmission of data or information, written or oral statement, or act that is material and false, or any omission that is material; or when a person aids or abets any other person in the entry, introduction, or attempted entry or introduction of merchandise by such means. It should be noted that the language "entry, introduction, or attempted entry or introduction" encompasses placing merchandise in-bond (*e.g.*, filing an immediate transportation application). There is no violation if the falsity or omission is due solely to clerical error or mistake of fact, unless the error or mistake is part of a pattern of negligent conduct. Also, the unintentional repetition by an electronic system of an initial clerical error generally will not constitute a pattern of negligent conduct. Nevertheless, if Customs has drawn the party's attention to the unintentional repetition by an electronic system of an initial clerical error, subsequent failure to correct the error could constitute a violation of section 592. Also, the unintentional repetition of a clerical mistake over a significant period of time or involving many entries could indicate a pattern of negligent conduct and a failure to exercise reasonable care.

(B) Definition of Materiality Under Section 592

A document, statement, act, or omission is material if it has the natural tendency to

influence or is capable of influencing agency action including, but not limited to a Customs action regarding: (1) Determination of the classification, appraisement, or admissibility of merchandise (*e.g.*, whether merchandise is prohibited or restricted); (2) determination of an importer's liability for duty (including marking, antidumping, and/or countervailing duty); (3) collection and reporting of accurate trade statistics; (4) determination as to the source, origin, or quality of merchandise; (5) determination of whether an unfair trade practice has been committed under the anti-dumping or countervailing duty laws or a similar statute; (6) determination of whether an unfair act has been committed involving patent, trademark, or copyright infringement; or (7) the determination of whether any other unfair trade practice has been committed in violation of federal law. The "but for" test of materiality is inapplicable under section 592.

(C) Degrees of Culpability Under Section 592

The three degrees of culpability under section 592 for the purposes of administrative proceedings are:

(1) *Negligence.* A violation is determined to be negligent if it results from an act or acts (of commission or omission) done through either the failure to exercise the degree of reasonable care and competence expected from a person in the same circumstances either: (a) in ascertaining the facts or in drawing inferences therefrom, in ascertaining the offender's obligations under the statute; or (b) in communicating information in a manner so that it may be understood by the recipient. As a general rule, a violation is negligent if it results from failure to exercise reasonable care and competence: (a) to ensure that statements made and information provided in connection with the importation of merchandise are complete and accurate; or (b) to perform any material act required by statute or regulation.

(2) *Gross Negligence.* A violation is deemed to be grossly negligent if it results from an act or acts (of commission or omission) done with actual knowledge of or wanton disregard for the relevant facts and with indifference to or disregard for the offender's obligations under the statute.

(3) *Fraud.* A violation is determined to be fraudulent if a material false statement, omission, or act in connection with the transaction was committed (or omitted) knowingly, *i.e.*, was done voluntarily and intentionally, as established by clear and convincing evidence.

(D) Discussion of Additional Terms

(1) *Duty Loss Violations.* A section 592 duty loss violation involves those cases where there has been a loss of duty including any marking, anti-dumping, or countervailing duties, or any tax and fee (*e.g.*, merchandise processing and/or harbor maintenance fees) attributable to an alleged violation.

(2) *Non-duty Loss Violations.* A section 592 non-duty loss violation involves cases where the record indicates that an alleged violation is principally attributable to, for example, evasion of a prohibition, restriction, or other non-duty related consideration involving the importation of the merchandise.

(3) *Actual Loss of Duties.* An actual loss of duty occurs where there is a loss of duty including any marking, anti-dumping, or countervailing duties, or any tax and fee (*e.g.*, merchandise processing and/or harbor maintenance fees) attributable to a liquidated Customs entry, and the merchandise covered by the entry has been entered or introduced (or attempted to be entered or introduced) in violation of section 592.

(4) *Potential Loss of Duties.* A potential loss of duty occurs where an entry remains unliquidated and there is a loss of duty, including any marking, anti-dumping or countervailing duties or any tax and fee (*e.g.*, merchandise processing and/or harbor maintenance fees) attributable to a violation of section 592, but the violation was discovered prior to liquidation. In addition, a potential loss of duty exists where Customs discovers the violation and corrects the entry to reflect liquidation at the proper classification and value. In other words, the potential loss in such cases equals the amount of duty, tax and fee that would have occurred had Customs not discovered the violation prior to liquidation and taken steps to correct the entry.

(5) *Total Loss of Duty.* The total loss of duty is the sum of any actual and potential loss of duty attributable to alleged violations of section 592 in a particular case. Payment of any actual and/or potential loss of duty shall not affect or reduce the total loss of duty used for assessing penalties as set forth in these guidelines. The "multiples" set forth below in paragraph (F)(2) involving assessment and disposition of cases shall utilize the "total loss of duty" amount in arriving at the appropriate assessment or disposition.

(6) *Reasonable Care.* General Standard: All parties, including importers of record or their agents, are required to exercise reasonable care in fulfilling their responsibilities involving entry of merchandise. These responsibilities include, but are not limited to: providing a classification and value for the merchandise; furnishing information sufficient to permit Customs to determine the final classification and valuation of merchandise; taking measures that will lead to and assure the preparation of accurate documentation, and determining whether any applicable requirements of law with respect to these issues are met. In addition, all parties, including the importer, must use reasonable care to provide accurate information or documentation to enable Customs to determine if the merchandise may be released. Customs may consider an importer's failure to follow a binding Customs ruling a lack of reasonable care. In addition, unreasonable classification will be considered a lack of reasonable care (*e.g.*, imported snow skis are classified as water skis). Failure to exercise reasonable care in connection with the importation of merchandise may result in imposition of a section 592 penalty for fraud, gross negligence or negligence.

(7) *Clerical Error.* A clerical error is an error in the preparation, assembly or submission of import documentation or information provided to Customs that results from a mistake in arithmetic or transcription that is not part of a pattern of negligence. The mere non-intentional repetition by an electronic system of an initial clerical error does not constitute a pattern of negligence. Nevertheless, as stated earlier, if Customs has drawn a party's attention to the non-intentional repetition by an electronic system of an initial clerical error, subsequent failure to correct the error could constitute a violation of section 592. Also, the unintentional repetition of a clerical mistake over a significant period of time or involving many entries could indicate a pattern of negligent conduct and a failure to exercise reasonable care.

(8) *Mistake of Fact.* A mistake of fact is a false statement or omission that is based on a bona fide erroneous belief as to the facts, so long as the belief itself did not result from negligence in ascertaining the accuracy of the facts.

(E) Penalty Assessment

(1) *Case Initiation—Pre-penalty Notice.*

(a) *Generally.* As provided in § 162.77, Customs Regulations (19 CFR 162.77), if the appropriate Customs field officer has reasonable cause to believe that a violation of section 592 has occurred and determines that further proceedings are warranted, the Customs field officer will issue to each person concerned a notice of intent to issue a claim for a monetary penalty (*i.e.*, the "pre-penalty notice"). In issuing such a pre-penalty notice, the Customs field officer will make a tentative determination of the degree of culpability and the amount of the proposed claim. Payment of any actual and/or potential loss of duty will not affect or reduce the total loss of duty used for assessing penalties as set forth in these guidelines. The "multiples" set forth in paragraphs (F)(2)(a)(i), (b)(i) and (c)(i) involving assessment and disposition of duty loss violation cases will use the amount of total loss of duty in arriving at the appropriate assessment or disposition. Further, where separate duty loss and non-duty loss violations occur on the same entry, it is within the Customs field officer's discretion to assess both duty loss and non-duty loss penalties, or only one of them. Where only one of the penalties is assessed, the Customs field officer has the discretion to select which penalty (duty loss or non-duty loss) shall be assessed. Also, where there is a violation accompanied by an incidental or nominal loss of duties, the Customs field officer may assess a non-duty loss penalty where the incidental or nominal duty loss resulted from a separate non-duty loss violation. The Customs field officer will propose a level of culpability in the pre-penalty notice that conforms to the level of culpability suggested by the evidence at the time of issuance. Moreover, the pre-penalty notice will include a statement that it is Customs practice to base its actions on the earliest point in time that the statute of limitations may be asserted (*i.e.*, the date of occurrence of the alleged violation) inasmuch as the final resolution of a case in court may be less than a finding of fraud. A pre-penalty notice that is issued to a party in a case where Customs determines a claimed prior disclosure is not valid—owing to the

disclosing party's knowledge of the commencement of a formal investigation of a disclosed violation—will include a copy of a written document that evidences the commencement of a formal investigation. In addition, a pre-penalty notice is not required if a violation involves a non-commercial importation or if the proposed claim does not exceed $1,000. Special guidelines relating to penalty assessment and dispositions involving "Arriving Travelers," are set forth in section (L) below.

(b) *Pre-penalty Notice—Proposed Claim Amount*

(i) *Fraud.* In general, if a violation is determined to be the result of fraud, the proposed claim ordinarily will be assessed in an amount equal to the domestic value of the merchandise. Exceptions to assessing the penalty at the domestic value may be warranted in unusual circumstances such as a case where the domestic value of the merchandise is disproportionately high in comparison to the loss of duty attributable to an alleged violation (*e.g.*, a total loss of duty of $10,000 involving 10 entries with a total domestic value of $2,000,000). Also, it is incumbent upon the appropriate Customs field officer to consider whether mitigating factors are present warranting a reduction in the customary domestic value assessment. In all section 592 cases of this nature regardless of the dollar amount of the proposed claim, the Customs field officer will obtain the approval of the Penalties Branch at Headquarters prior to issuance of a pre-penalty notice at an amount less than domestic value.

(ii) *Gross Negligence and Negligence.* In determining the amount of the proposed claim in cases involving gross negligence and negligence, the appropriate Customs field officer will take into account the gravity of the offense, the amount of loss of duty, the extent of wrongdoing, mitigating or aggravating factors, and other factors bearing upon the seriousness of a violation, but in no case will the assessed penalty exceed the statutory ceilings prescribed in section 592. In cases involving gross negligence and negligence, penalties equivalent to the ceilings stated in paragraphs (F)(2)(b) and (c) regarding disposition of cases may be appropriate in cases involving serious violations, *e.g.*, violations involving a high loss of duty or significant evasion of import prohibitions or restrictions. A "serious" violation need not result in a loss of duty. The violation may be serious because it affects the admissibility of merchandise or the enforcement of other laws, as in the case of quota evasions, false statements made to conceal the dumping of merchandise, or violations of exclusionary orders of the International Trade Commission.

(c) *Technical Violations.* Violations where the loss of duty is nonexistent or minimal and/or that have an insignificant impact on enforcement of the laws of the United States may justify a proposed penalty in a fixed amount not related to the value of merchandise, but an amount believed sufficient to have a deterrent effect: *e.g.*, violations involving the subsequent sale of merchandise or vehicles entered for personal use; violations involving failure to comply with declaration or entry requirements that do not change the admissibility or entry status of merchandise or its appraised value or classification; violations involving the illegal diversion to domestic use of instruments of international traffic; and local point-to-point traffic violations. Generally, a penalty in a fixed amount ranging from $1,000 to $2,000 is appropriate in cases where there are no prior violations of the same kind. However, fixed sums ranging from $2,000 to $10,000 may be appropriate in the case of multiple or repeated violations. Fixed sum penalty amounts are not subject to further mitigation and may not exceed the maximum amounts stated in section 592 and in these guidelines.

(d) *Statute of Limitations Considerations—Waivers.* Prior to issuance of any section 592 pre-penalty notice, the appropriate Customs field officer will calculate the statute of limitations attributable to an alleged violation. Inasmuch as section 592 cases are reviewed de novo by the Court of International Trade, the statute of limitations calculation in cases alleging fraud should assume a level of culpability of gross negligence or negligence, *i.e.*, ordinarily applying a shorter period of time for statute of limitations purposes. In accordance with section 162.78 of the Customs Regulations (19 CFR 162.78), if less than 1 year remains before the statute of limitations may be raised as a defense, a shortened response time may be specified in the notice—but in no case, less than 7 business days from the date of mailing. In cases of shortened response times, the Customs field officer should notify alleged violators by telephone and use all reasonable means (*e.g.*, facsimile transmission of a copy of the notice) to expedite receipt of the notice by the alleged violators. Also in such cases, the appropriate Customs field officer should advise the alleged violator that additional time to respond to the pre-penalty notice will be granted only if an acceptable waiver of the statute of limitations is submitted to Customs. With regard to waivers of the statute of limitations, it is Customs practice to request waivers concurrently both from all potential alleged violators and their sureties.

(2) *Closure of Case or Issuance of Penalty Notice.*

(a) *Case Closure.* The appropriate Customs field officer may find, after consideration of the record in the case, including any pre-penalty response/oral presentation, that issuance of a penalty notice is not warranted. In such cases, the Customs field officer will provide written notification to the alleged violator who received the subject pre-penalty notice that the case is closed.

(b) *Issuance of Penalty Notice.* In the event that circumstances warrant issuance of a notice of penalty pursuant to § 162.79 of the Customs Regulations (19 CFR 162.79), the appropriate Customs field officer will give consideration to all available evidence with respect to the existence of material false statements or omissions (including evidence presented by an alleged violator), the degree of culpability, the existence of a prior disclosure, the seriousness of the violation, and the existence of mitigating or aggravating factors. In cases involving fraud, the penalty notice will be in the amount of the domestic value of the merchandise unless a lesser amount is warranted as described in paragraph (E)(1)(b)(i). In general, the degree of culpability or proposed penalty amount stated in a pre-penalty notice will not be increased in the penalty notice. If, subsequent to the issuance of a pre-penalty notice and upon further review of the record, the appropriate Customs field officer determines that a higher degree of culpability exists, the original pre-penalty notice should be rescinded and a new pre-penalty notice issued that indicates the higher degree of culpability and increased proposed penalty amount. However, if less than 9 months remain before expiration of the statute of limitations or any waiver thereof by the party named in the pre-penalty notice, the higher degree of culpability and higher penalty amount may be indicated in the notice of penalty without rescinding the earlier pre-penalty notice. In such cases, the Customs field officer will consider whether a lower degree of culpability is appropriate or whether to change the information contained in the pre-penalty notice.

(c) *Statute of Limitations Considerations.* Prior to issuance of any section 592 penalty notice, the appropriate Customs field officer again shall calculate the statute of limitations attributable to the alleged violation and request a waiver(s) of the statute, if necessary. In accordance with part 171 of the Customs Regulations (19 CFR part 171), if less than 180 days remain before the statute of limitations may be raised as a defense, a shortened response time may be specified in the notice—but in no case less than 7 business days from the date of mailing. In such cases, the Customs field officer should notify an alleged violator by telephone and use all reasonable means (*e.g.*, facsimile transmission of a copy) to expedite receipt of the penalty notice by the alleged violator. Also, in such cases, the Customs field officer should advise an alleged violator that, if an acceptable waiver of the statute of limitations is provided, additional time to respond to the penalty notice may be granted.

(F) Administrative Penalty Disposition

(1) *Generally.* It is the policy of the Department of the Treasury and the Customs Service to grant mitigation in appropriate circumstances. In certain cases, based upon criteria to be developed by Customs, mitigation may take an alternative form, whereby a violator may eliminate or reduce his or her section 592 penalty liability by taking action(s) to correct problems that caused the violation. In any case, in determining the administrative section 592 penalty disposition, the appropriate Customs field officer will consider the entire case record—taking into account the presence of any mitigating or aggravating factors. All such factors should be set forth in the written administrative section 592 penalty decision. Once again, Customs emphasizes that any penalty liability which is mitigated is conditioned upon payment of any actual loss of duty in addition to that penalty as well as a release by the party that indicates that the mitigation decision constitutes full accord and satisfaction. Finally, section 592 penalty

dispositions in duty-loss and non-duty-loss cases will proceed in the manner set forth below.

(2) *Dispositions.*

(a) *Fraudulent Violation.* Penalty dispositions for a fraudulent violation will be calculated as follows:

(i) *Duty Loss Violation.* An amount ranging from a minimum of 5 times the total loss of duty to a maximum of 8 times the total loss of duty—but in any such case the amount may not exceed the domestic value of the merchandise. A penalty disposition greater than 8 times the total loss of duty may be imposed in a case involving an egregious violation, or a public health and safety violation, or due to the presence of aggravating factors, but again, the amount may not exceed the domestic value of the merchandise.

(ii) *Non-Duty Loss Violation.* An amount ranging from a minimum of 50 percent of the dutiable value to a maximum of 80 percent of the dutiable value of the merchandise. A penalty disposition greater than 80 percent of the dutiable value may be imposed in a case involving an egregious violation, or a public health and safety violation, or due to the presence of aggravating factors, but the amount may not exceed the domestic value of the merchandise.

(b) *Grossly Negligent Violation.* Penalty dispositions for a grossly negligent violation shall be calculated as follows:

(i) *Duty Loss Violation.* An amount ranging from a minimum of 2.5 times the total loss of duty to a maximum of 4 times the total loss of duty—but in any such case, the amount may not exceed the domestic value of the merchandise.

(ii) *Non-Duty Loss Violation.* An amount ranging from a minimum of 25 percent of the dutiable value to a maximum of 40 percent of the dutiable value of the merchandise—but in any such case, the amount may not exceed the domestic value of the merchandise.

(c) *Negligent Violation.* Penalty dispositions for a negligent violation shall be calculated as follows:

(i) *Duty Loss Violation.* An amount ranging from a minimum of 0.5 times the total loss of duty to a maximum of 2 times the total loss of duty but, in any such case, the amount may not exceed the domestic value of the merchandise.

(ii) *Non-Duty Loss Violation.* An amount ranging from a minimum of 5 percent of the dutiable value to a maximum of 20 percent of the dutiable value of the merchandise, but, in any such case, the amount may not exceed the domestic value of the merchandise.

(d) *Authority to Cancel Claim.* Upon issuance of a penalty notice, Customs has set forth its formal monetary penalty claim. Except as provided in 19 CFR part 171, in those section 592 cases within the administrative jurisdiction of the concerned Customs field office, the appropriate Customs field officer will cancel any such formal claim whenever it is determined that an essential element of the alleged violation is not established by the agency record, including pre-penalty and penalty responses provided by the alleged violator. Except as provided in 19 CFR part 171, in those section 592 cases within Customs Headquarters jurisdiction, the appropriate Customs field officer will cancel any such formal claim whenever it is determined that an essential element of the alleged violation is not established by the agency record, and such cancellation action precedes the date of the Customs field officer's receipt of the alleged violator's petition responding to the penalty notice. On and after the date of Customs receipt of the petition responding to the penalty notice, jurisdiction over the action rests with Customs Headquarters including the authority to cancel the claim.

(e) *Remission of Claim.* If the Customs field officer believes that a claim for monetary penalty should be remitted for a reason not set forth in these guidelines, the Customs field officer should first seek approval from the Chief, Penalties Branch, Customs Service Headquarters.

(f) *Prior Disclosure Dispositions.* It is the policy of the Department of the Treasury and the Customs Service to encourage the submission of valid prior disclosures that comport with the laws, regulations, and policies governing this provision of section 592. Customs will determine the validity of the prior disclosure including whether or not the prior disclosure sets forth all the required elements of a violation of section 592. A valid prior disclosure warrants the imposition of the reduced Customs civil penalties set forth below:

(1) *Fraudulent Violation.*

(a) *Duty Loss Violation.* The claim for monetary penalty shall be equal to 100 percent of the total loss of duty (*i.e.*, actual + potential) resulting from the violation. No mitigation will be afforded.

(b) *Non-Duty Loss Violation.* The claim for monetary penalty shall be equal to 10 percent of the dutiable value of the merchandise in question. No mitigation will be afforded.

(2) *Gross Negligence and Negligence Violation.*

(a) *Duty Loss Violation.* The claim for monetary penalty shall be equal to the interest on the actual loss of duty computed from the date of liquidation to the date of the party's tender of the actual loss of duty resulting from the violation. Customs notes that there is no monetary penalty in these cases if the duty loss is potential in nature. Absent extraordinary circumstances, no mitigation will be afforded.

(b) *Non-Duty Loss Violation.* There is no monetary penalty in such cases and any claim for monetary penalty which had been issued prior to the decision granting prior disclosure will be remitted in full.

(G) Mitigating Factors

The following factors will be considered in mitigation of the proposed or assessed penalty claim or the amount of the administrative penalty decision, provided that the case record sufficiently establishes their existence. The list is not all-inclusive.

(1) *Contributory Customs Error.* This factor includes misleading or erroneous advice given by a Customs official *in writing* to the alleged violator, or established by a contemporaneously created written Customs record, only if it appears that the alleged violator reasonably relied upon the information and the alleged violator fully and accurately informed Customs of all relevant facts. The concept of comparative negligence may be utilized in determining the weight to be assigned to this factor. If it is determined that the Customs error was the sole cause of the violation, the proposed or assessed penalty claim shall be canceled. If the Customs error contributed to the violation, but the violator also is culpable, the Customs error will be considered as a mitigating factor.

(2) *Cooperation with the Investigation.* To obtain the benefits of this factor, the violator must exhibit extraordinary cooperation beyond that expected from a person under investigation for a Customs violation. Some examples of the cooperation contemplated include assisting Customs officers to an unusual degree in auditing the books and records of the violator (*e.g.*, incurring extraordinary expenses in providing computer runs solely for submission to Customs to assist the agency in cases involving an unusually large number of entries and/or complex issues). Another example consists of assisting Customs in obtaining additional information relating to the subject violation or other violations. Merely providing the books and records of the violator should not be considered cooperation justifying mitigation inasmuch as Customs has the right to examine an importer's books and records pursuant to 19 U.S.C. 1508–1509.

(3) *Immediate Remedial Action.* This factor includes the payment of the actual loss of duty prior to the issuance of a penalty notice and within 30 days after Customs notifies the alleged violator of the actual loss of duties attributable to the alleged violation. In appropriate cases, where the violator provides evidence that immediately after learning of the violation, substantial remedial action was taken to correct organizational or procedural defects, immediate remedial action may be granted as a mitigating factor. Customs encourages immediate remedial action to ensure against future incidents of non-compliance.

(4) *Inexperience in Importing.* Inexperience is a factor only if it contributes to the violation and the violation is not due to fraud or gross negligence.

(5) *Prior Good Record.* Prior good record is a factor only if the alleged violator is able to demonstrate a consistent pattern of importations without violation of section 592, or any other statute prohibiting false or fraudulent importation practices. This factor will not be considered in alleged fraudulent violations of section 592.

(6) *Inability to Pay the Customs Penalty.* The party claiming the existence of this factor must present documentary evidence in support thereof, including copies of income tax returns for the previous 3 years, and an audited financial statement for the most recent fiscal quarter. In certain cases, Customs may waive the production of an audited financial statement or may request alternative or additional financial data in order to facilitate an analysis of a claim of inability to pay (*e.g.*, examination of the financial records of a foreign entity related to the U.S. company claiming inability to pay).

(7) *Customs Knowledge.* Additional relief in non-fraud cases (which also are not the

subject of a criminal investigation) will be granted if it is determined that Customs had actual knowledge of a violation and, without justification, failed to inform the violator so that it could have taken earlier corrective action. In such cases, if a penalty is to be assessed involving repeated violations of the same kind, the maximum penalty amount for violations occurring after the date on which actual knowledge was obtained by Customs will be limited to two times the loss of duty in duty-loss cases or twenty percent of the dutiable value in non-duty-loss cases if the continuing violations were the result of gross negligence, or the lesser of one time the loss of duty in duty-loss cases or ten percent of dutiable value in non-duty-loss cases if the violations were the result of negligence. This factor will not be applicable when a substantial delay in the investigation is attributable to the alleged violator.

(H) Aggravating Factors

Certain factors may be determined to be aggravating factors in calculating the amount of the proposed or assessed penalty claim or the amount of the administrative penalty decision. The presence of one or more aggravating factors may not be used to raise the level of culpability attributable to the alleged violations, but may be utilized to offset the presence of mitigating factors. The following factors will be considered "aggravating factors," provided that the case record sufficiently establishes their existence. The list is not exclusive.

(1) Obstructing an investigation or audit,

(2) Withholding evidence,

(3) Providing misleading information concerning the violation,

(4) Prior substantive violations of section 592 for which a final administrative finding of culpability has been made,

(5) Textile imports that have been the subject of illegal transshipment (*i.e.*, false country of origin declaration), whether or not the merchandise bears false country of origin markings,

(6) Evidence of a motive to evade a prohibition or restriction on the admissibility of the merchandise (*e.g.*, evading a quota restriction),

(7) Failure to comply with a lawful demand for records or a Customs summons.

(I) Offers in Compromise ("Settlement Offers")

Parties who wish to submit a civil offer in compromise pursuant to 19 U.S.C. 1617 (also known as a "settlement offer") in connection with any section 592 claim or potential section 592 claim should follow the procedures outlined in § 161.5 of the Customs Regulations (19 CFR 161.5). Settlement offers do not involve "mitigation" of a claim or potential claim, but rather "compromise" an action or potential action where Customs evaluation of potential litigation risks, or the alleged violator's financial position, justifies such a disposition. In any case where a portion of the offered amount represents a tender of unpaid duties, taxes and fees, Customs letter of acceptance may identify the portion representing any such duty, tax and fee. The offered amount should be deposited at the Customs field office responsible for handling the section 592 claim or potential section 592 claim. The offered amount will be held in a suspense account pending acceptance or rejection of the offer in compromise. In the event the offer is rejected, the concerned Customs field office will promptly initiate a refund of the money deposited in the suspense account to the offeror.

(J) Section 592(d) Demands

Section 592(d) demands for actual losses of duty ordinarily are issued in connection with a penalty action, or as a separate demand without an associated penalty action. In either case, information must be present establishing a violation of section 592(a). In those cases where the appropriate Customs field officer determines that issuance of a penalty under section 592 is not warranted (notwithstanding the presence of information establishing a violation of section 592(a)), but that circumstances do warrant issuance of a demand for payment of an actual loss of duty pursuant to section 592(d), the Customs field officer shall follow the procedures set forth in section 162.79b of the Customs Regulations (19 CFR 162.79b). Except in cases where less than one year remains before the statute of limitations may be raised as a defense, information copies of all section 592(d) demands should be sent to all concerned sureties and the importer of record if such party is not an alleged violator. Also, except in cases where less than one year remains before the statute of limitations may be raised as a defense, Customs will endeavor to issue all section 592(d) demands to concerned sureties and non-violator importers of record only after default by principals.

(K) Customs Brokers

If a customs broker commits a section 592 violation and the violation involves fraud, or the broker commits a grossly negligent or negligent violation and shares in the benefits of the violation to an extent over and above customary brokerage fees, the customs broker will be subject to these guidelines. However, if the customs broker commits either a grossly negligent or negligent violation of section 592 (without sharing in the benefits of the violation as described above), the concerned Customs field officer may proceed against the customs broker pursuant to the remedies provided under 19 U.S.C. 1641.

(L) Arriving Travelers

(1) *Liability.* Except as set forth below, proposed and assessed penalties for violations by an arriving traveler must be determined in accordance with these guidelines.

(2) *Limitations on Liability on Non-commercial Violations.* In the absence of a referral for criminal prosecution, monetary penalties assessed in the case of an alleged first-offense, non-commercial, fraudulent violation by an arriving traveler will generally be limited as follows:

(a) *Fraud—Duty Loss Violation.* An amount ranging from a minimum of three times the loss of duty to a maximum of five times the loss of duty, provided the loss of duty is also paid;

(b) *Fraud—Non-duty Loss Violation.* An amount ranging from a minimum of 30 percent of the dutiable value of the merchandise to a maximum of 50 percent of its dutiable value;

(c) *Gross Negligence—Duty Loss Violation.* An amount ranging from a minimum of 1.5 times the loss of duty to a maximum of 2.5 times the loss of duty provided the loss of duty is also paid;

(d) *Gross Negligence—Non-duty Loss Violation.* An amount ranging from a minimum of 15 percent of the dutiable value of the merchandise to a maximum of 25 percent of its dutiable value;

(e) *Negligence—Duty Loss Violation.* An amount ranging from a minimum of .25 times the loss of duty to a maximum of 1.25 times the loss of duty provided that the loss of duty is also paid;

(f) *Negligence—Non-duty Loss Violation.* An amount ranging from a minimum of 2.5 percent of the dutiable value of the merchandise to a maximum of 12.5 percent of its dutiable value;

(g) *Special Assessments/Dispositions.* No penalty action under section 592 will be initiated against an arriving traveler if the violation is not fraudulent or commercial, the loss of duty is $100.00 or less, and there are no other concurrent or prior violations of section 592 or other statutes prohibiting false or fraudulent importation practices. However, all lawful duties, taxes and fees will be collected. Also, no penalty under section 592 will be initiated against an arriving traveler if the violation is not fraudulent or commercial, there are no other concurrent or prior violations of section 592, and a penalty is not believed necessary to deter future violations or to serve a law enforcement purpose.

(M) Violations of Laws Administered by Other Federal Agencies.

Violations of laws administered by other federal agencies (such as the Food and Drug Administration, Consumer Product Safety Commission, Office of Foreign Assets Control, Department of Agriculture, Fish and Wildlife Service) should be referred to the appropriate agency for its recommendation. Such recommendation, if promptly tendered, will be given due consideration, and may be followed provided the recommendation would not result in a disposition inconsistent with these guidelines.

(N) Section 592 Violations by Small Entities

In compliance with the mandate of the Small Business Regulatory Enforcement Fairness Act of 1996, under appropriate circumstances, the issuance of a penalty under section 592 may be waived for businesses qualifying as small business entities.

Procedures established for small business entities regarding violations of 19 U.S.C. 1592 were published as Treasury Decision

97–46 in the **Federal Register** (62 FR 30378) on June 3, 1997.

Raymond W. Kelly,

Commissioner of Customs.

Approved: June 19, 2000.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 00–15874 Filed 6–22–00; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 868

[Docket No. 00P–1117]

Medical Devices; Anesthesiology Devices; Classification of Devices to Relieve Upper Airway Obstruction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is classifying devices to relieve upper airway obstruction into class II (special controls). The special control that will apply to this device is a labeling and design control guidance document. This action is being taken in response to a petition submitted under the Federal Food, Drug, and Cosmetic Act (the act) as amended by the Medical Device Amendments of 1976 (the amendments), the Safe Medical Devices Act of 1990 (the SMDA), and the Food and Drug Administration Modernization Act of 1997 (FDAMA). The agency is classifying this device into class II in order to provide a reasonable assurance of the safety and effectiveness of the device.

DATES: This rule is effective July 24, 2000.

FOR FURTHER INFORMATION CONTACT: Carroll O'Neill, Center for Devices and Radiological Health (CDRH) (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8262, ext. 170.

SUPPLEMENTARY INFORMATION:

I. Background

The act, as amended by the amendments (Public Law 94–295), the SMDA (Public Law 101–629), and FDAMA (Public Law 105–115), establishes a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the act (21 U.S.C. 360c) establishes three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

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

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

In accordance with section 513(f)(1) of the act, FDA issued an order on December 29, 1999, classifying the Quickair Choke Reliever, Model 59–001A in class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device that was subsequently reclassified into class I or class II. On December 20, 1999, FDA filed a petition from Maet, Industries, Inc., requesting classification of the device into class II under section 513(f)(2) of the act.

After review of the information submitted in the petition, FDA determined that the Quickair Choke Reliever, Model 59–001A can be classified in class II with the establishment of special controls. FDA believes that class II special controls, in addition to the general controls, provide reasonable assurance of the safety and effectiveness of the device. On February 29, 2000, FDA issued an order to the petitioner classifying the Quickair Choke Reliever, Model 59–001A, and substantially equivalent devices of this generic type into class II under the generic name, "Devices to relieve upper airway acute obstruction." In addition to the general controls of the act, the Quickair Choke Reliever, Model 59–001A is subject to the following special control: "Class II Special Control Guidance Document for Acute Upper Airway Obstruction Devices." The guidance document covers:

(1) Labeling that includes instructions for reporting complications resulting from the use of the device directly to the manufacturer, as well as any applicable medical device reporting requirements (21 CFR part 803).

(2) Labeling for the lay user that includes adequate instructions for use including: (a) A clear identification of the minimum victim size threshold (weight), as well as any device-specific limitations identified through application of design controls, and (b) instructions for use of the Heimlich maneuver.

(3) Design controls that satisfactorily evaluate:

(a) The potential for excessive generation and application of pressure to the abdomen that can result in damage to the internal organs;

(b) The generated pressures and their distributions over the abdomen as compared to the Heimlich maneuver in a variety of victim sizes and user strengths;

(c) The initial and peak airway pressures and the duration of pressure application of the device as compared to the Heimlich maneuver;

(d) Bench testing to include static load, mechanical shock, fatigue and intra-abdominal pressure simulation; and

(e) Human factors testing to demonstrate that the lay user is able to understand and follow the device instructions for use with respect to device placement and applied force. The testing should include a range of rescuer's sizes, ages and educational levels, as well as an appropriate range of victim size and position.

In order to receive the document entitled "Class II Special Control Guidance Document for Acute Upper Airway Obstruction Devices" via your fax machine, call the CDRH Facts-On-Demand (FOD) system at 800–899–0381

or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system and then enter the document number 1138 followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the draft guidance may do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes the document entitled "Guidance on 510(k) Submissions for Acute Upper Airway Obstruction Devices," device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh. The document entitled "Guidance on 510(k) Submissions for Acute Upper Airway Obstruction Devices" will be available at http://www.fda.gov/cdrh/ggpmain.html#docs.

Section 510(m) of the act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k), if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. FDA has determined that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device and, therefore, the device is exempt from the premarket notification requirements. FDA believes that the special controls are adequate to provide reasonable assurance of the safety and effectiveness of the device. Thus, persons who intend to market a device of this type do not need to submit to FDA a premarket notification and receive agency clearance before marketing the device.

II. Environmental Impact

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

III. Analysis of Impacts

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

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. The agency knows of only one manufacturer of this device. Without this rule, the manufacturer would be required to obtain approval of a premarket approval application from FDA before marketing this device. Therefore, this rule reduces an economic burden for this manufacturer and any future manufacturers of this type of device. The agency, therefore, certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

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

IV. Paperwork Reduction Act of 1995

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

V. Federalism

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

List of Subjects in 21 CFR Part 868

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 868 is amended as follows:

PART 868—ANESTHESIOLOGY DEVICES

1. The authority citation for 21 CFR part 868 continues to read as follows:

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

2. Section 868.5115 is added to subpart F to read as follows:

§ 868.5115 Device to relieve acute upper airway obstruction.

(a) *Identification.* The device is a raised, rounded pad that, in the event of choking on a foreign body, can be applied to the abdomen and pushed upward to generate expulsion pressure to remove the obstruction to relieve acute upper airway obstruction.

(b) *Classification.* Class II (special controls) ("Class II Special Control Guidance Document for Acute Upper Airway Obstruction Devices").

Dated: June 13, 2000.

Linda S. Kahan,

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

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Chapter V

Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers; Addition of Persons Blocked Pursuant to 31 CFR Part 538, 31 CFR Part 597, or Executive Order 13129

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Amendment of final rule.

SUMMARY: The Treasury Department is amending appendix A to 31 CFR chapter V to revise the names of the foreign terrorist organizations whose funds are required to be blocked by U.S. financial institutions; add the names of the Taliban and three entities and one individual determined to be owned or controlled by, or to act for or on behalf of, the Taliban in Afghanistan; and add the names of two entities determined to be owned or controlled by, or to act for or on behalf of, the Government of Sudan.

EFFECTIVE DATE: June 20, 2000.

FOR FURTHER INFORMATION CONTACT: Office of Foreign Assets Control, Department of the Treasury, Washington, DC 22201; tel.: 202/622–2420.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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Background

In furtherance of section 303 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–132, 110 Stat. 1214–1319 (the "Act"), implemented in part by the Foreign Terrorist Organizations Sanctions Regulations, 31 CFR part 597 (62 FR 52493, Oct. 8, 1997—the "FTOSR") the Office of Foreign Assets Control is revising the list of foreign terrorist organizations ("FTOs") in appendix A to 31 CFR chapter V. Section 303 of the Act (new 18 U.S.C. 2339B), as implemented in § 597.201 of the FTOSR, requires financial institutions in possession or control of funds in which a foreign terrorist organization or its agent has an interest to block such funds except as authorized pursuant to the FTOSR, and to file reports in accordance with the FTOSR. Financial institutions that violate 18 U.S.C. 2339B(a)(2) and the FTOSR are subject to civil penalties administered by the Treasury Department.

Twenty-seven FTOs were redesignated, and one organization was designated, by the Secretary of State in a notice published in the **Federal Register** on October 8, 1999 (64 FR 55112) pursuant to section 302 of the Act (new 8 U.S.C. 1189), which authorizes the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to designate and redesignate organizations meeting stated requirements as FTOs, with prior notification to Congress of the intent to designate. Appendix A contains the names of blocked persons, specially designated nationals, specially designated terrorists, foreign terrorist organizations, and specially designated narcotics traffickers designated pursuant to the various economic sanctions programs administered by the Office of Foreign Assets Control.

Pursuant to Executive Order 13129 of July 4, 1999 (64 FR 36759), "Blocking Property and Prohibiting Transactions with the Taliban," the Treasury Department is adding the Taliban, three entities and one individual determined to be owned or controlled by, or to act for or on behalf of, the Taliban in Afghanistan. These persons are hereafter referred to as "blocked persons."

Finally, pursuant to the Sudan Sanctions Regulations, 31 CFR part 538, the Treasury Department is adding the names of two entities determined to be owned or controlled by, or to act for or on behalf of, the Government of Sudan. These persons are hereafter referred to as "specially designated nationals" or "SDNs."

Since this rule involves a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

For the reasons set forth in the preamble, and under the authority of 18 U.S.C. 2339B, 31 U.S.C. 321(b), 50 U.S.C. 1701–1706, and E.O. 13129 (64 FR 36759), the appendixes to 31 CFR chapter V are amended as set forth below:

Appendixes to Chapter V

1. The notes to the appendixes to chapter V are amended by amending note 6 to add the following entry inserted in alphabetical order to read as follows:

Notes: * * *

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[TALIBAN]: Executive Order 13129, 64 FR 36759, July 7, 1999;

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2. Appendix A is amended by removing all entries that end in "[FTO]" and by adding the following entries inserted in numerical or alphabetical order to read as follows:

* * * * *

17 NOVEMBER (see REVOLUTIONARY ORGANIZATION 17 NOVEMBER) [FTO]

ABU GHUNAYM SQUAD OF THE HIZBALLAH BAYT AL-MAQDIS (see PALESTINE ISLAMIC JIHAD-SHAQAQI FACTION) [SDT, FTO]

ABU NIDAL ORGANIZATION (a.k.a. ANO; a.k.a. BLACK SEPTEMBER; a.k.a. FATAH REVOLUTIONARY COUNCIL; a.k.a. ARAB REVOLUTIONARY COUNCIL; a.k.a. ARAB REVOLUTIONARY BRIGADES; a.k.a. REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS) [SDT, FTO]

ABU SAYYAF GROUP (a.k.a. AL HARAKAT AL ISLAMIYYA) [FTO]

AFGHAN NATIONAL BANK (see BANKE MILLIE AFGHAN) [TALIBAN]

THE AFGHAN STATE BANK (see DA AFGHANISTAN BANK) [TALIBAN]

A.I.C. COMPREHENSIVE RESEARCH INSTITUTE (see AUM SHINRIKYO) [FTO]

A.I.C. SOGO KENKYUSHO (see AUM SHINRIKYO) [FTO]

AIIB (see JAPANESE RED ARMY) [FTO]

AL-FARAN (see HARAKAT UL-MUJAHIDEEN) [FTO]

AL-GAMA'AT (see GAMA'A AL-ISLAMIYYA) [SDT, FTO]

AL-HADID (see HARAKAT UL-MUJAHIDEEN) [FTO]

AL-HADITH (see HARAKAT UL-MUJAHIDEEN) [FTO]

AL HARAKAT AL ISLAMIYYA (see ABU SAYYAF GROUP) [FTO]

AL-JAMA'AH AL-ISLAMIYAH AL-MUSALLAH (see ARMED ISLAMIC GROUP) [FTO]

AL-JIHAD (a.k.a. EGYPTIAN AL-JIHAD; a.k.a. NEW JIHAD; a.k.a. EGYPTIAN ISLAMIC JIHAD; a.k.a. JIHAD GROUP) [SDT, FTO]
AL QAEDA (see AL QA'IDA) [SDT, FTO]
AL QA'IDA (a.k.a. AL QAEDA; a.k.a. "The BASE"; a.k.a. ISLAMIC ARMY; a.k.a. WORLD ISLAMIC FRONT FOR JIHAD AGAINST JEWS AND CRUSADERS; a.k.a. ISLAMIC ARMY FOR THE LIBERATION OF THE HOLY PLACES; a.k.a. USAMA BIN LADEN NETWORK; a.k.a. USAMA BIN LADEN ORGANIZATION; a.k.a. ISLAMIC SALVATION FOUNDATION; a.k.a. THE GROUP FOR THE PRESERVATION OF THE HOLY SITES) [SDT, FTO]
ANO (see ABU NIDAL ORGANIZATION) [SDT, FTO]
ANSAR ALLAH (see HIZBALLAH) [SDT, FTO]
ANTI-IMPERIALIST INTERNATIONAL BRIGADE (see JAPANESE RED ARMY) [FTO]
ANTI-WAR DEMOCRATIC FRONT (see JAPANESE RED ARMY) [FTO]
ARAB REVOLUTIONARY BRIGADES (see ABU NIDAL ORGANIZATION) [SDT, FTO]
ARAB REVOLUTIONARY COUNCIL (see ABU NIDAL ORGANIZATION) [SDT, FTO]
ARIANA AFGHAN AIRLINES (f.k.a. BAKHTAR AFGHAN AIRLINES), Afghan Authority Building, P.O. Box 76, Ansari Watt, Kabul, Afghanistan [TALIBAN]
ARMED ISLAMIC GROUP (AIG) (a.k.a. GIA; a.k.a. GROUPEMENT ISLAMIQUE ARME; a.k.a. AL-JAMA'AH AL-ISLAMIYAH AL-MUSALLAH) [FTO]
AUM SHINRIKYO (a.k.a. AUM SUPREME TRUTH; a.k.a. A.I.C. SOGO KENKYUSHO; a.k.a. A.I.C. COMPREHENSIVE RESEARCH INSTITUTE) [FTO]
AUM SUPREME TRUTH (see AUM SHINRIKYO) [FTO]
BAKHTAR AFGHAN AIRLINES (see ARIANA AFGHAN AIRLINES) [TALIBAN]
BANK E. MILLIE AFGHAN (see BANKE MILLIE AFGHAN) [TALIBAN]
BANK OF AFGHANISTAN (see DA AFGHANISTAN BANK) [TALIBAN]
BANKE MILLIE AFGHAN (a.k.a. AFGHAN NATIONAL BANK; a.k.a. BANK E. MILLIE AFGHAN) Jada Ibn Sina, Kabul, Afghanistan [TALIBAN]
"The BASE" (see AL QA'IDA) [SDT, FTO]
BASQUE FATHERLAND AND LIBERTY (a.k.a. EUZKADI TA ASKATASUNA; a.k.a. ETA) [FTO]
BLACK SEPTEMBER (see ABU NIDAL ORGANIZATION) [SDT, FTO]
CENTRAL BANK OF AFGHANISTAN (see DA AFGHANISTAN BANK) [TALIBAN]
COMMITTEE FOR THE SAFETY OF THE ROADS (see KACH) [SDT, FTO]
DA AFGHANISTAN BANK (a.k.a. BANK OF AFGHANISTAN; a.k.a. CENTRAL BANK OF AFGHANISTAN; a.k.a. THE AFGHAN STATE BANK), Ibni Sina Wat, Kabul, Afghanistan [TALIBAN]
DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE (see DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE—HAWATMEH FACTION) [SDT]
DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE—HAWATMEH FACTION (a.k.a. DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE, a.k.a. DFLP, a.k.a. RED STAR FORCES, a.k.a. RED STAR BATTALIONS) [SDT]
DEV SOL (see REVOLUTIONARY PEOPLE'S LIBERATION PARTY/FRONT) [FTO]
DEV SOL ARMED REVOLUTIONARY UNITS (see REVOLUTIONARY PEOPLE'S LIBERATION PARTY/FRONT) [FTO]
DEV SOL SDB (see REVOLUTIONARY PEOPLE'S LIBERATION PARTY/FRONT) [FTO]
DEV SOL SILAHLI DEVRIMCI BIRLIKLERI (see REVOLUTIONARY PEOPLE'S LIBERATION PARTY/FRONT) [FTO]
DEVRIMCI HALK KURTULUS PARTISI-CEPHESI (see REVOLUTIONARY PEOPLE'S LIBERATION PARTY/FRONT) [FTO]
DEVRIMCI SOL (see REVOLUTIONARY PEOPLE'S LIBERATION PARTY/FRONT) [FTO]
DFLP (see DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE—HAWATMEH FACTION) [SDT]
DHKP/C (see REVOLUTIONARY PEOPLE'S LIBERATION PARTY/FRONT)
DIKUY BOGDIM (see KACH) [SDT, FTO]
DOV (see KACH) [SDT, FTO]
EGP (see SHINING PATH) [FTO]
EGYPTIAN AL-GAMA'AT AL-ISLAMIYYA (see GAMA'A AL-ISLAMIYYA) [SDT, FTO]
EGYPTIAN AL-JIHAD (see AL-JIHAD) [SDT, FTO]
EGYPTIAN ISLAMIC JIHAD (see AL-JIHAD) [SDT, FTO]
EJERCITO DE LIBERACION NACIONAL (see NATIONAL LIBERATION ARMY) [FTO]
EJERCITO GUERRILLERO POPULAR (PEOPLE'S GUERRILLA ARMY) (see SHINING PATH) [FTO]
EJERCITO POPULAR DE LIBERACION (PEOPLE'S LIBERATION ARMY) (see SHINING PATH) [FTO]
ELA (see REVOLUTIONARY PEOPLE'S STRUGGLE) [FTO]
ELLALAN FORCE (see LIBERATION TIGERS OF TAMIL EELAM) [FTO]
ELN (see NATIONAL LIBERATION ARMY) [FTO]
EPANASTATIKI ORGANOSI 17 NOEMVRI (see REVOLUTIONARY ORGANIZATION 17 NOVEMBER) [FTO]
EPANASTATIKOS LAIKOS AGONAS (see REVOLUTIONARY PEOPLE'S STRUGGLE) [FTO]
EPL (see SHINING PATH) [FTO]
ETA (see BASQUE FATHERLAND AND LIBERTY) [FTO]
EUZKADI TA ASKATASUNA (see BASQUE FATHERLAND AND LIBERTY) [FTO]
FARC (see REVOLUTIONARY ARMED FORCES OF COLOMBIA) [FTO]
FATAH REVOLUTIONARY COUNCIL (see ABU NIDAL ORGANIZATION) [SDT, FTO]
FOLLOWERS OF THE PROPHET MUHAMMED (see HIZBALLAH) [SDT, FTO]
FOREFRONT OF THE IDEA (see KACH) [SDT, FTO]
FUERZAS ARMADAS REVOLUCIONARIAS DE COLOMBIA (see REVOLUTIONARY ARMED FORCES OF COLOMBIA) [FTO]
GAMA'A AL-ISLAMIYYA (a.k.a. ISLAMIC GROUP; a.k.a. IG; a.k.a. AL-GAMA'AT; a.k.a. ISLAMIC GAMA'AT; a.k.a. EGYPTIAN AL-GAMA'AT AL-ISLAMIYYA; a.k.a. GI) [SDT, FTO]
GI (see GAMA'A AL-ISLAMIYYA) [SDT, FTO]
GIA (see ARMED ISLAMIC GROUP) [FTO]
GNPOC (see GREATER NILE PETROLEUM OPERATING COMPANY LIMITED) [SUDAN]
GREATER NILE PETROLEUM OPERATING COMPANY LIMITED (a.k.a. GNPOC), Hotel Palace, Room 420, El Nil Avenue, Khartoum, Sudan; El Harr Oilfield, Muglad Basin, Sudan; El Nar Oilfield, Muglad Basin, Sudan; El Toor Oilfield, Muglad Basin, Sudan; Heglig Oilfield, Muglad Basin, Sudan; Heglig Processing Facility, Muglad Basin, Sudan; Kaikang Oilfield, Muglad Basin, Sudan; Toma South Oilfield, Muglad Basin, Sudan; Unity Oilfield, Muglad Basin, Sudan; Pipeline, Heglig via El-Obeid to Port Sudan, Sudan; Red Sea Export Terminal, Marsa al-Basha'ir, Sudan [SUDAN]
THE GROUP FOR THE PRESERVATION OF THE HOLY SITES (see AL QA'IDA) [SDT, FTO]
GROUPEMENT ISLAMIQUE ARME (see ARMED ISLAMIC GROUP) [FTO]
HALHUL GANG (see POPULAR FRONT FOR THE LIBERATION OF PALESTINE) [SDT, FTO]
HALHUL SQUAD (see POPULAR FRONT FOR THE LIBERATION OF PALESTINE) [SDT, FTO]
HAMAS (a.k.a. ISLAMIC RESISTANCE MOVEMENT; a.k.a. HARAKAT AL-MUQAWAMA AL-ISLAMIYA; a.k.a. STUDENTS OF AYYASH; a.k.a. STUDENTS OF THE ENGINEER; a.k.a. YAHYA AYYASH UNITS; a.k.a. IZZ AL-DIN AL-QASSIM BRIGADES; a.k.a. IZZ AL-DIN AL-QASSIM FORCES; a.k.a. IZZ AL-DIN AL-QASSIM BATTALIONS; a.k.a. IZZ AL-DIN AL QASSAM BRIGADES; a.k.a. IZZ AL-DIN AL QASSAM FORCES; a.k.a. IZZ AL-DIN AL QASSAM BATTALIONS) [SDT, FTO]
HARAKAT AL-MUQAWAMA AL-ISLAMIYA (see HAMAS) [SDT, FTO]
HARAKAT UL-ANSAR (see HARAKAT UL-MUJAHIDEEN) [FTO]
HARAKAT UL-MUJAHIDEEN (a.k.a. HUM; a.k.a. HARAKAT UL-ANSAR; a.k.a. HUA; a.k.a. AL-HADID; a.k.a. AL-HADITH; a.k.a. AL-FARAN) [FTO]
HIZBALLAH (a.k.a. PARTY OF GOD; a.k.a. ISLAMIC JIHAD; a.k.a. ISLAMIC JIHAD ORGANIZATION; a.k.a. REVOLUTIONARY JUSTICE ORGANIZATION; a.k.a. ORGANIZATION OF THE OPPRESSED ON EARTH; a.k.a. ISLAMIC JIHAD FOR THE LIBERATION OF PALESTINE; a.k.a. ORGANIZATION OF RIGHT AGAINST WRONG; a.k.a. ANSAR ALLAH; a.k.a. FOLLOWERS OF THE PROPHET MUHAMMED) [SDT, FTO]
HOLY WAR BRIGADE (see JAPANESE RED ARMY) [FTO]
HUA (see HARAKAT UL-MUJAHIDEEN) [FTO]

HUM (see HARAKAT UL-MUJAHIDEEN) [FTO]
IG (see GAMA'A AL-ISLAMIYYA) [SDT, FTO]
ISLAMIC ARMY (see AL QA'IDA) [SDT, FTO]
ISLAMIC ARMY FOR THE LIBERATION OF THE HOLY PLACES (see AL QA'IDA) [SDT, FTO]
ISLAMIC GAMA'AT (see GAMA'A AL-ISLAMIYYA) [SDT, FTO]
ISLAMIC GROUP (see GAMA'A AL-ISLAMIYYA) [SDT, FTO]
ISLAMIC JIHAD (see HIZBALLAH) [SDT, FTO]
ISLAMIC JIHAD FOR THE LIBERATION OF PALESTINE (see HIZBALLAH) [SDT, FTO]
ISLAMIC JIHAD IN PALESTINE (see PALESTINE ISLAMIC JIHAD-SHAQAQI FACTION) [SDT, FTO]
ISLAMIC JIHAD OF PALESTINE (see PALESTINE ISLAMIC JIHAD-SHAQAQI FACTION) [SDT, FTO]
ISLAMIC JIHAD ORGANIZATION (see HIZBALLAH) [SDT, FTO]
ISLAMIC MOVEMENT OF TALIBAN (see TALIBAN) [TALIBAN]
ISLAMIC RESISTANCE MOVEMENT (see HAMAS) [SDT, FTO]
ISLAMIC SALVATION FOUNDATION (see AL QA'IDA) [SDT, FTO]
IZZ AL-DIN AL QASSAM BATTALIONS (see HAMAS) [SDT, FTO]
IZZ AL-DIN AL QASSAM BRIGADES (see HAMAS) [SDT, FTO]
IZZ AL-DIN AL QASSAM FORCES (see HAMAS) [SDT, FTO]
IZZ AL-DIN AL-QASSIM BATTALIONS (see HAMAS) [SDT, FTO]
IZZ AL-DIN AL-QASSIM BRIGADES (see HAMAS) [SDT, FTO]
IZZ AL-DIN AL-QASSIM FORCES (see HAMAS) [SDT, FTO]
JAPANESE RED ARMY (a.k.a. NIPPON SEKIGUN; a.k.a. NIHON SEKIGUN; a.k.a. ANTI-IMPERIALIST INTERNATIONAL BRIGADE; a.k.a. HOLY WAR BRIGADE; a.k.a. ANTI-WAR DEMOCRATIC FRONT; a.k.a. JRA; a.k.a. AIIB) [FTO]
JIHAD GROUP (see AL-JIHAD) [SDT, FTO]
JRA (see JAPANESE RED ARMY) [FTO]
JUDEA POLICE (see KACH) [SDT, FTO]
THE JUDEAN LEGION (see KAHANE CHAI) [SDT, FTO]
THE JUDEAN VOICE (see KAHANE CHAI) [SDT, FTO]
JUNE 78 (see REVOLUTIONARY PEOPLE'S STRUGGLE) [FTO]
KACH (a.k.a. REPRESSION OF TRAITORS; a.k.a. DIKUY BOGDIM; a.k.a. DOV; a.k.a. STATE OF JUDEA; a.k.a. COMMITTEE FOR THE SAFETY OF THE ROADS; a.k.a. SWORD OF DAVID; a.k.a. JUDEA POLICE; a.k.a. FOREFRONT OF THE IDEA; a.k.a. THE QOMEMIYUT MOVEMENT; a.k.a. THE YESHIVA OF THE JEWISH IDEA) [SDT, FTO]
KAHANE CHAI (a.k.a. KAHANE LIVES; a.k.a. KFAR TAPUAH FUND; a.k.a. THE JUDEAN VOICE; a.k.a. THE JUDEAN LEGION; a.k.a. THE WAY OF THE TORAH; a.k.a. THE YESHIVA OF THE JEWISH IDEA; a.k.a. KOACH) [SDT, FTO]
KAHANE LIVES (see KAHANE CHAI) [SDT, FTO]
KFAR TAPUAH FUND (see KAHANE CHAI) [SDT, FTO]
KOACH (see KAHANE CHAI) [SDT, FTO]
KURDISTAN WORKERS' PARTY (a.k.a. PKK; a.k.a. PARTIYA KARKERAN KURDISTAN) [FTO]
LIBERATION STRUGGLE (see REVOLUTIONARY PEOPLE'S STRUGGLE) [FTO]
LIBERATION TIGERS OF TAMIL EELAM (a.k.a. LTTE; a.k.a. TAMIL TIGERS; a.k.a. ELLALAN FORCE) [FP-2]
LTTE (see LIBERATION TIGERS OF TAMIL EELAM) [FTO]
MEK (see MUJAHEDIN-E KHALQ ORGANIZATION) [FTO]
MKO (see MUJAHEDIN-E KHALQ ORGANIZATION) [FTO]
MOVIMIENTO REVOLUCIONARIO TUPAC AMARU (see TUPAC AMARU REVOLUTIONARY MOVEMENT) [FTO]
MRTA (see TUPAC AMARU REVOLUTIONARY MOVEMENT) [FTO]
MUJAHEDIN-E KHALQ (see MUJAHEDIN-E KHALQ ORGANIZATION) [FTO]
MUJAHEDIN-E KHALQ ORGANIZATION (a.k.a. MEK; a.k.a. MKO; a.k.a. MUJAHEDIN-E KHALQ; a.k.a. PEOPLE'S MUJAHEDIN ORGANIZATION OF IRAN; a.k.a. PMOI; a.k.a. ORGANIZATION OF THE PEOPLE'S HOLY WARRIORS OF IRAN; a.k.a. SAZEMAN-E MUJAHEDIN-E KHALQ-E IRAN; a.k.a. NATIONAL COUNCIL OF RESISTANCE (NCR); a.k.a. NATIONAL LIBERATION ARMY OF IRAN; a.k.a. NLA) [FTO]
NATIONAL COUNCIL OF RESISTANCE (NCR) (see MUJAHEDIN-E KHALQ ORGANIZATION) [FTO]
NATIONAL LIBERATION ARMY (a.k.a. ELN; a.k.a. EJERCITO DE LIBERACION NACIONAL) [FTO]
NATIONAL LIBERATION ARMY OF IRAN (see MUJAHEDIN-E KHALQ ORGANIZATION) [FTO]
NEW JIHAD (see AL-JIHAD) [SDT, FTO]
NIHON SEKIGUN (see JAPANESE RED ARMY) [FTO]
NIPPON SEKIGUN (see JAPANESE RED ARMY) [FTO]
NLA (see MUJAHEDIN-E KHALQ ORGANIZATION) [FTO]
OMAR, Mohammed, Commander of the Faithful ("Amir al-Mumineen"), Kandahar, Afghanistan; DOB 1950; POB Hotak, Kandahar Province, Afghanistan (individual) [TALIBAN]
ORGANIZATION OF REVOLUTIONARY INTERNATIONALIST SOLIDARITY (see REVOLUTIONARY PEOPLE'S STRUGGLE) [FTO]
ORGANIZATION OF RIGHT AGAINST WRONG (see HIZBALLAH) [SDT, FTO]
ORGANIZATION OF THE OPPRESSED ON EARTH (see HIZBALLAH) [SDT, FTO]
ORGANIZATION OF THE PEOPLE'S HOLY WARRIORS OF IRAN (see MUJAHEDIN-E KHALQ ORGANIZATION) [FTO]
PALESTINE ISLAMIC JIHAD-SHAQAQI FACTION (a.k.a. PIJ-SHAQAQI FACTION; a.k.a. PIJ-SHALLAH FACTION; a.k.a. PALESTINIAN ISLAMIC JIHAD; a.k.a. PIJ; a.k.a. ISLAMIC JIHAD OF PALESTINE; a.k.a. ISLAMIC JIHAD IN PALESTINE; a.k.a. ABU GHUNAYM SQUAD OF THE HIZBALLAH BAYT AL-MAQDIS) [SDT, FTO]
PALESTINE LIBERATION FRONT (see PALESTINE LIBERATION FRONT—ABU ABBAS FACTION) [SDT, FTO]
PALESTINE LIBERATION FRONT—ABU ABBAS FACTION (a.k.a. PALESTINE LIBERATION FRONT; a.k.a. PLF; a.k.a. PLF-ABU ABBAS) [SDT, FTO]
PALESTINIAN ISLAMIC JIHAD (see PALESTINE ISLAMIC JIHAD-SHAQAQI FACTION) [SDT, FTO]
PARTIDO COMUNISTA DEL PERU (COMMUNIST PARTY OF PERU) (see SHINING PATH) [FTO]
PARTIDO COMUNISTA DEL PERU EN EL SENDERO LUMINOSO DE JOSE CARLOS MARIATEGUI (COMMUNIST PARTY OF PERU ON THE SHINING PATH OF JOSE CARLOS MARIATEGUI) (see SHINING PATH) [FTO]
PARTIYA KARKERAN KURDISTAN (see KURDISTAN WORKERS' PARTY) [FTO]
PARTY OF GOD (see HIZBALLAH) [SDT, FTO]
PCP (see SHINING PATH) [FTO]
PEOPLE'S MUJAHEDIN ORGANIZATION OF IRAN (see MUJAHEDIN-E KHALQ ORGANIZATION) [FTO]
PFLP (see POPULAR FRONT FOR THE LIBERATION OF PALESTINE) [SDT, FTO]
PFLP-GC (see POPULAR FRONT FOR THE LIBERATION OF PALESTINE-GENERAL COMMAND) [SDT, FTO]
PIJ (see PALESTINE ISLAMIC JIHAD-SHAQAQI FACTION) [SDT, FTO]
PIJ-SHALLAH FACTION (see PALESTINE ISLAMIC JIHAD-SHAQAQI FACTION) [SDT, FTO]
PIJ-SHAQAQI FACTION (see PALESTINE ISLAMIC JIHAD-SHAQAQI FACTION) [SDT, FTO]
PKK (see KURDISTAN WORKERS' PARTY) [FTO]
PLF (see PALESTINE LIBERATION FRONT—ABU ABBAS FACTION) [SDT, FTO]
PLF-ABU ABBAS (see PALESTINE LIBERATION FRONT—ABU ABBAS FACTION) [SDT, FTO]
PMOI (see MUJAHEDIN-E KHALQ ORGANIZATION) [FTO]
POPULAR FRONT FOR THE LIBERATION OF PALESTINE (a.k.a. PFLP; a.k.a. RED EAGLES; a.k.a. RED EAGLE GROUP; a.k.a. RED EAGLE GANG; a.k.a. HALHUL GANG; a.k.a. HALHUL SQUAD) [SDT, FTO]
POPULAR FRONT FOR THE LIBERATION OF PALESTINE-GENERAL COMMAND (a.k.a. PFLP-GC) [SDT, FTO]
POPULAR REVOLUTIONARY STRUGGLE (see REVOLUTIONARY PEOPLE'S STRUGGLE) [FTO]
THE QOMEMIYUT MOVEMENT (see KACH) [SDT, FTO]
RED EAGLE GANG (see POPULAR FRONT FOR THE LIBERATION OF PALESTINE) [SDT, FTO]
RED EAGLE GROUP (see POPULAR FRONT FOR THE LIBERATION OF PALESTINE) [SDT, FTO]
RED EAGLES (see POPULAR FRONT FOR THE LIBERATION OF PALESTINE) [SDT, FTO]

RED STAR BATTALIONS (see DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE—HAWATMEH FACTION) [SDT]
RED STAR FORCES (see DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE—HAWATMEH FACTION) [SDT]
REPRESSION OF TRAITORS (see KACH) [SDT, FTO]
REVOLUTIONARY ARMED FORCES OF COLOMBIA (a.k.a. FARC; a.k.a. FUERZAS ARMADAS REVOLUCIONARIAS DE COLOMBIA) [FTO]
REVOLUTIONARY CELLS (see REVOLUTIONARY PEOPLE'S STRUGGLE) [FTO]
REVOLUTIONARY JUSTICE ORGANIZATION (see HIZBALLAH) [SDT, FTO]
REVOLUTIONARY LEFT (see REVOLUTIONARY PEOPLE'S LIBERATION PARTY/FRONT) [FTO]
REVOLUTIONARY NUCLEI (see REVOLUTIONARY PEOPLE'S STRUGGLE) [FTO]
REVOLUTIONARY ORGANIZATION 17 NOVEMBER (a.k.a. 17 NOVEMBER; a.k.a. EPANASTATIKI ORGANOSI 17 NOEMVRI) [FTO]
REVOLUTIONARY ORGANIZATION OF SOCIALIST MUSLIMS (see ABU NIDAL ORGANIZATION) [SDT, FTO]
REVOLUTIONARY PEOPLE'S LIBERATION PARTY/FRONT (a.k.a. DEVRIMCI HALK KURTULUS PARTISI-CEPHESI; a.k.a. DHKP/C; a.k.a. DEVRIMCI SOL; a.k.a. REVOLUTIONARY LEFT; a.k.a. DEV SOL; a.k.a. DEV SOL SILAHLI DEVRIMCI BIRLIKLERI; a.k.a. DEV SOL SDB; a.k.a. DEV SOL ARMED REVOLUTIONARY UNITS) [FTO]
REVOLUTIONARY PEOPLE'S STRUGGLE (a.k.a. EPANASTATIKOS LAIKOS AGONAS; a.k.a. ELA; a.k.a. REVOLUTIONARY POPULAR STRUGGLE; a.k.a. POPULAR REVOLUTIONARY STRUGGLE: a.k.a. JUNE 78; a.k.a. ORGANIZATION OF REVOLUTIONARY INTERNATIONALIST SOLIDARITY; a.k.a. REVOLUTIONARY NUCLEI; a.k.a. REVOLUTIONARY CELLS; a.k.a. LIBERATION STRUGGLE) [FTO]
REVOLUTIONARY POPULAR STRUGGLE (see REVOLUTIONARY PEOPLE'S STRUGGLE) [FTO]
SAZEMAN-E MUJAHEDIN-E KHALQ-E IRAN (see MUJAHEDIN-E KHALQ ORGANIZATION) [FTO]
SENDERO LUMINOSO (see SHINING PATH) [FTO]
SHINING PATH (a.k.a. SENDERO LUMINOSO; a.k.a. SL; a.k.a. PARTIDO COMUNISTA DEL PERU EN EL SENDERO LUMINOSO DE JOSE CARLOS MARIATEGUI (COMMUNIST PARTY OF PERU ON THE SHINING PATH OF JOSE CARLOS MARIATEGUI); a.k.a. PARTIDO COMUNISTA DEL PERU (COMMUNIST PARTY OF PERU); a.k.a. PCP; a.k.a. SOCORRO POPULAR DEL PERU (PEOPLE'S AID OF PERU); a.k.a. SPP; a.k.a. EJERCITO GUERRILLERO POPULAR (PEOPLE'S GUERRILLA ARMY); a.k.a. EGP; a.k.a. EJERCITO POPULAR DE LIBERACION (PEOPLE'S LIBERATION ARMY); a.k.a. EPL) [FTO]
SL (see SHINING PATH) [FTO]
SOCORRO POPULAR DEL PERU (PEOPLE'S AID OF PERU) (see SHINING PATH) [FTO]
SPP (see SHINING PATH) [FTO]
STATE OF JUDEA (see KACH) [SDT, FTO]
STUDENTS OF AYYASH (see HAMAS) [SDT, FTO]
STUDENTS OF THE ENGINEER (see HAMAS) [SDT, FTO]
SUDAN PETROLEUM COMPANY LIMITED (see SUDAPET LTD.) [SUDAN]
SUDAPET (see SUDAPET LTD.) [SUDAN]
SUDAPET LTD. (a.k.a. SUDAPET, a.k.a. SUDAN PETROLEUM COMPANY LIMITED), El Nil Street, Khartoum, Sudan [SUDAN]
SWORD OF DAVID (see KACH) [SDT, FTO]
TAHRIKE ISLAMI'A TALIBAN (see TALIBAN) [TALIBAN]
TALEBAN (see TALIBAN) [TALIBAN]
TALIBAN (a.k.a. ISLAMIC MOVEMENT OF TALIBAN; a.k.a. TAHRIKE ISLAMI'A TALIBAN; a.k.a. TALEBAN; a.k.a TALIBAN ISLAMIC MOVEMENT; a.k.a. TALIBANO ISLAMI TAHRIK), Afghanistan [TALIBAN]
TALIBAN ISLAMIC MOVEMENT (see TALIBAN) [TALIBAN]
TALIBANO ISLAMI TAHRIK (see TALIBAN) [TALIBAN]
TAMIL TIGERS (see LIBERATION TIGERS OF TAMIL EELAM) [FTO]
TUPAC AMARU REVOLUTIONARY MOVEMENT (a.k.a. MOVIMIENTO REVOLUCIONARIO TUPAC AMARU; a.k.a. MRTA) [FTO]
USAMA BIN LADEN NETWORK (see AL QA'IDA) [SDT, FTO]
USAMA BIN LADEN ORGANIZATION (see AL QA'IDA) [SDT, FTO]
THE WAY OF THE TORAH (see KAHANE CHAI) [SDT, FTO]
WORLD ISLAMIC FRONT FOR JIHAD AGAINST JEWS AND CRUSADERS (see AL QA'IDA) [SDT, FTO]
YAHYA AYYASH UNITS (see HAMAS) [SDT, FTO]
THE YESHIVA OF THE JEWISH IDEA (see KACH) [SDT, FTO]
THE YESHIVA OF THE JEWISH IDEA (see KAHANE CHAI) [SDT, FTO]

Dated: May 11, 2000.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: May 24, 2000.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 00–15881 Filed 6–20–00; 4:22 pm]

BILLING CODE 4810–25–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–00–021]

Special Local Regulations for Marine Events; Severn River, College Creek, and Weems Creek, Annapolis, Maryland

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: The Coast Guard is implementing the special local regulations found at 33 CFR 100.518 during the fireworks display to be held July 4, 2000, on the Severn River at Annapolis, Maryland. These special local regulations are necessary to control vessel traffic due to the confined nature of the waterway and expected vessel congestion during the fireworks display. The effect will be to restrict general navigation in the regulated area for the safety of spectators and vessels transiting the event area.

EFFECTIVE DATES: 33 CFR 100.518 is effective from 8 p.m. to 11 p.m. on July 4, 2000 and July 5, 2000.

FOR FURTHER INFORMATION CONTACT: Chief Warrant Officer R. L. Houck, Marine Events Coordinator, Commander, Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226–1971, (410) 576–2674.

SUPPLEMENTARY INFORMATION: The City of Annapolis will sponsor a fireworks display on July 4, 2000 on the Severn River, Annapolis, Maryland. If the event is postponed due to weather conditions, the temporary special local regulations will be effective from 8 p.m. to 11 p.m. on July 5, 2000. The fireworks display will be launched from a barge positioned within the regulated area. In order to ensure the safety of spectators and transiting vessels, 33 CFR 100.518 will be in effect for the duration of the event. Under provisions of 33 CFR 100.518, a vessel may not enter the regulated area unless it receives permission from the Coast Guard Patrol Commander. Spectator vessels may anchor outside the regulated area but may not block a navigable channel. Because these restrictions will be in effect for a limited period, they should not result in a significant disruption of maritime traffic.

Dated: June 8, 2000.

J. E. Shkor,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 00–15941 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05–00–022]

RIN 2115–AE46

Special Local Regulations for Marine Events; Maryland Swim for Life, Chester River, Chestertown, MD

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is adopting temporary special local regulations for the Maryland Swim for Life, a marine event to be held on the waters of the Chester River, Chestertown, Maryland. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Chester River during the event.

DATES: This rule is effective from 6 a.m. to 1 p.m. on July 8, 2000.

ADDRESSES: You may mail comments and related material to Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or deliver them to the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays. Comments and materials received from the public as well as documents indicated in this preamble as being available in the docket, are part of this docket and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S.L. Phillips, Project Manager, Operations Division, Auxiliary Section, at (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Request for Comments

Although this rule is being published as a temporary final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure the rule is both reasonable and workable. Accordingly, we encourage you to submit comments and related material. If you do so, please include your name and address, identify the docket number (CGD05–00–022), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related materials in an unbound format, no larger than 8.5 by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope.

Regulatory Information

A notice of proposed rulemaking (NPRM) was not published for this regulation. In keeping with 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. The Coast Guard received confirmation of the request for special local regulations on May 19, 2000. We were notified of the event with insufficient time to publish a NPRM, allow for comments, and publish a final rule prior to the event.

Background and Purpose

On July 8, 2000, the Maryland Swim for Life Association will sponsor the Maryland Swim for Life on the waters of the Chester River. Approximately 100 swimmers will start from Rolph's Wharf and swim upriver 2 miles then swim down river returning back to Rolph's Wharf. A large fleet of support vessels will be accompanying the swimmers. To provide for the safety of participants and support vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during the swim.

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 it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

We expect the economic impact of this temporary final 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 the Chester River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

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. 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.

Although this regulation prevents traffic from transiting a portion of the Chester River during the event, the effect of this regulation will not be significant because of the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

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's 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

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES.** By controlling vessel traffic during the event, this rule is intended to minimize environmental impacts of increased vessel traffic during the transit of support vessels.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 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 and 33 CFR 100.35.

2. Add temporary § 100.35–T05–022 to read as follows:

§ 100.35–T05–022 Maryland Swim for Life, Chester River, Chester, Maryland.

(a) Definitions.

(1) *Regulated Area.* The waters of the Chester River, from shoreline to shoreline bounded on the south by a line drawn at latitude 39°10′16″ N and bounded on the north by a line drawn at latitude 39°11′35″ N. All coordinates reference Datum NAD 1983.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(b) Special Local Regulations.

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(c) *Effective Date.* This section is effective from 6 a.m. to 1 p.m on July 8, 2000.

Dated: June 8, 2000.

J.E. Shkor,

Vice Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 00–15940 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION 4910–15–U

Coast Guard

33 CFR Part 117

[CGD13–00–008]

RIN 2115–AE47

Drawbridge Operations Regulations; Columbia River, OR

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is revising the operating regulations for the dual Interstate 5 drawbridges across the Columbia River, mile 106.5, between Portland, Oregon, and Vancouver, Washington. The temporary rule will enable the bridge owner to paint the lift tower of the northbound bridge by permitting the vertical lift span to be maintained in the closed (down) position from July 15 to September 15, 2000, provided that the water level at the bridge remains at or below 6 feet (Columbia River Datum or CRD) measured as the daily mean.

DATES: This rule is effective from July 15 to September 15, 2000.

ADDRESSES: Unless otherwise noted, documents referred to in this preamble are available for inspection and copying at Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174–1067 or deliver them to room 3510 between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Plans and Programs Section, Aids to Navigation and Waterways Management Branch, Telephone (206) 220–7272.

SUPPLEMENTARY INFORMATION:

Regulatory History

The Coast Guard published a temporary final rule in the **Federal Register** (64 FR 37678) on July 13, 1999. That rule temporarily revised the operating regulations from July 15 to September 15, 2000, as well as a similar period in the summer of 1999. Prior to that final rule the Coast Guard published a notice of proposed rulemaking in the **Federal Register** (64 FR 17134) on April 8, 1999. The Coast Guard received no letters in response to the proposed rulemaking. No public hearing was requested and none was held. Previous discussions with navigational interests and the U.S. Army Corps of Engineers disclosed the optimal time during the year for the closure period. We did not publish a notice of proposed rulemaking (NPRM) for this regulation.

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. This final rule does not change the previously published bracketing dates for the draw closure. 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**. This rule does not change the previously advertised closure dates, which were published in the **Federal Register** (64 FR 37678) on July 13, 1999.

Background

The purpose of the temporary change to the operation regulations of § 117.869 is to permit the bridge owner to paint the remaining lift span tower of the northbound bridge. The other tower was painted in the summer of 1999. The adjacent southbound bridge on I–5 is a newer structure and is not included in this painting project. However, its draw span operates normally in unison with the southbound draw span and therefore will be affected by the final rule.

Current containment requirements to prevent pollution from the lead paint removal make it necessary to install an envelope around the tower which supports the movable span and to isolate the wire ropes within the towers from contamination. This containment system makes it impossible to operate the lift span while it is in place. Derigging such a containment system can not be achieved in a timely fashion for opening the drawbridge for the passage of vessels.

The closed period is during that part of the year that coincides with lower water levels on the Columbia River. Most vessels are able to pass through one of the two higher fixed spans of the structure south of the drawspan when the river is low. This obviates the need for the dual draw-bridges to open for these vessels. The containment system will not intrude into the high fixed span or the northern half of the wide fixed span at the same time.

This change to the rule is based on the request of the Oregon Department of Transportation (ODOT). After several discussions with the Coast Guard and waterway users, ODOT requested that the commencement of the project (closure of the drawspans) be permitted when the daily mean river level is less than 6 feet CRD. This offers a more practical start criterion than the previously specified 6 feet (CRD) that did not countenance the intermediate period in July when the river level fluctuates around 6 feet (CRD) on a daily basis. The other issue of great concern is the point at which the river might rise to 6 feet CRD towards the end of the project. As previously described, the project could have been terminated at a rise in river level to 6 feet CRD. In that event the contractor would derig the containment system and restore the draw to normal operation. However, since the containment system cannot be removed quickly, ODOT is concerned that the river level might fall back below 6 feet CRD after an order to derig is received. Derigging for normal operation of the drawspan could take one to two weeks. The Coast Guard concurs that a prediction of three days or more at 6 feet (CRD) for the daily mean will be the minimum period for demanding that the state derig the containment system once it has been installed. The source of the prediction would be the Northwest River Forecast Center, U.S. Army Corps of Engineers. Records indicate that such a rise is improbable before September 15th. Furthermore, the Columbia River Towboat Association has suggested that the state could find relief from derigging at higher water if an assist tug were provided at the bridge owner's expense. In the event that such conditions do occur, the District Commander may elect to delay an order to derig if the draw closure can be mitigated temporarily by the provision of assist tugs at the expense of the state of Oregon.

Discussion of Comments and Changes

The Coast Guard did not publish another proposed rule for the change that is made in this temporary final rule. The only change is a more precise definition of river level for start and stop of the drawspan closure. This change accounts for those days in July every year when the water level may fluctuate above and below 6 feet CRD. The mean daily level of 6 feet CRD will serve the reasonable needs of navigation and the painting project.

Regulatory Evaluation

This final rule is not a significant regulatory action under 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 rule to be so minimal that a full regulatory evaluation under that order to be unnecessary. The final rule would permit vital maintenance to be performed without unreasonable inconvenience to river traffic.

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. The Coast Guard certifies that this rule will not have a significant impact on a substantial number of small entities.

Collection of Information

This proposal calls for no new collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

We have analyzed this final rule in accordance with the principles and criteria contained in 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's having first provided the funds to pay those unfunded mandate 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 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. 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 final rule and concluded that, under Figure 2–1, paragraph 32(e), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have a significant effect on the environment. A written "Categorical Exclusion Determination" is not required for this final rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U. S. C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.869, paragraph (a)(3) is removed, and from July 15, 2000, to September 15, 2000, a new paragraph (a)(3) is added to read as follows:

§ 117.869 Columbia River.

(a) * * *

(3) The draws of the dual Interstate 5 Bridges, mile 106.5, between Portland,

OR, and Vancouver, WA, need not open for the passage of vessels from July 15 to September 15, 2000, provided that the river level remains at or below 6 feet Columbia River Datum for a daily mean. If the river level rises to 6 feet or more measured as the daily mean for more than three consecutive days prior to September 15, 2000, the draws shall operate as provided in paragraphs (a)(1) and (2) of this section when directed by the District Commander.

Dated: June 15, 2000.

Erroll Brown,

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

[FR Doc. 00–15953 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–00–005]

RIN 2115–AA97

Safety Zone: Coast Guard Activities New York Annual Fireworks Displays

AGENCY: Coast Guard, DOT

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule published in the **Federal Register** of June 8, 2000, concerning regulations for annual fireworks displays located on Sandy Hook Bay, Rondout Creek, Hempstead Harbor, the Arthur Kill, and the Hudson River. That document contained an incorrect amendatory instruction.

DATES: The correction is effective June 23, 2000.

FOR FURTHER INFORMATION CONTACT: Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

SUPPLEMENTARY INFORMATION:

Correction

In final rule FR Doc 00–14507, on page 36342, second column the amendatory instruction for item number 2 is incorrectly set out and a correction is needed.

PART 165—[CORRECTED]

Correction of Publication

Accordingly, in the publication on June 8, 2000, of the final rule [CGD01–00–005], which is the subject of FR Doc. 00–14507, make the following correction. On page 36342, second column, in amendatory instruction number 2, remove the word "revised" and add in its place the word "add".

Dated: June 19, 2000.

Pamela M. Pelcovits,

Chief, Office of Regulations and Administrative Law, United States Coast Guard, DOT.

[FR Doc. 00–15954 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991228352–0182–03; I.D. 121099C, 011100D]

RIN 0648-AM83

Fisheries of the Exclusive Economic Zone Off Alaska; Emergency Interim Rules to Implement the American Fisheries Act; Extension of Expiration Dates

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

ACTION: Extension and revision of emergency interim rules; revision to 2000 final harvest specifications; request for comments.

SUMMARY: On January 5, 2000, and January 28, 2000, NMFS published emergency interim rules, effective through June 27, 2000, and July 20, 2000, respectively, that implemented major provisions of the American Fisheries Act (AFA) for the 2000 fishing year. This action revises and extends these two emergency interim rules through December 24, 2000, and January 16, 2001, respectively. This action also revises the 2000 final harvest specifications for the pollock fisheries off Alaska to make final allocations of pollock to inshore cooperatives. This emergency action is necessary to provide inshore pollock cooperatives with allocations of pollock for the second half of the 2000 fishing year as required by the AFA. This emergency action also is necessary to maintain sideboard restrictions to protect participants in other Alaska fisheries from negative impacts as a result of fishery cooperatives formed under the AFA.

DATES: The expiration date of the emergency interim rule published January 5, 2000 (65 FR 380), is extended from June 27, 2000, to December 24, 2000. The expiration date of the emergency interim rule published January 28, 2000 (65 FR 4520), is extended from July 20, 2000, to January 16, 2001. The amendments in this rule are effective July 20, 2000, through January 16, 2001, except that the amendments for § 679.4 are effective June 28, 2000, through December 24, 2000. Comments must be received by July 24, 2000.

ADDRESSES: Comments may be sent to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of the environmental assessment/regulatory impact review (EA/RIR) prepared for these emergency rules may be obtained from the same address. The EA/RIR also is available on the Alaska Region home page at http://www.fakr.noaa.gov.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907–586–7228 or kent.lind@noaa.gov.

SUPPLEMENTARY INFORMATION: The AFA, Div. C, Title II, Subtitle II, Pub. L. No. 105-277, 112 Stat. 2681 (1998), made profound changes in the management of the groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI) and, to a lesser extent, the groundfish fisheries of the Gulf of Alaska (GOA) and crab fisheries of the BSAI. NMFS implemented the AFA for the 2000 fishery through two emergency interim rules. The first emergency interim rule (65 FR 380, January 5, 2000) established permit requirements and pre-season permit application procedures for AFA vessels, processors, and inshore catcher vessel cooperatives.

The second emergency interim rule (65 FR 4520, January 28, 2000) implemented the major AFA-related management measures for the 2000 fisheries including: a new formula to allocate the Bering Sea and Aleutian Islands Management Area (BSAI) pollock total allowable catch (TAC) among the Western Alaska Community Development Quota (CDQ) program and the inshore, catcher/processor, and mothership industry sectors; new recordkeeping and reporting requirements for the BSAI pollock fishery and for processors that receive groundfish from AFA catcher vessels; new observer coverage and scale requirements for AFA catcher/processors, AFA motherships, and AFA inshore processors; new regulations to govern BSAI pollock fishery cooperatives formed under the AFA; harvesting restrictions on AFA catcher vessels and AFA catcher/processors to

limit effort by such vessels in other groundfish and crab fisheries; crab processing restrictions on AFA motherships and AFA inshore processors that receive pollock harvested by a cooperative in a BSAI directed pollock fishery; revised interim groundfish harvest specifications for the BSAI and GOA; and interim allocations of pollock TAC to inshore pollock cooperatives.

At its April 2000 meeting, the North Pacific Fishery Management Council (Council) voted to recommend extension of these two emergency rules for an additional 180 days. The Council also recommended revisions to the emergency interim rules to impose December 1 permit application deadlines as described below.

The preambles to the original emergency interim rules provide a detailed description of the purpose and need for these two actions. This action extends the expiration date of the first emergency interim rule (65 FR 380, January 5, 2000) from June 27, 2000, to December 24, 2000; and extends the expiration date of the second emergency interim rule (65 FR 4520, January 28, 2000) from July 20, 2000, to January 16, 2001.

This action also makes two changes to the permit application deadlines set out in the first emergency interim rule (65 FR 380. January 5, 2000). Finally, this action establishes final annual allocations of Bering Sea subarea pollock to inshore cooperatives and to the "open access" vessels not fishing in cooperatives. These changes are described here.

December 1, 2000, Deadline for AFA Vessel and Processor Permits

The first emergency interim rule (65 FR 380, January 5, 2000) is revised to establish a one-time application deadline of December 1, 2000, for all AFA vessel and processor permits. Applications for AFA vessel or processor permits will not be accepted after this date and any vessels or processors for which an application has not been received by this date will be permanently ineligible to receive AFA permits. The purpose of this application deadline is to finalize the list of vessels and processors to which AFA fishing privileges and sideboard restrictions apply. A final list of AFA-permitted vessels is necessary because inshore cooperative allocations and catcher vessel sideboards are based on the aggregate catch histories of the various AFA permitted fleets. The Council recommended imposition of this December 1, 2000, deadline so that the size and composition of the various AFA fleets would be known prior to the adoption of permanent AFA sideboard and cooperative regulations. The Council believed it was important to know the size and composition of the various AFA fleets so that the appropriateness of sideboard and cooperative measures might be more effectively evaluated before final AFA regulations are issued.

A December 1, 2000, deadline is also necessary to allow NMFS to finalize 2001 cooperative allocations and sideboard amounts in the 2001 proposed, interim, and final specifications. Allowing vessels to apply for and receive AFA permits after December 1, 2000, would require that NMFS publish revisions to the published sideboards and cooperative allocations each time a new vessel receives an AFA permit. Such inseason revisions to cooperative and sideboard amounts could be disruptive to attempts by catcher vessel cooperatives to manage pollock and sideboard fishing in a cooperative manner.

December 1 Annual Deadline for Inshore Catcher Vessel Cooperative Permit Applications

The first emergency interim rule (65 FR 380, January 5, 2000) is revised to establish an annual application deadline of December 1 prior to the year in which the cooperative fishing permit will be in effect for inshore catcher vessel cooperative permit applications. Applications for annual cooperative fishing permits and revisions to such applications to add or subtract member vessels would not be accepted after December 1 of each year. The current emergency rule has an application deadline of December 31 prior to the year in which the cooperative fishing permit will be in effect. This December 31 deadline was necessary for 1999, because the emergency interim rule was not effective until December 30, 1999. An annual December 1 deadline is necessary: (1) to provide the Council with the opportunity to review cooperative contracts at its annual December meeting prior to making final TAC recommendations for the upcoming fishing year, and (2) because the membership of each cooperative must be finalized before interim pollock TAC allocations can be made to inshore catcher vessel cooperatives. Because the interim specifications must be published prior to January 1 of each year, NMFS cannot wait until December 31 to finalize membership in inshore cooperatives.

Final 2000 Inshore Allocations of Bering Sea Subarea Pollock

Tables 1 and 2 of the emergency interim rule (establishing general AFA regulations) (65 FR 4520, January 28, 2000) contained interim 2000 Bering Sea pollock allocations to the cooperative and open access sectors of the inshore pollock fishery. These interim TAC allocations were based on the BSAI interim 2000 harvest specifications for groundfish published on January 3, 2000 (65 FR 60). Since then, NMFS has published BSAI final 2000 harvest specifications for groundfish (65 FR 8282, February 18, 2000). This action amends the BSAI final 2000 harvest specifications for groundfish by establishing final 2000 Bering Sea pollock allocations to the cooperative and open access sectors of the inshore pollock fishery as set out in Tables 1 and 2.

TABLE 1.—FINAL C/D SEASON BERING SEA SUBAREA POLLOCK ALLOCATIONS TO THE COOPERATIVE AND OPEN ACCESS SECTORS OF THE INSHORE POLLOCK FISHERY. AMOUNTS ARE EXPRESSED IN METRIC TONS

	C/D season TAC	C season inside SCA [1]	D season inside SCA
Cooperative sector			
Vessels > 99 ft	n/a	n/a	53,273
Vessels ≤ 99 ft	n/a	n/a	8,157
Total	274,200	36,858	61,430
Open access sector	17,953	2,582	4,304[2]
Total inshore	292,153	39,440	65,734

[1] Steller sea lion conservation area established at § 679.22(a)(11)(iv).

[2] SCA limitations for vessels less than or equal to 99 ft LOA that are not participating in a cooperative will be established on an inseason basis in accordance with § 679.22(a)(11)(iv)(D)(*2*) which specifies that "the Regional Administrator will prohibit directed fishing for pollock by vessels catching pollock for processing by the inshore component greater than 99 ft (30.2 m) LOA before reaching the inshore SCA harvest limit during the A, B and D seasons to accommodate fishing by vessels less than or equal to 99 ft (30.2 m) inside the SCA for the duration of the inshore seasonal opening."

The first emergency interim rule (65 FR 380, January 5, 2000) establishes procedures for AFA inshore catcher vessel pollock cooperatives to apply for and receive cooperative fishing permits and inshore pollock allocations. NMFS received applications from seven inshore catcher vessel cooperatives by the application deadline of December 31, 1999. Table 2 makes final 2000 Bering Sea subarea allocations to the seven inshore catcher vessel pollock cooperatives that have been approved and permitted by NMFS for the 2000 fishing year. Final allocations for cooperatives and vessels not participating in cooperatives are not made for the Aleutian Islands subarea because the Aleutian Islands subarea has been closed to directed fishing for pollock under the emergency interim rule to implement Steller sea lion protection measures (65 FR 3892, January 25, 2000; 65 FR 36795, June 12, 2000).

TABLE 2.—BERING SEA SUBAREA FINAL 2000 INSHORE COOPERATIVE ALLOCATIONS

Cooperative name and member vessels	Sum of member vessel's official catch histories [1]	Percentage of inshore sector allocation	Final annual co-op allocation
Akutan Catcher Vessel Association			
ALDEBARAN, ARCTIC I, ARCTIC VI, ARCTURUS, BLUE FOX, COLUMBIA, DOMINATOR, DONA LILIANA, DONA MARTITA, DONA PAULITA, EXODUS, FLYING CLOUD, GOLDEN DAWN, MAJESTY, PACIFIC VIKING, VIKING EXPLORER, GOLDEN PISCES, LESLIE LEE, MARCY J, MISS BERDIE, PEGASUS, PEGGIE JO, PERSEVERANCE, PREDATOR, RAVEN, ROYAL AMERICAN, SEEKER	258,508	28.257%	137,590
Arctic Enterprise Association			
ARCTIC III, ARCTIC IV, OCEAN ENTERPRISE, PACIFIC ENTERPRISE	50,008	5.466%	26,615
Northern Victor Fleet Cooperative			
NORDIC FURY, PACIFIC FURY, GOLDRUSH, EXCALIBUR II, HALF MOON BAY, SUNSET BAY, COMMODORE, STORM PETREL, POSEIDON, ROYAL ATLANTIC,	62,545	6.837%	33,291
Peter Pan Fleet Cooperative			
AMBER DAWN, AMERICAN BEAUTY, OCEANIC, OCEAN LEADER, WALTER N	6,584	0.720%	3,506
Unalaska Cooperative			
ALASKA ROSE, BERING ROSE, DESTINATION, GREAT PACIFIC, MESSIAH, MORNING STAR, MS AMY, PROGRESS, SEA WOLF, VANGUARD, WESTERN DAWN	106,714	11.665%	56,799
UniSea Fleet Cooperative			
ALSEA, AMERICANEAGLE, ARCTICWIND, ARGOSY, AURIGA, AURORA, DEFENDER, GUN-MAR, NORDIC STAR, PACIFIC MONARCH, SEADAWN, STARFISH, STARLITE, STARWARD	220,361	24.087%	117,285
Westward Fleet Cooperative			
A.J., ALASKAN COMMAND, ALYESKA, CAITLIN ANN, CHELSEA K, HICKORY WIND, FIERCE ALLEGIANCE, OCEAN HOPE 3, PACIFIC KNIGHT, PACIFIC PRINCE, VIKING, WESTWARD[1]	153,917	16.824%	81,920
Open access AFA vessels	56,215	6 145%	29,921
Total 2000 inshore pollock allocation	914,851	100%	486,922

[1] Under § 679.61(e)(1) the individual catch history for each vessel is equal to the vessel's best 2 of 3 years inshore pollock landings from 1995 through 1997 and includes landings to catcher/processors for vessels that made 500 or more mt of landings to catcher/processors from 1995 through 1997.

Details concerning the basis for this action are contained in the preambles to the original emergency rules and are not repeated here.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that the extension of these emergency interim rules is necessary to respond to an emergency situation and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

The extension of these emergency interim rules is exempt from review under E.O. 12866.

The AA finds that providing prior notice and opportunity for public comment on this action is impracticable. Failure to extend these two emergency rules and establish final pollock TAC allocations to inshore cooperatives by June 10, 2000, would result in a lapse of necessary AFA regulations for the Bering Sea Subarea C/D season, which opens on June 10, 2000. This emergency action is necessary to meet the AFA requirement to provide inshore pollock cooperatives with allocations of pollock for the 2000 fishing year. Inshore sector cooperatives will provide the inshore industry with the ability to more effectively meet the temporal and spatial dispersion objectives of NMFS' Steller sea lion conservation measures that became effective January 20, 2000 (65 FR 3892, January 25, 2000; 65 FR 36795, June 12, 2000). If this rule is not extended for the Bering Sea subarea combined C/D pollock season, the inshore sector of the BSAI pollock industry will be denied the opportunity to fish under cooperatives during the second half of the 2000 fishing year. Therefore, this sector of the industry would lose an economically valuable method of meeting the temporal and spatial dispersion objectives of NMFS' Steller sea lion conservation measures.

Delay of the C/D season pollock opening to provide for prior notice and public comment on this emergency rule extension would impose significant economic cost on the fishing industry for two reasons. First, by regulation, the ending date for pollock fishing is November 1 of each year to prevent pollock fishing during a winter time period that is critical to Steller sea lions. If the C/D season pollock openings are delayed for a significant period of time, the fleet may have insufficient time to harvest the remaining TAC before November 1 and a significant portion of the TAC could go unharvested. Further, any delay in the season opening will impose significant operational costs on vessels, processors, employees, and other support industries that must plan for and deploy equipment and crews to remote parts of Alaska well in advance of the season opening date. Finally, delay of the C/D season to provide opportunity for public comment would be contrary to the temporal dispersion objective of NMFS' Steller sea lion protection measures because pollock fishing would be concentrated later in the year.

Accordingly, the AA finds that the need not to delay the pollock season openings constitutes good cause to waive the requirement to provide prior notice and an opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be impracticable and contrary to the public interest. For the same reasons, the AA finds good cause pursuant to the authority set forth at 5 U.S.C. 553(d)(3) to waive the requirement for a 30-day delay in effective date.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with that directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this emergency interim rule.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: June 16, 2000.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 679 is amended as follows:

50 CFR Chapter VI

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In 50 CFR part 679, remove the phrase "applicable through July 20, 2000" and add "applicable through January 16, 2001" in each of the following locations:

§ 679.2, under the definitions of "Appointed agent for service of process," "Designated cooperative representative," and paragraph (4) of the definition of "Directed fishing";

§ 679.5(a)(4)(iv);

§ 679.5(f)(3);

§ 679.5(i)(1)(iii);

§ 679.5(o);

§ 679.20(a)(5)(i)(D);

§ 679.20(d)(1)(iv);

§ 679.21(d)(8);

§ 679.21(e)(3)(v);

§ 679.50(c)(5);

§ 679.50(d)(5);

and the heading for subpart F of 50 CFR part 679.

3. In § 679.4(l), the paragraph heading is revised, paragraph (l)(1)(v) is added, and paragraph (l)(6)(v) is revised to read as follows:

§ 679.4 Permits.

* * * * *

(l) *AFA permits* (applicable through December 24, 2000).

(1) * * *

(v) *Application deadline.* All AFA vessel and processor permit applications must be received by the Regional Administrator by December 1, 2000. AFA vessel and processor permit applications received after December 1, 2000, will not be accepted by the Regional Administrator and the applicant will be permanently ineligible to receive the requested AFA permit.

* * * * *

(6) * * *

(v) *Application deadline.* An inshore cooperative fishing permit application and any subsequent contract amendments that add or subtract vessels must be received by the Regional Administrator by December 1 prior to the year in which the inshore cooperative fishing permit will be in effect. Inshore cooperative fishing permit applications or amendments to inshore fishing cooperative permits received after December 1 will not be accepted by the Regional Administrator for the subsequent fishing year.

* * * * *

4. In § 679.20, paragraph (a)(5)(i)(D) is redesignated as paragraph (a)(5)(i)(C).

[FR Doc. 00–15857 Filed 6–22–00; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 122
Friday, June 23, 2000

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–24]

Proposed Establishment of Class D Airspace; Oak Grove, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class D airspace at Oak Grove, NC. The United States Marine Corps operates a part time control tower at the Marine Corps Outlying Landing Facility (MCOLF) Airport. Class D surface area airspace is required when the control tower is open to accommodate instrument approaches and for Instrument Flight Rules (IFR) operations at the airport. Therefore, the United States Marine Corps has requested the establishment of Class D airspace at this airport. This action would establish Class D airspace extending upward from the surface to and including 1,500 feet MSL within a 4-mile radius of the MCOLF Airport.

DATES: Comments must be received on or before June 24, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 00–ASO–24, Manager, Airspace Branch, ASO–520, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305–5627.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 00–ASO–24." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Regional Counsel for Southern Region, Room, 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace Branch, ASO–520, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class D airspace at Oak Grove, NC. Class D surface area airspace is required when the control tower is open to accommodate instrument approaches and for IFR operations at the airport. Class D airspace designations for airspace areas extending upward from the surface are published in Paragraph 5000 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 Class D airspace designation listed in this document would be published subsequently in the Order.

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

The Proposed Amendment

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

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

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

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

§71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO NC D Oak Grove, NC [New]
Marine Corps Outlying Landing Facility Airport, NC
(Lat. 35°02′01″N, long. 77°14′59″W)

That airspace extending upward from the surface to and including 1,500 feet MSL within a 4-mile radius of Marine Corps Outlying Landing Facility Airport. This Class D airspace area is effective on a random basis. The effective days and times are continuously available from Cherry Point Approach Control.

* * * * *

Issued in College Park, Georgia, on June 12, 2000.

John Thompson,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 00–15944 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–208254–90]

RIN 1545–AO72

Source of Compensation for Labor or Personal Services; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This document contains a notice of public hearing on proposed regulations describing the appropriate basis for determining the source of income from labor or personal services performed partly within and partly without the United States.

DATES: The public hearing is being held on Tuesday, July 18, 2000, at 10 a.m. The IRS must receive outlines of the topics to be discussed at the hearing by Tuesday, July 5, 2000.

ADDRESSES: The public hearing is being held in Room 4718, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the 10th Street entrance, located between Constitution and Pennsylvania Avenues, NW. In addition, all visitors must present photo identification to enter the building.

Mail outlines to: CC:DOM:CORP:R (REG–208254–90, room 5226, Internal Revenue Service , POB 7604, Ben Franklin Station, Washington, DC 20044. Hand deliver outlines Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–208254–90), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Submit outlines electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting them directly to the IRS Internet site at *http://www.irs.gov/tax_regs/regslist.html.*

FOR FURTHER INFORMATION CONTACT: Concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing LaNita Van Dyke, (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is the notice of proposed regulations (REG–208254–90) that was published in the **Federal Register** on Friday, January 21, 2000 (65 FR 3401).

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons who wish to present oral comments at the hearing, must submit a written outline of the topics to be discussed and the amount of time to be devoted to each topic (signed original and eight (8) copies) by Wednesday, July 5, 2000.

A period of 10 minutes is allotted to each person for presenting oral comments.

After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available, free of charge, at the hearing.

Because of access restrictions, the IRS will not admit visitors beyond the immediate entrance area more than 15 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this document.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 00–15866 Filed 6–22–00; 8:45 am]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL–6721–5]

National Emission Standards for Hazardous Air Pollutants; Standard for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities; Standard for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of public hearing.

SUMMARY: The Office of Radiation and Indoor Air, Radiation Protection Division, Center for Waste Management will hold a public hearing on the proposed rule to amend 40 CFR part 61, subpart H as it applies to operations at any facility owned or operated by the Department of Energy (DOE) that emits any radionuclide other than radon-222 and radon-220 into the air and Subpart I as it applies to non-DOE federal facilities in the radionuclide National Emission Standards Hazardous Air Pollutants (NESHAPs).

DATES: The hearing will be held on Wednesday, July 12, 2000, from 9 am to 12 pm.

ADDRESSES: The hearing will take place at the Ronald Reagan Building, 1200 Pennsylvania Avenue, Northwest, Washington, DC 20460 (accessed from the Federal Triangle Metro stop).

FOR FURTHER INFORMATION CONTACT: For information concerning the hearing, contact: Eleanor Thornton-Jones, Center for Waste Management, Office of Radiation and Indoor Air, U.S. Environmental Protection Agency, Mailstop 6608J, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, by email: *thornton.eleanord@epa.gov* or by phone (202) 564–9773.

SUPPLEMENTARY INFORMATION: This meeting is open to any member of the public. Requests to participate in the public hearing should be made by phone (202) 564–9773 to Eleanor Thornton-Jones; by email: *thornton.eleanord@epa.gov;* or in writing to Eleanor Thornton-Jones, Center for Waste Management, Office of Radiation and Indoor Air, U.S. Environmental Protection Agency, Mailstop 6608J, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Requests may

also be faxed to EPA at (202) 565–2065. Requests to participate in the hearing should include an outline of the topics to be addressed, the amount of time requested (20 minutes or less; if requests exceed currently scheduled time, additional hearing time may be added), and the names and addresses of the participants. EPA may also allow testimony to be given at the hearing without prior notice, subject to time restraints and at the discretion of the hearing officer. Three (3) copies of the testimony should be submitted at the time of appearance at the public hearing.

Dated: June 19, 2000.

Steve Page,

Director, Office of Radiation and Indoor Air, Air and Radiation.

[FR Doc. 00–15911 Filed 6–22–00; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[FRL–6721–6]

RIN 2040–AA94

Additional Option for Tribal Implementation of the Proposed National Primary Drinking Water Regulation for Radon-222

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; availability of supplemental information.

SUMMARY: On November 2, 1999, EPA published the National Primary Drinking Water Regulation; Radon-222; Proposed Rule in the **Federal Register** (64 FR 59246). The public comment period on this proposal was open until February 4, 2000. Under the proposal, States can choose to develop State-wide multimedia mitigation (MMM) programs to reduce radon in indoor air in addition to drinking water. EPA also proposed the same opportunity for Indian Tribes by authorizing Tribes to develop MMM programs where the Tribe first obtained primacy or qualified for treatment as a State. Subsequently, however, EPA recognized the difficulties Tribes would experience in obtaining primacy or qualifying for treatment as a State in time to develop MMM programs and in actually implementing the MMM programs. As a result, EPA is proposing an alternative approach that would allow Tribes to work with EPA to develop MMM programs without obtaining primacy or qualifying for treatment as a State. This notice describes an additional option in which EPA would play a direct role in developing the MMM programs in Indian Country. The goal of the additional option is to provide Tribes with an opportunity to implement the most cost-effective method to maximize radon risk reduction.

DATES: EPA must receive public comment, in writing, on the notice of data availability by August 7, 2000.

ADDRESSES: Send written comments to the Radon-222, W–99–08 Comment 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 or WordPerfect 8 file avoiding the use of special characters and form of encryption.

Please submit copies of all references cited in your comments. Facsimiles (faxes) cannot be accepted. Send 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, supporting documentation and public comments on the proposal are available for inspection at the docket. For information on how to access docket materials, please call the Water Docket at (202) 260–3027 between 9 a.m. and 3:30 p.m. Eastern Standard Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For technical inquiries regarding this notice contact Nicole Foley, Office of Ground Water and Drinking Water (mailcode 4606), EPA, 1200 Pennsylvania Avenue NW, Washington, DC, 20460; Phone: (202) 260–0875; E-mail: foley.nicole@epa.gov. For technical inquiries regarding the proposed regulation contact Mike Osinski, Office of Ground Water and Drinking Water (mailcode 4607), EPA, 1200 Pennsylvania Avenue NW, Washington, DC, 20460; Phone: (202) 260–6252; E-mail: *osinski.michael@epa.gov*. 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 Standard Time.

SUPPLEMENTARY INFORMATION:

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I. Statutory and Regulatory Framework

Section 1412(b)(13) of the Safe Drinking Water Act (SDWA) directs EPA to propose and promulgate a maximum contaminant level (MCL) for radon in drinking water, and also to make available a higher alternative MCL accompanied by a multimedia mitigation (MMM) program to address radon risks from indoor air, in addition to drinking water. EPA is encouraging States to develop State-wide MMM programs as the most effective and cost efficient way to reduce the risk of radon. Section 1451 of the SDWA authorizes EPA to treat Tribes in the same manner as States for purposes of meeting provisions of the SDWA. If EPA determines that treatment in the same manner as a State is inappropriate or administratively infeasible, EPA may include in its regulations other means for administering SDWA provisions in a manner that will achieve the purpose of the provision. In the proposed regulation (64 FR 59246), EPA wanted to encourage Indian Tribes to implement MMM programs comparable to State-wide programs, and proposed that Tribes obtain primacy or qualify for treatment as States for the limited purpose of the MMM program. EPA now has reason to believe that requiring Tribes to obtain primacy or qualify for treatment as a State and to develop MMM programs in the time required may be administratively infeasible for many Tribes. If these requirements are retained, Indian Tribes may not be able to achieve the objective of widespread use of MMM programs in Indian Country. Therefore, EPA is proposing an additional option for Tribes that don't have time to obtain primacy or qualify for treatment as a State and develop an MMM program. Under this option, EPA would play a more active role and provide greater assistance to interested Indian Tribes in developing MMM programs. This additional option is discussed in more detail in Section III.

II. Background

On November 2, 1999, EPA published in the **Federal Register** the National Primary Drinking Water Regulations; Radon-222; Proposed Rule (64 FR 59246). The proposed National Primary Drinking Water Regulation (NPDWR) for radon in drinking water contains an optional MMM approach following the framework provided by the SDWA. The MMM approach allows States to

develop and implement a State-wide MMM plan to achieve greater radon risk reduction by addressing radon in indoor air in addition to drinking water. In States with an EPA-approved MMM plan, community water systems (CWSs) using ground water (in whole or in part) would be required to meet the alternative MCL of 4,000 picocuries per liter (piC/L) for radon in their ground water supplies, instead of the MCL of 300 piC/L. In the absence of a State-wide MMM plan, a CWS using ground water (in whole or in part) could develop its own State-approved MMM plan for its service area. If a CWS does not choose the MMM approach, it would be required to comply with the MCL of 300 piC/L. With respect to Tribes, the proposed regulation provided the following implementation options:

(1) A Tribe with Public Water Supply Supervision (PWSS) program primacy or Treatment in the same manner as a State (TAS) under section 1451 of the SDWA and EPA regulations at 40 CFR 142.72, could develop and implement an EPA-approved MMM program in Indian country, and the Tribal CWSs would comply with the 4,000 pCi/L alternative MCL; or

(2) Individual Tribal CWSs could develop a MMM program for their service area and comply with the alternative MCL. Each CWS would send their MMM program to EPA for review as provided by section 1412(b)(13)(G)(vi) of the SDWA; or

(3) Individual Tribal CWSs comply with the 300 pCi/L MCL.

III. Additional Option for Tribal Implementation

EPA strongly supports the MMM/alternative MCL option as the most cost-effective means to achieve the greatest reduction in risk from radon exposure. The proposed MMM program is based on radon in indoor air programs that most States have had in place for many years. It is EPA's expectation that most States will be able to build on their current programs to meet the requirements of the MMM programs. Most States have the resources, expertise, and infrastructure to implement a successful State-wide radon reduction effort. However, only around ten Tribes received State Indoor Radon Grant Program monies this fiscal year to address radon in indoor air. Moreover, resources and expertise to develop a MMM plan vary greatly among Tribal authorities.

Nationwide there are 556 Federally recognized Tribes and only four have obtained TAS and none have obtained primacy. Therefore, the proposed rule may not allow the vast majority of Tribal governments to immediately choose the MMM/alternative MCL option. EPA is concerned that the time and resources required to apply for PWSS primacy or TAS could prohibit many Tribes from establishing a MMM program.

Further, infrastructure needs for Tribes are significant, and on average are greater for Tribal CWSs than for like-sized, non-tribal CWSs. EPA's 1996 Drinking Water Infrastructure Needs Survey (Needs Survey) showed that American Indian and Alaska Native water systems needed $1.3 billion for the 20-year period beginning in January 1995. The survey did not include radon needs. The Needs Survey data shows the average 20-year per-household infrastructure need for safe drinking water for American Indians and Alaska Natives is $6,200 and $43,500, respectively, compared to $3,300 for State regulated small systems (serving 25 to 3,300 people). Limiting Tribes' opportunity to choose the MMM/alternative MCL option will most likely require them to incur infrastructure costs in order to comply with the MCL and to install treatment.

For these reasons, EPA is proposing an option that would increase the number of Tribes able to take advantage of the MMM/alternative MCL approach. This option would allow Tribes to implement an MMM program without obtaining primacy or qualifying for treatment as a State. Under this option, EPA would provide direct assistance to Tribes interested in developing and implementing a MMM program. As part of this additional approach, EPA would develop national guidance suggesting ideas for a Tribal MMM program, identifying available partnership activities with other Federal agencies that provide support to Tribes, and addressing reporting. In collaboration with the Tribes in each EPA Region (*i.e.*, individual Tribes and/or Tribal coalitions), EPA could tailor the national guidance and develop Tribal MMM programs for the Tribe(s). Under this approach, the Tribes agreeing to the MMM program would be responsible for implementing it, but this would not preclude EPA from providing technical assistance. EPA believes that the additional option presented in today's notice recognizes the differences between a State and a Tribe, and allows the flexibility needed to respect these differences in designing Tribal MMM programs. The additional option described today does not provide any additional funding, but EPA would provide guidance to identify what funding could be available to assist the Tribes.

If a Tribe or Tribal coalition chooses to implement the Tribal MMM program, then all Tribal CWSs within their jurisdiction would have to comply with the alternative MCL of 4,000 piC/L instead of the MCL of 300 piC/L. If a Tribe has no interest in participating in the MMM program, then the Tribal CWSs within their jurisdiction could choose to develop an EPA-approved local MMM plan for their service area and comply with the alternative MCL or to comply with the MCL.

As is the case with State-wide MMM programs, EPA would grant the statutory 18 month extension on the effective date of the rule for the Tribes that elect to participate in the MMM within 90-days of promulgation of the rule.

In summary, EPA is proposing to provide another option to ease the resource demand on Tribes that desire to choose the MMM/alternative MCL approach to reduce the overall risk from radon by reducing radon levels in indoor air, as well as drinking water. The additional implementation option described in this notice would allow Tribes the opportunity to consider the MMM/alternative MCL option under the rule without the added responsibility of obtaining PWSS primacy or qualifying for treatment as a State. EPA would provide technical assistance during the preliminary stages of planning and developing a MMM program to ease the burden for those Tribes interested in developing a MMM program. The planning efforts and Tribal implementation would be assisted by national guidance. This option would not increase the costs of implementing the radon rule and would be expected to result in increased risk reduction at a lower cost compared to complying with the MCL of 300 piC/L. EPA requests comment on this proposed additional approach for Tribes to develop and implement a MMM program.

Dated: June 16, 2000.

Dana D. Minerva,

Acting Assistant Administrator, Office of Water.

[FR Doc. 00–15913 Filed 6–22–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1504 and 1552

[FRL–6721–2]

Acquisition Regulation: Business Ownership Representation

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to amend the EPA Acquisition Regulation (EPAAR) to add a new clause designed to provide the Agency with information regarding its contract awards. This new clause will request the successful awardee of an EPA contract to voluntarily identify the specific racial/ethnic category that best represents the ownership of its business. The information provided by the clause will not be used for the establishment of a set-aside or quota. The information will only be used for general statistical purposes or for the purpose of focusing future outreach initiatives to those businesses owned by racial/ethnic groups who are unaware of EPA contracting opportunities.

DATES: Comments should be submitted not later than August 22, 2000.

ADDRESSES: Written comments should be submitted to the contact listed below at the following address: U.S. Environmental Protection Agency, Office of Acquisition Management (3802R), 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Comments will also be accepted on disks in WordPerfect format or by electronic mail (E-mail) to: smith.frances@epamail.epa.gov. E-mail comments must avoid the use of special characters and any form of encryption. No Confidential Business Information (CBI) should be submitted through E-mail.

FOR FURTHER INFORMATION CONTACT: Frances Smith, U.S. Environmental Protection Agency, Office of Acquisition Management, (3802R), 1200 Pennsylvania Avenue, NW, Washington, DC 20460, Telephone: (202) 564–4368.

SUPPLEMENTARY INFORMATION:

A. Background Information

A new Environmental Protection Agency Acquisition Regulation clause has been developed to provide statistical data concerning awards made by EPA to businesses owned by various racial/ethnic groups. The identification of these groups will help EPA target future outreach initiatives to those businesses owned by racial/ethnic groups who are unaware of EPA contracting opportunities. In addition, these outreach initiatives would not be limited to small businesses. Large businesses would participate as well. Any outreach initiatives provided by EPA would be open to the general public and may include how to do business with EPA or understanding the Government contracting process.

The business ownership categories in this newly created clause are nearly identical to the categories listed in the Federal Acquisition Regulation clause at 52.219–1 (ALT II). In addition, the categories are consistent with the Office of Management and Budget Statistical Policy Directive No. 15, Race and Ethnic Standards of Federal Statistics and Administrative Reporting. It is necessary to establish this EPA acquisition clause because the Federal Acquisition Regulation clause at 52.219–1 (ALT) only pertains to offerors who represent themselves as small disadvantaged business concerns, as defined in Title 13 of the Code of Federal Regulations, part 124.1002. EPA's proposed clause would, however, apply to all Agency contractors regardless of size or disadvantaged status. This new clause will be incorporated into all EPA solicitations and contracts expected to exceed the simplified acquisition threshold ($100,000).

The Civilian Agency Acquisition Council (CAAC) has been consulted concerning a class deviation to Federal Acquisition Regulation 19.307(a)(3) for this newly developed clause. The CAAC has not voiced any objections to the class deviation.

B. Executive Order 12866

This proposed rule is not a significant regulatory action for the purposes of Executive Order 12866. Therefore, no review was required by the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB).

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) applies to this proposed rule. The information collection request (ICR) in this proposed rule is currently being evaluated by the Office of Management and Budget (OMB). Comments regarding Paperwork Reduction Act concerns should be sent to OMB (Attn: EPA Desk Officer). OMB is required to make a decision concerning the collection of information contained in the proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to EPA on this proposed rule.

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 today's 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 proposed rule on small entities, the Agency certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. The impact on small entities will not be significant. This proposed rule is voluntary and will have no effect on the evaluation criterion for award. EPA estimates that contractors will require only a minimal amount of time to complete the clause in the proposed rule. Therefore, to the extent that this does result in some contractor-incurred costs, EPA anticipates that these will be *de minimus*. Further, because the clause will only be applicable over the simplified acquisition threshold, this proposed rule will not have an impact on a substantial number of small entities. Small businesses do not receive a substantial percentage of those EPA contract awards which exceed the simplified acquisition threshold.

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 proposed rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in aggregate, or the private sector in 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 (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve decisions on environmental health or safety risks that have a disproportionate effect on children.

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, Executive Order 13084 requires EPA to provide to the 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."

Today's 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" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Under Section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that 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 does not have federalism implications. It 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. The rule amends the EPA Acquisition Regulation relating to internal agency procedures addressing business ownership categories of contractors who receive EPA awards. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

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 1504 and 1552

Government procurement.

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

1. The authority citation for Parts 1504 and 1552 continues to read as follows:

Authority: 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); 41 U.S.C. 418b.

2. Revise Part 1504 to read as follows:

PART 1504—ADMINISTRATIVE MATTERS

Subpart 1504.6—Contract Reporting

1504.670 Business Ownership Representation

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); 41 U.S.C. 418b.

Subpart 1504.6—Contract Reporting

1504.670 Business Ownership Representation.

Contracting officers shall insert the clause at 1552.204–70, Business Ownership Representation, in solicitations and contracts with an estimated dollar value greater than the simplified acquisition threshold. Completion of the clause by the successful awardee is voluntary.

3. Amend subpart 1552.2 by adding 1552.204–70 to read as follows:

1552.204–70 Business Ownership Representation.

As prescribed in 1504.670, insert the following clause in solicitations and contracts:

Business Ownership Representation (NOV 20XX)

The successful awardee should check one or more of the categories below that represents its business ownership and return this information to the contracting officer within ten (10) calendar days after award. Completion of this clause by the successful awardee is voluntary.

"Ownership," as used in this clause, means: (a) At least 51 percent of the concern is owned by one or more individuals from a category listed below; or, in the case of any publicly owned business, at least 51 percent of the stock of the concern is owned by one or more such individuals; and (b) The management and daily business operations of the concern are controlled by one or more such individuals.

[ ] American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

[ ] Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

[ ] Black or African American. A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."

[ ] Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race. The term, "Spanish origin," can be used in addition to "Hispanic or Latino."

[ ] Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

[ ] White. A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

(End of clause)

Dated: June 1, 2000.

Judy Davis,

Acting Director, Office of Acquisition Management.

[FR Doc. 00–15840 Filed 6–22–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF98

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Draft Economic Analysis of Critical Habitat for the Alameda Whipsnake (*Masticophis Lateralis Euryxanthus*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice of the availability of the draft Economic Analysis for the proposal to designate critical habitat for the Alameda whipsnake (*Masticophis lateralis euryxanthus*) and the reopening of the public comment period for the proposal. The new comment period will allow all interested parties to submit comments on the draft Economic Analysis and proposed designation.

DATES: The comment period for this proposal closes on July 24, 2000. Comments on the draft Economic Analysis and proposed designation must be received by the closing date.

ADDRESSES: Written comments should be sent to the Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W–2605, Sacramento, California 95825. Copies of the draft Economic Analysis are available from the aforementioned address. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Jason Davis or Heather Bell, at the above address, phone 916–414–6600, facsimile 916–414–6710.

SUPPLEMENTARY INFORMATION:

Background

On March 8, 2000, the Service published a proposed rule to designate critical habitat for the Alameda whipsnake in the **Federal Register** (65 FR 12155). The original comment period closed on May 8, 2000. The comment period for the proposed designation was re-opened through June 12, 2000 (65 FR 30951, May 15, 2000). The comment period for the draft Economic Analysis is open until July 24, 2000. Written comments should be submitted to the Service (see **ADDRESSES** section).

A total of approximately 164,663 hectares (406,708 acres) of land fall within the boundaries of the proposed critical habitat designation. Proposed critical habitat is located in Contra Costa, Alameda, San Joaquin, and Santa Clara counties, California. If this proposal is made final, section 7 of the Act prohibits destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. Section 4 of the Act requires us to consider economic and other impacts of specifying any particular area as critical habitat.

The comment period on this proposal and the draft Economic Analysis closes on July 24, 2000. Written comments should be submitted to the Service office listed in the **ADDRESSES** section.

Author

The primary author of this notice is Stephanie Brady (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: June 15, 2000.

Don Weathers,

Acting Regional Director, Region 1.

[FR Doc. 00–15772 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF30

Endangered and Threatened Wildlife and Plants; Proposed Special Regulations for the Preble's Meadow Jumping Mouse; Availability for Comment of the Draft Record of Compliance and Reopening of Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of availability; reopening of comment period.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of a draft Record of Compliance (ROC) for a previously proposed section 4(d) rule under the Endangered Species Act (ESA) for the Preble's meadow jumping mouse (Preble's). The proposed section 4(d) rule, published in the **Federal Register** on December 3, 1998 (63 FR 66777),

prescribes the conditions under which take of the Preble's would or would not be a violation of section 9 of the ESA. This draft ROC describes how the proposed section 4(d) rule complies with various statutory, Executive Order, and Departmental Manual requirements applicable to rulemaking. We are entertaining comments on the draft ROC, and on the proposed section 4(d) rule as it relates to the ROC.

DATES: Send your comments on the draft ROC, and the section 4(d) rule as it relates to the ROC, to us (see **ADDRESSES** section) by July 24, 2000.

ADDRESSES: To obtain a copy of the draft ROC, contact Leroy Carlson, Field Supervisor, Colorado Fish and Wildlife Office, U.S. Fish and Wildlife Service, 755 Parfet Street, Room 361, Lakewood, CO 80225. Send your comments to Leroy Carlson at the same address. You may examine the comments we receive by appointment during normal business hours in Room 361 at the above address.

FOR FURTHER INFORMATION CONTACT: Leroy W. Carlson, Field Supervisor, Colorado Fish and Wildlife Office (see **ADDRESSES** section), telephone 303–275–2370.

SUPPLEMENTARY INFORMATION:

Background

The Preble's was designated as a threatened species under the ESA on May 13, 1998 (63 FR 26517). As a result, all of the section 9 prohibitions of the ESA (16 U.S.C. 1538) against take of the species are applicable across the whole Preble's range. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to "take" any listed wildlife species, that is, to harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect any threatened or endangered species or to attempt to engage in any such conduct. However, on December 3, 1998 (63 FR 66777), we published a proposed "special rule" under section 4(d) of the ESA to replace the general prohibitions against take of the Preble's with special measures tailored to the conservation of the species. Under the special rule as we originally proposed it, all of the section 9 prohibitions against take of the Preble's would still be in effect, except as specifically exempted in the special rule. Since then, as a result of comments received on the proposed rule, we have decided that when we finalize the special rule, we will not include the elements of the proposed rule that would establish different standards for areas depending on whether or not they are included in Mouse Protection Areas or Potential Mouse Protection Areas. Those elements were included in § 17.40(k)(3), (4), and (6) through (12) of the proposed rule. As a result, this ROC analyzes the effects of only the four rangewide exemptions contained in the remainder of the special rule.

The rangewide exemptions in the special rule would exempt four types of activities from the take prohibitions—rodent control, ongoing agricultural activities, landscaping, and activities associated with water rights. These exemptions would provide affected landowners with economic benefits by allowing activities on their land that may have been prohibited or limited by section 9 as a result of the listing of the Preble's. As proposed, the rule would be in effect for 18 months, a period we then considered long enough to allow interested parties to develop Habitat Conservation Plans (HCP) to obtain authorization for take of the Preble's under section 10 of the ESA. However, as the result of comments received on the proposal, we now intend when we finalize the special rule for it to be in effect for 36 months, a period long enough not only for completion of county-wide HCP's now in process, but also for completion of a recovery plan and other conservation efforts for the Preble's.

We have prepared an economic analysis and made other determinations about the potential effects of the four rangewide exemptions contained in the proposed special rule. These determinations are described in the ROC and are summarized below. We have determined that the economic effect of the rule would be a benefit to landowners and the economy. The rule would allow certain activities to continue, avoiding costs that may be associated with abstaining from conducting these activities in order to avoid take of the Prebles. The following paragraphs provide a summary of the contents of the ROC for each of the four exemptions provided by the proposed special rule:

(1) *Rodent control.* The proposed rule provides that any take resulting from rodent control within 10 feet of, or inside, any structure would not be prohibited. Without the rule, those undertaking rodent control adjacent to structures within Preble's range may decide to have surveys done to determine whether the Preble's is present and whether the potential for unauthorized take exists. With the rule, the costs of surveys and measures to avoid take would not be incurred. Because Preble's are rarely found near or inside structures, the economic effect of this exemption will be insignificant and the effect on the species will be insignificant.

(2) *Ongoing agricultural activities.* The proposed rule provides that established, ongoing agricultural activities would be exempted. Continuation of existing row crop activities within cultivated areas is not believed to impact the Preble's. However, activities associated with hay production and grazing in the habitat occupied by Preble's may have some effect. The primary benefit of the rule to landowners and businesses is in providing assurances that they will be able to continue existing agricultural practices.

Hay Production—The proposed rule provides that any take resulting from established, ongoing haying would not be prohibited. The costs of surveys and modifications of timing or harvest methods or leaving areas unmowed to avoid take therefore would not be incurred. The yearly cost of surveys is difficult to quantify; the cost of leaving areas unmowed (the worst-case scenario) within the range of Preble's in Colorado and Wyoming would be about $3,441,000. Although Preble's may use hay fields (*i.e.,* native grasses and alfalfa) to a limited degree if the hay field is adjacent to or in suitable riparian habitat, hay production in these areas is not expected to significantly affect the species.

Grazing—The proposed rule provides that any take resulting from existing grazing regimes would not be prohibited. In many locations, populations of the Preble's have been maintained with the existing grazing regime. While some take of the Preble's, and possibly some limiting of local population size, may be associated with continued grazing, the overall effect to Preble's of ongoing grazing covered by this exemption is minimal. With the rule, the costs of surveys and modifications of grazing regimes to avoid take would not be incurred; however, these costs are expected to be minimal because costs to avoid take are insignificant.

(3) *Landscaping*—The rule provides that any take resulting from activities undertaken to maintain existing landscaped areas is not prohibited. This exemption will avoid costs associated with surveys and modification of landscape maintenance to avoid take. Because the Preble's rarely uses landscaped areas, this exemption will have an insignificant economic effect and an insignificant effect on the species.

(4) *Water rights.* The proposed rule provides that diversion of water associated with existing water rights would be exempted. In Colorado, these diversions are defined through decrees

for absolute water rights granted by any of the Colorado water courts. In Wyoming, these diversions are defined through permits that have been awarded a final certificate of appropriation by the Office of the State Engineer. This exemption also includes maintenance of existing wells that provide sources for water right usage. Without the rule, evaluation of the effects of diversions on occupied streams would be needed. This evaluation might require limited surveys in locations where Preble's presence is unknown. In areas where ongoing stream diversions are believed to be flooding habitat or reducing water flows within streams, some alterations in timing or quantity of diversion might be needed to prevent take. In Colorado, if water was needed for listed species, the effects of that allocation would be spread across all water rights holders. In Wyoming, there is no history of allocating water for listed species; however, water rights holders that would be affected by Preble's primarily would be those conducting haying operations, and the economic effects associated with these changes to haying operations have been discussed above; no additional effect would result from water rights issues. Therefore, this exemption would create no significant additional economic benefits.

In conclusion, the ongoing agricultural activities exemption would be the only activity with a measurable economic effect. This exemption would create significant benefits to landowners producing hay. Without the rule, under a worst-case analysis, concerns about the effects of section 9 could lead to a cessation of all harvest of hay on the affected acres, and landowners would receive no income from those lands. With the rule, harvest could continue without restrictions, generating as much as an estimated $3,441,000 annual net income for the landowners, a beneficial effect of the rule.

We are seeking comment from the public on the draft ROC, including our economic analysis of the potential effects of the proposed special rule. We are also reopening the comment period on our proposed special rule pertaining to the Preble's meadow jumping mouse with the changes we intend to make in it, as described here, as it pertains to the ROC. We will consider the comments as we proceed with completing the ROC and in any further rulemaking on this issue.

Authority

Section 4(d) of the Endangered Species Act of 1973, as amended (16 U.S.C. sections 1531 to 1544), states that whenever any species is listed as a threatened species pursuant to subsection (c), we must issue such regulations as is deemed necessary and advisable to provide for the conservation of such species.

Dated: June 2, 2000.

Stephen C. Saunders,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 00–15782 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 65, No. 122
Friday, June 23, 2000

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–056–1]

Horse Protection Act; List of Designated Qualified Persons

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice advises the public and the horse industry of the organizations that have a Designated Qualified Person program currently certified by the United States Department of Agriculture and the designated qualified persons currently licensed under each certified organization.

FOR FURTHER INFORMATION CONTACT: Dr. Robert A. Willems, Horse Protection Coordinator, APHIS, Animal Care, Unit 304P, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; (919) 716–5544; or e-mail at: ace@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The practice known as "soring" causes a horse to suffer pain in any of its limbs for the purpose of affecting its performance in the show ring. In 1970, Congress passed the Horse Protection Act (15 U.S.C. 1821–1831), referred to below as the Act, to eliminate the practice of soring by prohibiting the showing, selling, or transporting of sored horses. Exercising its rulemaking authority under the Act, the Animal and Plant Health Inspection Service (APHIS) enforces regulations in 9 CFR part 11, referred to below as the regulations, that prohibit devices and methods that might sore horses.

In 1979, in response to an amendment to the Act, we established regulations under which show management must, to avoid liability for any sore horses that are shown, appoint individuals trained to conduct preshow inspections to detect or diagnose sored horses. These individuals, referred to as designated qualified persons (DQP's), are trained and licensed under industry-sponsored DQP programs that we certify and monitor. The requirements for DQP programs and licensing of DQP's are set forth in § 11.7 of the regulations.

Section 11.7 also requires that we publish a current list of horse industry organizations that have certified DQP programs and a list of licensed DQP's in the **Federal Register** at least once each year. The list reads as follows:

Heart of America Walking Horse Association, Route 2, Box 6B, Barry, IL 62312
Licensed DQP's: Calvin Bennett, Chad Campbell, Jennifer Campbell, Ronnie Cansler, Larry Carriger, William Cox, Alton Cureton, Al Forgey, Lawanda Foust, R. Dewey Foust, Robert Foust, Ryan Foust, Fred Gilbany, Billy Grooms, Floyd Hampsmire, Jim Hill, Jim King, Philip Mankin, Stephen Mullins, Scott Skopec, Steve Skopec, Charlie Smart, Robert Smith, Greg Smothers, William Stotler, Jerry Williams, John Williams.

Horse Protection Commission, Inc., P.O. Box 1330, Frazier Park, CA 93225
Licensed DQP's: M. Avila, Donna Benefield, D. Collins, Larry Connelley, J. Hampton, Kathy Hester, Tom Hester, T. Hubbard, Sebastian Kolbusz, Robert Lauer, A. Miller, P. Mitchell, Donna Moore, M. Mullhall, Cherie Pitts, Debbie Rash, Chad Shepherd, J. Singleton, P. Snodgrass, Vernon Stamper, K. Thompson.

Humane Instruction Technocracy, Inc., P.O. Box 549, Monteagle, TN 37356
Licensed DQP's: Randy Adams, Doug Barlow, Cherie Beatty, Jay Kendig, Chris Lynch, Jim Scullin.

Kentucky Walking Horse Association—HIO, 5493 Roseville Road, Glasgow, KY 42141
Licensed DQP's: Les W. Acree, Lee Arnold, Jackie Brown, Ray Burton, Michael Conley, Harold Curry, Eddie Ray Davis, Terry Doyle, James Floyd, John Goldey, James M. Goode, Grover Hatton, Bobby W. Helton, J. Scott Helton, Leon Hester, Dave Jividen, Mike Kluttz, Paul Lasure, Ricky McCammon, Alonzo Napier, Rick O'Neal, Curtis Pittman, Ted Poland, Donald Todd, Arnold Walker, Johnnie Zeller.

Missouri Fox Trotting Horse Breed Association, Inc., P.O. Box 1027, Ava, MO 65608
Licensed DQP's: Julie Alford, Jack Arnold, Beverly Berry, Richard Carr, Kenneth Cochran, Don Daugherty, Gail Geilenfeldt-Freed, Pat Harris, Deb Heggerston, Mark Landers, Edward Lee, Geno Middleton, Jeanie Nichols, David Ogle, Mike Osborn, Gary Pierce, Danny Sublett, Shawn Sublett, Ken Williams, Lee Yates.

National Horse Show Commission, Inc., P.O. Box 167, Shelbyville, TN 37160
Licensed DQP's: Lonnie D. Adkins, Melanie Allen, Nolan Benton, Ray Cairnes, Ronnie Campbell, Harry Chaffin, John Cordell, Joe L. Cunningham, Sr., Jessie Davis, Jerry Eaton, William Edwards, Anthony Eubanks, Craig Evans, James Fields, Bob Flynn, Kathy Givens, Iry Gladney, Jimmy House, Larry R. Landreth, Malcolm G. Luttrell, Earl Melton, Andy Messick, Lonnie Messick, Richard Messick, Cary C. Myers, Harlan Pennington, Dickey Reece, Ricky D. Rutledge, Vernon Shearer, Ronnie Slack, Virginia Stanley, Ricky L. Statham, Charles Thomas, Mark Thomas, Greg Thomason, John F. Wilson.

National Walking Horse Association, P.O. Box 28, Petersburg, TN 37144
Licensed DQP's: Don Bell, Jim Chipman, Murral R. Johnson, Pat Klabusich, Ralph Lakes, Jeff Smith, Mike Stanley, Pamela Wisecup.

Spotted Saddle Horse Breeders and Exhibitors Association, P.O. Box 1046, Shelbyville, TN 37162
Licensed DQP's: Joe "Buck" Beard, Earl M. "Marty" Coleman, Danny Ray Davis, Tommy Derryberry, James "Tony" Edwards, Steven L. Johnson, Mac McGee, Boyd Melton, E. W. Murray, Rickey Phipps, Russell Phipps, Larry "Keith" Smith, Don Woodson.

Western International Walking Horse Association, P.O. Box 2075, Wilsonville, OR 97070–2075
Licensed DQP's: Larry Corbett, Don Douglass, Ross Fox, Dennis Izzi, Terry Jerke, Joe Nelson, Dave Swingley, Kim Swingley, Kelly Smith, Pat Thacker.

Done in Washington, DC, this 19th day of June 2000.

William R. DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–15918 Filed 6–22–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 00–018N]

Nominations for Membership on the National Advisory Committee on Microbiological Criteria for Foods

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture (USDA) is soliciting nominations for membership on the National Advisory Committee on Microbiological Criteria for Foods (NACMCF). Nominations for membership are being sought from individuals with scientific expertise in the fields of Epidemiology, Food Technology, Microbiology (food, clinical, and predictive), Risk Assessment, Infectious Disease, and Biostatistics. Persons from the government, industry, academia, and consumer advocacy groups are invited to submit nominations. This notice also informs members of the public as to how they may receive copies of the weekly FSIS Constituent Update, which provides information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other relevant information.

DATES: The Nominee's typed resumé or curriculum vitae must be postmarked no later than July 24, 2000.

ADDRESSES: Nominations should be sent to Ms. Jacque Knight, Advisory Committee Specialist, USDA, FSIS, Room 341–E JLW Building, 1400 Independence Avenue, SW., Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Ms. Jacque Knight, Advisory Committee Specialist, at the above address or by telephone 202–720–3523 or FAX 202–720–3192.

SUPPLEMENTARY INFORMATION:

Background

The NACMCF was established in April 1988, as a result of a recommendation by a 1985 report of the National Academy of Sciences Committee on Food Protection, Subcommittee on Microbiological Criteria, "An Evaluation of the Role of Microbiological Criteria for Foods." The current Charter for the NACMCF is available for viewing on the FSIS homepage at www.fsis.usda.gov.

The Committee provides advice and recommendations to the Secretaries of Agriculture and Health and Human Services concerning the development of microbiological criteria by which the safety and wholesomeness of food can be assessed. For example, the Committee assists in the development of criteria for microorganisms that indicate whether food has been processed using good manufacturing practices.

Appointments to the Committee will be made by the Secretary of Agriculture after consultation with the Secretary of Health and Human Services. To ensure that recommendations of the Committee take into account the needs of the diverse groups served by the Departments, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Because of the complexity of the issues to be addressed, it is anticipated that the full Committee will meet more than once each year, and the subcommittees will meet as deemed necessary by the chairperson. There is a minimum two-year commitment to the advisory committee. Participation may require members to work outside of scheduled committee and subcommittee meetings and may require written documents to be prepared. Committee members serve without payment, however, they are reimbursed for travel and receive per deim.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at http://www.fsis.usda.gov. The update is used to provide information regarding FSIS policies, procedures regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC, on: June 16, 2000.

Thomas J. Billy,

Administrator.

[FR Doc. 00–15919 Filed 6–22–00; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Notice of Transfer of Jurisdiction

AGENCY: Forest Service, USDA.

ACTION: Transfer of jurisdiction of certain lands within the boundaries of the Uinta National Forest to the United States Department of Agriculture, Forest Service.

SUMMARY: On March 16, 1999, Shellie Nall, General Supply Specialist, Bureau of Reclamation, signed three Property Vouchers transferring jurisdiction of 315 acres of land within the Ashley National Forest, and 1,852.48 acres of land within the Uinta National Forest to the United States of America, Department of Agriculture, Forest Service.

This action is in compliance with Section 6 of the Dutch John Federal Property Disposition and Assistance Act of 1998 (P.L. 105–326).

Copies of the Property Vouchers are available for public inspection at the Chief's Office, Forest Service, U.S. Department of Agriculture, Auditors Building, 201 14th Street, SW., at Independence Ave., SW., Washington, DC 20250, or the Ashley National Forest, 355 North Vernal Avenue, Vernal, UT 84078.

Dated: June 12, 2000.

Jack G. Troyer,

Deputy Regional Forester, Intermountain Region, USDA Forest Service, 324 25th Street, Ogden, UT 84401, (801) 625–5605.

[FR Doc. 00–15783 Filed 6–22–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Availability

AGENCY: USDA Natural Resources Conservation Service.

ACTION: Notice of Availability of proposed changes and new conservation practice standards in Section IV of the South Dakota Technical Guide (SDTG) of the NRCS in South Dakota for review and comment.

SUMMARY: It is the intention of the NRCS in South Dakota to issue revised conservation practice standards in Section IV of the SDTG for the following practices: Wetland Wildlife Habitat Management (644), Upland Wildlife Habitat Management (645), Wildlife Watering Facility (648), and Wetland Restoration (657). Also, it is the intention of the NRCS in South Dakota to issue new conservation practice standards in Section IV of the SDTG for the following practices: Wetland Enhancement (659), Wetland Creation (658), Shallow Water Management for Wildlife (646), Early Successional Habitat Development/Management (647), Restoration and Management of Declining Habitats (643), and Riparian Herbaceous Cover (390).

DATES: Comments on this notice must be received on or before July 24, 2000.

ADDRESSES: All comments concerning the proposed conservation practice standards changes should be addressed to: Dean Fisher, State Conservationist, NRCS, 200 Fourth Street SW, Huron, South Dakota 57350. Copies of these standards will be made available upon written request.

Dated: June 7, 2000.

Dean Fisher,

State Conservationist, Natural Resources Conservation Service, Huron, South Dakota 57350.

[FR Doc. 00–15886 Filed 6–22–00; 8:45 am]

BILLING CODE 3410–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the Procurement List.

SUMMARY: This action adds to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: July 24, 2000

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: On May 5, 2000, the Committee for Purchase From People Who Are Blind or Severely Disabled published a notice (65 FR 26178) of proposed addition to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will not have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the Procurement List:

Operation of the Alternate Format Center, Department of Education, Mary Switzer Building, 330 C Street, SW, Washington, DC

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 00–15929 Filed 6–22–00; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 24, 2000.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Grounds Maintenance

Little Rock Air Force Base, Arkansas
NPA: Trace, Inc., Eagle, Idaho

Mail and Messenger Service

National Institute of Health
National Institute of Allergy and Infectious Diseases
Bethesda, Maryland

NPA: Fairfax Opportunities Unlimited, Inc., Alexandria, Virginia

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 00–15930 Filed 6–22–00; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 30–2000]

Proposed Foreign-Trade Zone—City of Eureka (Humboldt County), California; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the City of Eureka, California, to establish a general-purpose foreign-trade zone at sites in Eureka, California, within/adjacent to the Eureka Customs port of entry. The application was submitted pursuant to the provisions of the FTZ Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on June 16, 2000. The applicant is authorized to make the proposal under section 6302 of the California Code.

The proposed zone would consist of 4 sites (722 acres) in the Greater Humboldt County Area: *Site 1* (7 acres)—Dock B Area-Eureka Waterfront (owned by the City of Eureka), 700 & 832 West Waterfront, Eureka; *Site 2* (387 acres)—the Samoa Peninsula complex owned by the City of Eureka and the Humboldt Bay Harbor Recreation and Conservation District (Harbor District): *Site 2a* (321 acres)—City of Eureka's 450-acre Skypark, 3500 New Navy Base Road, Samoa; and, *Site 2b* (66 acres)—Harbor District docks and warehouse facility, on the Humboldt Bay, Samoa; *Site 3* (81 acres)—Fields Landing, owned by Stanwood Murphy and the Harbor District: *Site 3a* (62 acres)—Humboldt Bay Forest Products docks and industrial site,110 C Street, Field's Landing; and, *Site 3b* (19 acres)—Harbor District dock, #1 Yard Road, Foot of Depot Road, Fields Landing; and, *Site 4* (247 acres)—Eureka/Arcata Airport (owned by Humboldt County), adjacent to U.S. Highway 101. Site 1 is part of the Westside Industrial Area in the City of Eureka which became a part of the State of California's Enterprise Zone. Site 2a is within the City of Eureka's Enterprise Zone.

The application indicates a need for foreign-trade zone services in the Greater Humboldt County area. Several firms have indicated an interest in using zone procedures for warehousing/distribution activities. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on July 26, 2000, 9:00 a.m., at the Eureka Public Marina, Number 1, Marina Way, Eureka, California 95501.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 22, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 6, 2000).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Office of the City Manager, City of Eureka 531 K Street, Room 209, Eureka, CA 95501

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW, Washington, DC 20230

Dated: June 19, 2000.

Pierre Duy,

Acting Executive Secretary.

[FR Doc. 00–15965 Filed 6–22–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 29–2000]

Application for Subzone Status; Archer Daniels Midland, Inc. (Natural Vitamin E), Decatur, Illinois

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Decatur Park District, which has an application pending for Foreign-Trade Zone status, requesting special-purpose subzone status for the natural Vitamin E manufacturing facility of Archer Daniels Midland, Inc. (ADM) in Decatur, Illinois. ADM is a global agricultural products company. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on June 13, 2000.

ADM's 80-acre West Plant site is located at 3700 East Division Street in the city of Decatur (Macon County), Illinois, some 60 miles south of Chicago. The facility (400 employees) is comprised of a soybean crushing operation, a vegetable oil refinery operation, a lecithin operation, a packaged oil operation, a specialty food additives operation, and the vitamin E operation (120,000 sq. ft./6 acres). The application requests authority to manufacture only Vitamin E, other tocopherols, sterols and fatty acids under zone procedures. The only raw material in the production of these products is vegetable oil distillate, a portion of which is sourced abroad. More than 20 percent of ADM's production of natural Vitamin E is exported.

Zone procedures would exempt ADM from Customs duty payments on foreign materials used in production for export. On domestic shipments, the company would be able to choose the duty rates that apply to the finished products (duty-free to 8.0%) instead of the rates otherwise applicable to the foreign material (deodorizer distillate rates could range from duty-free to 9.3% + 1.5¢/kg., depending on Customs classification and GSP status). The application indicates that the savings from zone procedures will help improve the international competitiveness of ADM's Decatur plant and will help increase exports.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 22, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 6, 2000).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 4008, 14th & Pennsylvania Avenue, NW, Washington, DC 20230

Airport Administrative Office, Decatur Airport, 910 Airport Road, Decatur, IL 62521

Dated: June 13, 2000.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 00–15964 Filed 6–22–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–805]

Aramid Fiber Formed of PolyPara-Phenylene Terephthalamide from the Netherlands; Preliminary Results of Full Sunset Review

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

ACTION: Notice of preliminary results of full sunset review: aramid fiber formed of polypara-phenylene terephthalamide from the netherlands.

SUMMARY: On December 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on aramid fiber formed of polypara-phenylene terephthalamide ("Aramid Fiber") from the Netherlands (64 FR 67247) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of a notice of intent to participate filed on behalf of domestic interested parties and adequate substantive comments filed on behalf of domestic and respondent interested parties, the Department determined to conduct a full review. As a result of this review, the Department preliminarily finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the levels indicated in the Preliminary Results of Review section of this notice.

EFFECTIVE DATE: June 23, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department of Commerce's ("the Department's") regulations are to 19 CFR Part 351 (1999). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

Background

On December 1, 1999, the Department initiated a sunset review of the antidumping order on aramid fiber formed of polypara-phenylene terephthalamide ("Aramid Fiber") from the Netherlands (65 FR 67247), pursuant to section 751(c) of the Act. On December 16, 1999, the Department received a notice of intent to participate on behalf of E.I. DuPont de Nemours & Company ("DuPont"), within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. DuPont claimed interested-party status under section 771(9)(C) of the Act, as a U.S. producer of aramid fiber. In its notice of intent to participate, Du Pont stated that it is related to two foreign producers of aramid fiber: DuPont (UK) Ltd., Maydown Works, United Kingdom, and DuPont Toray Company, Ltd., Japan.[6]

On January 3, 2000, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i), the Department received complete substantive response from the domestic interested-party, DuPont, and respondent interested parties (Twaron Products V.o.F. and Twaron Products Inc. (collectively "Twaron")). Twaron Products V.o.F claimed interested-party status under section 771(9)(A) of the Act, as foreign manufacturer/producer/exporter of the subject merchandise to the United States. Twaron Products Inc., claimed interested-party status as a U.S. importer of the subject merchandise. In its January 3, 2000, substantive response, Twaron asserts that it has participated in all prior phases of this antidumping duty order. The effective date of this order is June 27, 1994.

The regulations provide, at section 351.218(e)(1)(ii)(A), that the Secretary normally will conclude that respondent interested-parties have provided adequate response to a notice of initiation where it receives complete substantive responses from respondent interested parties accounting on average for more than 50 percent, by volume, or value basis if appropriate, of the total exports of the subject merchandise to the United States over the five calendar years preceding the year of publication of the notice of initiation. *See also Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping Duty and Countervailing Duty Orders*, 63 Fed. Reg. 13516 (March 20, 1998). On January 21, 2000, the Department determined that Twaron response constituted an adequate response to the notice of initiation. As a result, the Department determined, in accordance with section 351.218(e)(2)(i) of the Sunset Regulations, to conduct a full (240 day) sunset review.

On January 10, 2000, the Department received rebuttal comments on behalf of the domestic and respondent interested parties, within the deadline as specified under section 351.218(d)(4).[7]

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a sunset review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). On March 20, 2000 the Department determined that the sunset review of the antidumping duty order on aramid fiber from the Netherlands is extraordinarily complicated pursuant to section 751(c)(5)(C)(v) of the Act, and extended the time limit for completion of the preliminary results of this review until not later than June 19, 2000, in accordance with section 751(c)(5)(B) of the Act.[8]

Scope of the Order

The products covered by this review are all forms of aramid fiber formed of polypara-phenylene terephthalamide from the Netherlands. These consist of polypara-phenylene terephthalamide aramid in the form of filament yarn (including single and corded), staple fiber, pulp (wet or dry), spun-laced and spun-bonded nonwovens, chopped fiber, and floc. Tire cord is excluded

[6] *See* DuPont's December 16, 2000, Notice of Intent to Participate, at 2. DuPont asserts that DuPont (UK) is 100 percent owned by DuPont. DuPont Toray Company, Ltd., is 50 percent owned by DuPont Kabushkik Kaisha ("DKK") and 50 percent owned by Toray, and DKK is 100 percent owned by DuPont Asia Pacific, Ltd., which is owned 100 percent by DuPont.

[7] On January 3, 2000, the Department received a request for an extension to file rebuttal comments on behalf of Twaron. The Department granted the extension to file rebuttal comment to all interested-parties in this case until no later than January 10, 2000.

[8] *See Extension of Time Limit for Final Results of Expedited Five-Year Reviews*, 65 FR 16166 (March 27, 2000).

from the class or kind of merchandise under review. This merchandise is currently classifiable under the Harmonized Tariff Schedule of the United States ("HTSUS") item numbers 5402.10.3020, 5402.10.3040, 5402.10.6000, 5503.10.1000, 5503.10.9000, 5601.30.0000, and 5603.00.9000. The HTSUS item numbers are provided for convenience and Customs purposes. The written description of the scope remains dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 19, 2000, which is hereby adopted by this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce Building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import_admin/records/frn. The paper copy and electronic version of the Decision Memo are identical in content.

Preliminary Results of Review

The Department preliminary determines that revocation of the antidumping duty order on a on aramid fiber formed of polypara-phenylene terephthalamide from the Netherlands would be likely to lead to continuation or recurrence of dumping. The Department, therefore, will report to the Commission the company-specific and "all other" rates from the original investigation listed below.

Manufacturer/Exporter	Margin (percent)
Azko	2.90
All others	66.92

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Any hearing, if requested, will be held on August 16, 2000, in accordance with 19 CFR 351.310(d). Interested parties may submit case briefs, no later than August 7, 2000, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than August 14, 2000. The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such comments, no later than October 26, 2000.

This five-year ("sunset") review and notice are in accordance with sections 751 (c), 752, and 777(i)(1) of the Act.

Dated: June 19, 2000.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–15962 Filed 6–22–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–485–805]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Romania

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

EFFECTIVE DATE: June 23, 2000.

FOR FURTHER INFORMATION CONTACT: Magd Zalok or Charles Riggle, Group II, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4162, (202) 482–0650, respectively.

THE APPLICABLE STATUTE AND REGULATIONS: Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations refer to the regulations codified at 19 CFR Part 351 (April 1999).

FINAL DETERMINATION: We determine that certain small diameter carbon and alloy seamless standard, line and pressure pipe (small diameter seamless pipe) from Romania is being sold, or is likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the *Suspension of Liquidation* section of this notice.

Case History

The preliminary determination in this investigation was issued on January 26, 2000. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Romania*, 65 FR 5594 (February 4, 2000) (*Preliminary Determination*). On February 9, 2000, we received a letter from the Romanian Ministry of Commerce and Industry reiterating its earlier request that the Department grant the seamless pipe industry in Romania market-oriented industry (MOI) status. We conducted verifications of the questionnaire responses of the respondents Sota Communications Company (Sota) and Metal Business International S.R.L. (MBI), and their respective suppliers S.C. Silcotub, S.A. (Silcotub) and S.C. Petrotub, S.A. (Petrotub) from February 14 through February 29, 2000. On February 7 and March 6, 2000, the respondents and the petitioners [1] in this investigation requested a hearing, respectively. A hearing was held on April 18, 2000.

Scope of Investigation

For purposes of this investigation, the products covered are seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes and redraw hollows produced, or equivalent, to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and the American Petroleum Institute (API) 5L specifications and meeting certain physical parameters, regardless of application. For a detailed description of the scope of this investigation, see the "Scope of Investigation" section of the *Issues and Decision Memorandum for the Final Determination in the Antidumping Duty Investigation of Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Romania* (Decision Memorandum), from Holly Kuga, Acting Deputy Assistant Secretary, Import Administration to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 19, 2000, which is on file in the Central Records Unit, room B–099 of the main Commerce Building and available on the Web at www.ita.doc.gov/import_admin/records/frn/. The scope of the

[1] The petitioners in this investigation are Koppel Steel Corporation, Sharon Tube Company, U.S. Steel Group, Lorain Tubular Co. LLC (formally USS Kobe), Vision Metals, Inc. (Gulf States Tube Division) and the United Steel Workers of America.

investigation has been amended since the preliminary determination.

Period of Investigation

The period of this investigation (POI) comprises each exporter's two most recent fiscal quarters prior to the filing of the petition (*i.e.*, October 1, 1998 through March 31, 1999).

Non-Market Economy Country

The Department has treated Romania as a non-market-economy (NME) country in all past antidumping proceedings (*see, e.g., Tapered Roller Bearings and Parts Thereof From Romania: Final Results of Antidumping Duty Administrative Review*, 63 FR 36390 (July 6, 1998)). A designation as a NME remains in effect until it is revoked by the Department (*see* section 771(18)(C) of the Act). The respondents in this investigation have not requested a revocation of Romania's NME status and no further information has been provided that would lead to such a revocation. Therefore, we have continued to treat Romania as a NME in this investigation.

When the Department is investigating imports from a NME, section 773(c)(1) of the Act directs us to base normal value (NV) on the NME producer's factors of production, valued to the extent possible in a comparable market economy that is a significant producer of comparable merchandise. The sources of individual factor prices are discussed under the *Normal Value* section, below.

Market-Oriented Industry

As stated in our preliminary determination, the two Romanian producers (*i.e.*, Silcotub and Petrotub) and their respective trading companies (*i.e.*, Sota and MBI), as well as the Romanian Ministry of Industry and Commerce, requested that the Department find the seamless pipe industry in Romania to be a MOI.

The criteria for determining whether a MOI exists are: (1) There must be virtually no government involvement in setting prices or amounts to be produced; (2) the industry producing the merchandise under review should be characterized by private or collective ownership; and (3) market determined prices must be paid for all significant inputs, whether material or non-material, and for all but an insignificant portion of all inputs accounting for the total value of the merchandise. *See Chrome-Plated Lug Nuts from the People's Republic of China; Final Results of Administrative Review*, 61 FR 58514, 58515–6 (November 15, 1996) (*Lug Nuts*). In addition, in order to make an affirmative determination that an industry in a NME country is a MOI, the Department requires information on virtually the entire industry. A MOI claim, and supporting evidence, must cover producers that collectively constitute the industry in question; otherwise, the MOI claim is dismissed. (*See, e.g., Freshwater Crawfish Tailmeat from the People's Republic of China, Final Determination of Sales at Less than Fair Value*, 62 FR 41347, 41353 (August 1, 1997) (*Crawfish*).)

In our preliminary determination, we found that the Romanian seamless pipe industry does not meet the Department's criteria for an affirmative MOI finding because the information placed on the record shows that all of the known seamless pipe producers were owned primarily by the Romanian government during virtually the entire POI. Furthermore, we do not have sufficient information from S.C. Republica (Republica), a non-responding producer of the subject merchandise representing 20 percent of the seamless pipe industry in Romania. Therefore, we are unable to determine whether the Romanian government is involved in setting prices or amounts to be produced for a significant portion of the industry for which we have no information on the record. For a complete discussion of the Department's preliminary determination that the seamless pipe industry does not constitute a MOI, *see* the December 15, 1999, memorandum, *Whether the Seamless Pipe Industry in Romania Should Be Treated as a Market-Oriented Industry*, which is on file in B–099.

Since the preliminary determination, we received no new information from either members of the Romanian seamless pipe industry or the Romanian government with respect to the MOI issue. Moreover, the Department conducted verifications of Silcotub's and Petrotub's respective questionnaire responses, and was able to confirm that these two producers were in fact owned primarily by the Romanian government during virtually the entire POI. Consequently, we find no new evidence on the record to warrant a change to the Department's position to not grant MOI status to the Romanian seamless pipe industry for purposes of the final determination. *See* Decision Memorandum, Comment 3.

Separate Rates

It is the Department's policy to assign a single rate to all exporters of subject merchandise subject to investigation in a NME country unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. For purposes of this "separate rates" inquiry, the Department analyzes each exporting entity under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) (*Sparklers*), as amplified in *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (*Silicon Carbide*). Under this test, exporters in NME countries are entitled to separate, company-specific margins when they can demonstrate an absence of government control over exports, both in law (de jure) and in fact (de facto).

In our preliminary determination, we found, according to the criteria identified in *Sparklers* and *Silicon Carbide*, that Sota and MBI had met the criteria for the application of separate antidumping duty rates. For a complete discussion of the Department's determination that Sota and MBI are entitled to separate rates, *see* the January 28, 2000, memorandum, *Assignment of Separate Rates for Respondents in the Antidumping Duty Investigation of Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Romania*, which is on file in the CRU. At verification, we found no discrepancies with the information provided in the questionnaire responses of Sota and MBI. We have not received any other information since the preliminary determination which would warrant reconsideration of our separate rates determinations with respect to these companies. Therefore, we continue to find that the responding companies in this investigation should be assigned individual dumping margins.

Romania-Wide Rate

As in all NME cases, the Department implements a policy whereby there is a rebuttable presumption that all exporters or producers comprise a single exporter under common government control, the "NMΞ entity." The Department assigns a single NME rate to the NME entity, unless an exporter can demonstrate eligibility for a separate rate. Information on the record of this investigation indicates that Sota and MBI were the only Romanian exporters to the United States of the subject merchandise produced by Silcotub and Petrotub. Further, as noted above, although Republica produces the subject merchandise, we have confirmed with U.S. Customs that no subject merchandise produced by Republica was sold to the United States during the POI, either directly by Republica or through trading companies.

Consistent with our preliminary determination, since all exporters/producers of the subject merchandise sold to the United States during the POI responded to the Department's questionnaire, and we have no reason to believe that there are other non-responding exporters/producers of the subject merchandise during the POI, we calculated a Romania-wide rate based on the weighted-average margins determined for Sota and MBI.

Fair Value Comparisons

To determine whether sales of the subject merchandise by Sota and MBI to the United States were made at LTFV, we compared the export price (EP) to the NV, as described in the *Export Price* and *Normal Value* sections of this notice, below. In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI-wide weighted-average EPs to weighted-average NVs,

Export Price

We used EP methodology in accordance with section 772(a) of the Act, because Sota and MBI sold the subject merchandise directly to unaffiliated customers in the United States prior to importation, and CEP methodology was not otherwise appropriate.

1. Sota

We calculated EP based on packed C&F prices to the first unaffiliated purchaser in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for inland freight from the plant/warehouse to the port of embarkation, brokerage and handling in Romania, and ocean freight. Because certain domestic inland freight and brokerage and handling were provided by NME companies, we based those charges on surrogate rates from Indonesia and Egypt. (*See* the *Normal Value* section for further discussion.)

2. MBI

We calculated EP based on packed FOB Romanian-port prices to the first unaffiliated purchaser in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for inland freight from the plant/warehouse to the port of embarkation, and brokerage and handling in Romania. As with Sota, because certain domestic inland freight and brokerage and handling were provided by NME companies, we based those charges on surrogate rates from Indonesia and Egypt. (*See* the *Normal Value* section for further discussion.)

Normal Value

A. Surrogate Country

Section 773(c)(4) of the Act requires the Department to value the NME producer's factors of production, to the extent possible, in one or more market economy countries that: (1) are at a level of economic development comparable to that of the NME country; and (2) are significant producers of comparable merchandise.

For purposes of the final determination, we find that Indonesia remains the most appropriate surrogate country for Romania. Consistent with the Department's preliminary determination, we continue to use Indonesia as the surrogate country for Romania for purposes of the final determination because Indonesia is a significant producer of merchandise comparable to the subject merchandise and, contrary to other potential surrogate countries, provides reliable surrogate values for virtually all factors of production. For discussion and analysis regarding the surrogate country selection for Romania, see Comment 1 in the Decision Memorandum.

B. Factors of Production

In accordance with section 773(c) of the Act, we calculated NV based on factors of production reported by the companies in Romania which produced seamless pipes for the exporters that sold seamless pipes to the United States during the POI. We calculated NV based on the same methodology used in the preliminary determination. For Sota, based on verification findings, we made corrections with respect to billets, scrap, lacquer, freight distance, and labor. For MBI, we made corrections based on our findings at verification with respect to strap, electricity, gas, and labor. For the preliminary determination, we used the financial statements of three Indonesian steel companies in order to determine the factory overhead, SG&A, and profit rates for the Romanian respondents. For the final determination, we have relied exclusively on the financial statements of one of the three companies, P.T. Krakatau. For a complete analysis of surrogate values, *see* the June 19, 2000, memorandum, *Factors of Production Valuation for Final Determination,* (Valuation Memorandum) on file in B–099.

We valued labor using the method described in 19 CFR 351.408(c)(3).

Verification

As provided in section 782(i) of the Act, we verified the information submitted by the respondents for use in our final determination. We used standard verification procedures including examination of relevant accounting and production records, and original source documents provided by the respondents.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the June 19, 2000, Decision Memorandum which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the Decision Memorandum. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in B–099. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at www.ita.doc.gov/import_admin/records/frn. The paper copy and electronic version of the Decision Memorandum are identical in content.

Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we are instructing the Customs Service to continue to suspend liquidation of all entries of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania that are entered, or withdrawn from warehouse, for consumption on or after February 4, 2000, the date of publication of the *Preliminary Determination*. The Customs Service shall continue to require a cash deposit or the posting of a bond based on the estimated weighted-average dumping margins shown below. The suspension of liquidation instructions will remain in effect until further notice.

We determine that the following weighted-average dumping margins exist for the period April 1, 1998 through March 31, 1999:

Exporter/manufacturer	Weighted-average margin percentage
Sota Communication Co	19.11
Metal Business International S.R.L.	11.08
Romania-wide rate	14.99

The Romania-wide rate applies to all entries of the subject merchandise except for entries from exporters/producers that are identified individually above.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final

determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: June 19, 2000.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration,

Appendix

List of Comments in the Issues and Decision Memorandum

[FR Doc. 00–15967 Filed 6–22–00; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–856]

Notice of Amendment of Antidumping Duty Order: Synthetic Indigo From the People's Republic of China

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

EFFECTIVE DATE: June 23, 2000.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Dinah McDougall, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4136 or (202) 482–3773, respectively.

The Applicable Statute

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

Scope of Order

The products subject to this investigation are the deep blue synthetic vat dye known as synthetic indigo and those of its derivatives designated commercially as "Vat Blue 1." Included are Vat Blue 1 (synthetic indigo), Color Index No. 73000, and its derivatives, pre-reduced indigo or indigo white (Color Index No. 73001) and solubilized indigo (Color Index No. 73002). The subject merchandise may be sold in any form (*e.g.*, powder, granular, paste, liquid, or solution) and in any strength. Synthetic indigo and its derivatives subject to this investigation are currently classifiable under subheadings 3204.15.10.00, 3204.15.40.00 or 3204.15.80.00 of the *Harmonized Tariff Schedule of the United States* ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Amendment to Antidumping Duty Order

On June 12, 2000, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that a U.S. industry is materially injured by reason of imports of synthetic indigo from the PRC, pursuant to section 735(b)(1)(A) of the Act. In addition, the ITC found that critical circumstances exist with regard to such imports from the PRC.

On June 19, 2000, in accordance with section 736(a)(1) of the Act, the Department published its amended final determination and antidumping duty order on synthetic indigo from the People's Republic of China. *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Synthetic Indigo from the People's Republic of China*, 65 FR 37961, (June 19, 2000). However, in that publication, we inadvertently omitted the revised margin percentage for one company, Wuhan Tianjin Chemicals Imports & Exports Corp., Ltd. This amended order is being published to correct this error.

In accordance with section 736(a)(1) of the Act, the Department will direct the United States Customs Service to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price or constructed export price of the merchandise for all relevant entries of synthetic indigo from the PRC. These antidumping duties will be assessed on all unliquidated entries of imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after September 15, 1999, the date 90 days prior to the date of publication of the preliminary determination in the **Federal Register**, in accordance with the critical circumstances finding in the final determination.

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties, the cash deposits listed below for the subject merchandise. The "PRC-wide Rate" applies to all exporters of synthetic indigo not specifically listed below.

The revised final weighted-average margins are as follows:

Exporter/manufacturer	Original final margin percentage	Revised final margin percentage
Wonderful Chemical Industrial Ltd./Jiangsu Taifeng Chemical Industry Co., Ltd	77.89	79.70
China National Chemical Construction Jiangsu Company	77.89	79.70
China Jiangsu International Economic Technical Cooperation Corp	77.89	79.70
Shanghai Yongchen International Trading Company Ltd	77.89	79.70
Hebei Jinzhou Import & Export Corporation	77.89	79.70
Sinochem Hebei Import & Export Corp	77.89	79.70
Chongqing Dyestuff Import & Export United Corp	7.89	79.70
Wuhan Tianjin Chemicals Imports & Exports Corp., Ltd	77.89	79.70
PRC-wide rate	129.60	129.60

This amended order is published in accordance with section 736(a) of the Act and 19 CFR 351.211.

Dated: June 19, 2000.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–15963 Filed 6–22–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Instrument

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether an instrument of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, is being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 am and 5:00 pm in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 00–020. *Applicant:* University of Wisconsin—Madison, 750 University Avenue, Madison, WI 53706–1490. *Instrument:* Zebra Fish Tank Installation. *Manufacturer:* Aquarien-Bau Schwarz, Germany. *Intended Use:* The instrument is intended to be used to house and grow multiple generations of zebra fish which are used as a simple model to study the biology and development of vertebrate animals, including humans. These studies will include experiments to investigate the genetic basis of early embryonic development, specifically the products present in the egg which, when activated, drive the initial steps of embryogenesis. The overall objective of this research is to understand the molecular mechanisms underlying the induction of different cell fates in a developing vertebrate organism. In addition, the instruments will be used for educational purposes which involve primarily the scientific training of graduate students of the Genetics and Molecular and Cellular Biology programs. *Application accepted by Commissioner of Customs:* June 9, 2000.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 00–15966 Filed 6–22–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–812]

Grain-Oriented Electrical Steel From Italy; Preliminary Results of Full Sunset Review of Countervailing Duty Order

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

ACTION: Notice of preliminary results of full sunset review: grain-oriented electrical steel from Italy.

SUMMARY: On December 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the countervailing duty order on grain-oriented electrical steel ("GOES") from Italy (64 FR 67247) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of a notice of intent to participate and adequate substantive comments filed on behalf of the domestic interested parties, as well as responses from respondent interested parties, the Department determined to conduct an full (240-day) sunset review. Based on our analysis of the comments received, we find that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy at the levels listed below in the section entitled Preliminary Results of Review.

EFFECTIVE DATE: June 23, 2000.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick or James Maeder Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1930 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department regulations are to 19 CFR Part 351 (1999). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (*Sunset Policy Bulletin*).

Background

On December 1, 1999, the Department initiated a sunset review of the countervailing duty order on GOES from Italy (64 FR 67247), pursuant to section 751(c) of the Act. The Department received a notice of intent to participate on behalf of Allegheny Ludlum Corporation ("Allegheny Ludlum"), AK Steel Corporation ("AK Steel"), Butler Armco Independent Union, the United Steelworkers of America AFL–CIO/CLC, and the Zanesville Armco Independent Union (collectively, "domestic interested parties"), within the applicable deadline (December 16, 1999) specified in section 351.218(d)(1)(i) of the *Sunset Regulations.* Allegheny Ludlum and AK Steel claimed interested-party status under section 771(9)(C) of the Act, as U.S. producers of a domestic like product. The unions listed above are interested parties pursuant to section 771(9)(D) of the Act, because they are certified or recognized unions or groups of workers representative of the industry engaged in the manufacture, production, or wholesale in the United States of the domestic like product.

Domestic interested parties state that Alleghney Ludlum, Armco Inc. ("Armco"), United Steel Workers of America, Butler Armco Independent Union, and Zanesville Armco Independent Union were the petitioners in the initial investigation (*see* January 3, 2000, substantive response of domestic interested parties at 5). Domestic interested parties note that, on September 30, 1999, AK Steel acquired Armco, and assumed control of Armco's production of GOES. *Id.* Accordingly, AK Steel is the successor of petitioner Armco, and has replaced Armco as domestic interested party for purposes of this sunset review and all other administrative reviews. *Id.* Additionally, domestic interested parties state that they are participants in the ongoing administrative review. *Id.*

On December 20, 1999, we received a response from the European Union Delegation of the European Commission ("EC") expressing its willingness to participate in this review as the authority responsible for defending the interest of the Member States of the

European Union ("EU") (*see* December 20, 1999, response of the EC at 1–2). On December 29, 1999, we received a response from the Government of Italy ("GOI") expressing its willingness to participate in this review, as the government of a country in which subject merchandise is produced and exported. The EC and GOI note that they have in the past participated in this proceeding (*see* December 20, 1999, response of the EC at 2, and the December 29, 1999, response of the GOI at 1).

On January 3, 2000, we received a complete substantive response from domestic interested parties, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i), and a complete substantive responses from Acciai Speciali Terni S.p.A. ("AST") and Acciai Speciali Terni USA, Inc. ("AST–USA"), respondent interested parties under section 771(9)(A) of the Act because AST is a foreign producer and exporter of the subject merchandise and AST–USA is an importer of subject merchandise.

On January 10, 2000, we received rebuttal comments from domestic interested parties. Pursuant to 19 CFR 351.218 (e)(2)(i), the Department determined to conduct a full (240-day) sunset review of this order.[1]

On January 12, 2000, we requested from the GOI and AST clarification of the data submitted in their responses of December 29, 1999, and January 3, 2000, respectively, to be submitted by January 22, 2000.[2] On January 21, 2000, we received a response from AST in response to the Department's request for additional information concerning the volume of company shipments; we also received a request from the GOI, which we granted, for an extension of the deadline to submit a response until February 1, 2000. Subsequently, on February 1, 2000, we received a response from the GOI to our above request.

On February 11, 2000, the Department received the public version of a document from domestic interested parties in which they state that, despite the new information from the GOI, their research indicates that there have been significant volumes of GOES shipped by AST to the United States (*see* February 11, 2000, comments of domestic interested parties at 2–3). Further, domestic interested parties requested that the Department require AST to provide specific information in a supplemental response concerning the disposition of each shipment listed in the domestic interested parties' exhibit (*id.* at 3); however, the Department did not comply with this request.

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). This review concerns a transition order within the meaning of section 751(c)(6)(i) of the Act. Accordingly, on January 20, 2000, the Department determined that the sunset review of GOES from Italy is extraordinarily complicated, and extended the time limit for completion of the preliminary results of this review until not later than June 19, 2000 (65 FR 3206), in accordance with section 751(c)(5)(B) of the Act.

Scope of Review

The merchandise subject to this review is Italian GOES, which is a flat-rolled alloy steel product containing by weight at least 0.6 percent of silicon, not more than 0.08 percent of carbon, not more than 1.0 percent of aluminum, and no other element in an amount that would give the steel the characteristics of another alloy steel, of a thickness of no more than 0.56 millimeter, in coils of any width, or in straight lengths which are of a width measuring at least ten times the thickness. The merchandise is currently classifiable in the Harmonized Tariff Schedule ("HTS") under item numbers 7225.10.0030, 7226.10.1030, 7226.10.5015, and 7226.10.5065. Although HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

All issues raised in substantive responses by parties to this sunset review are addressed in the Issues and Decision Memorandum ("Decision Memo") from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 19, 2000, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of subsidy and the net countervailable subsidy likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B–099, the Central Records Unit, of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import_admin/records/frn. The paper copy and electronic version of the memo are identical in content.

Preliminary Results of Review

We determine that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of the subsidy at the following net countervailable subsidy.

Producer/exporter	Net countervailable subsidy (in percent)
All producers/exporters from Italy	24.46

Nature of the Subsidy

In the *Sunset Policy Bulletin* (63 FR 18876), the Department states that, consistent with section 752(a)(6) of the Act, the Department will provide to the Commission information concerning the nature of the subsidy, and whether the subsidy is a subsidy described in Article 3 or Article 6.1 of the Subsidies Agreement. Although the programs at issue do not fall within Article 3 of the Subsidies Agreement, some or all of them could be found to be inconsistent with Article 6.1. For example, the net countervailable subsidy may exceed five percent. The Department, however, has no information with which to make such a calculation; nor do we believe it appropriate to attempt such a calculation in the course of a sunset review. Moreover, we note that, as of January 1, 2000, Article 6.1 has ceased to apply (*see* Article 31 of the Subsidies Agreement). As such, we are providing the Commission with program descriptions in our Decision Memo.

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Any hearing, if requested, will be held on August 16, 2000, in accordance with 19 CFR 351.310(d). Interested parties may submit case briefs no later than August 7, 2000, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than August 14, 2000. The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in

[1] *See* June 19, 2000, Memorandum for Jeffrey A. May, Re: GOES from Italy; Adequacy of Respondent Interested Party Response to the Notice of Initiation.

[2] *See* January 12, 2000, Letters from Jeffrey A. May to Lewis E. Leibowitz, counsel to AST and AST–USA, and Enrico Nardi, First Counselor for Economic and Commercial Affairs, Embassy of Italy.

any such comments, no later than October 26, 2000.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 19, 2000.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–15961 Filed 6–22–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Overseas Trade Missions: 2000 Trade Unions—Private Sector Participants Recruitment and Settlement (August)

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce announces August 1, 2000, as the new, extended recruitment closing date for the following overseas trade missions. For a more complete description of each trade mission, obtain a copy of the mission statement from the Project Officer indicated below. The recruitment and selection of private sector participants for these missions will be conducted according to the Statement of Policy Governing Department of Commerce Overseas Trade Missions announced by Secretary Daley on March 3, 1997.

Clean Energy Trade Mission to Indonesia, Jakarta, Indonesia, August 29–30, 2000

For further information contact: Kathryn Hollander, U.S. Department of Commerce. Tel: 202–482–0385, Fax: 482–0170, E-Mail: Kathryn_Hollander@ita.doc.gov

Natural Gas Technology/Power Plant Retrofitting Business Development Mission to Mexico Mexico City and Monterrey, Mexico, September 10–14, 2000

For further information contact: Sam Beatty, U.S. Department of Commerce. Tel: 202–482–4179, Fax: 202–482–0170, E-Mail: Sam Beatty@ita.doc.gov

District Heating Mission to Russia Moscow and St Petersburg, Russia October 15–21, 2000

For further information contact: Rachel Halpern, U.S. Department of Commerce. Tel: 202–482–4423, Fax: 202–482–0170, E-Mail: Rachel_Halpern@ita.doc.gov

Clean Energy Trade Mission to Saudi Arabia, The United Arab Emirates, Qatar and Oman, October 24—November 1, 2000

For further information contact: Joseph Ayoub, U.S. Department of Commerce. Tel: 202–482–0313, Fax: 202–482–0170, E-Mail: Joseph_Ayoub@ita.doc.gov

National Gas and Cogeneration Technologies Business Development Mission, Rio de Janeiro and Sao Paulo, Brazil, November 5–9, 2000

For further information contact: Sam Beatty, U.S. Department of Commerce. Tel: 202–482–4179, Fax: 202–482–0170, E-mail: Samuel_Beatty@ita.doc.gov

Power Plant Renovation & Modernization/Natural Gas Utilization/Renewable Energy, Trade Mission to South Africa, Pretoria and Johannesburg, South Africa, November 13–17, 2000

For further information contact: John Rasmussen, U.S. Department of Commerce. Tel: 482–1889, Fax: 202–482–0170, E-mail: John_Rasmussen@ita.doc.gov

Clean Energy Trade Mission China, Beijing, Chengdu and Guangzhou, China, November 20–24, 2000

For further information contact Kathryn Hollander, U.S. Department of Commerce. Tel: 202–482–0385, Fax: 202–482–0170, E-mail: Kathryn_Hollander@ita.doc.gov

Clean Energy Trade Mission to India, New Delhi, Chennai, Calcutta and Mumbai, India, November 26–December 3, 2000

For further information contact: Nazir Bhagat, U.S. Department of Commerce. Tel: 202–482–3855, Fax: 202–482–5666, E-mail: Nazir_Bhagat@ita.doc.gov

FOR FURTHER INFORMATION CONTACT: Reginald Beckham, U.S. Department of Commerce. Tel: 202–482–5478, Fax: 202–482–1999.

Dated: June 12, 2000.

Tom Nisbet,

Director, Promotion Planning and Support Division, Office of Export Promotion Coordination.

[FR Doc. 00–15957 Filed 6–22–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061200C]

Announcement of Availability of a U.S. Effort Allocation of Shrimp in Division 3M of the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area

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

ACTION: Announcement of availability of a U.S. effort allocation of shrimp in division 3M of the NAFO Regulatory Area.

SUMMARY: NMFS announces a U.S. fishing effort allocation of 100 fishing days available to one vessel for harvesting shrimp in Division 3M of the NAFO Regulatory Area. This action is necessary to make available to U.S. fishing interests a fishing privilege on an equitable basis.

DATES: Comments and expressions of interest will be accepted through July 24, 2000.

ADDRESSES: Comments and expressions of interest regarding the U.S. effort allocation should be made to the Director, NMFS Office of Sustainable Fisheries at 1315 East-West Highway, Silver Spring, Maryland 20910 (phone: 301–713–2334, fax: 301–713–0596). Information relating to NAFO Conservation and Enforcement Measures (including rules on chartering operations) is available from Jennifer Anderson at the NMFS Northeast Regional Office, Gloucester, Massachusetts 01930 (phone: 978–281–9226, fax: 978–281–9135) and on the World Wide Web at <http://www.nafo.ca>.

FOR FURTHER INFORMATION CONTACT: Patrick E. Moran or Dean Swanson, 301–713–2276.

SUPPLEMENTARY INFORMATION: NAFO has established and maintains conservation measures in its Regulatory Area that include one effort limitation fishery as well as fisheries with total allowable catches (TACs) and member nation allocations. The principal species managed are cod, flounder, redfish, American plaice, halibut, capelin, shrimp, and squid. At the 1999 NAFO Annual Meeting, the United States received fish quota allocations for three NAFO stocks to be fished during 2000. These U.S. fish quota allocations for 2000 have been made available to U.S. fishermen under authority of the High Seas Fishing Compliance Act. The

species, amounts, locations, and rules governing these NAFO fish quota allocations were published in the **Federal Register** on December 23, 1999 (64 FR 72035). No U.S. fishermen have thus far expressed interest in the 2000 U.S. fish quota allocations from NAFO.

In addition to fish quota allocations, the United States received an effort allocation of 100 fishing days for the fishing year 2000 available to one vessel for harvesting shrimp in Division 3M of the NAFO Regulatory Area. Although no U.S. fishermen have recently expressed interest in the U.S. 3M shrimp effort allocation, NMFS has received inquiries regarding the possibility of making U.S. fishing opportunities available to U.S. fishing interests using foreign vessels under chartering arrangements.

Under a NAFO Pilot Project in effect for 2000, a vessel registered to another NAFO Contracting Party may be chartered to fish the U.S. allocation provided that consent for the charter is obtained from the vessel's flag State and the U.S. effort allocation is transferred to that flag State. Such a transfer must be adopted by NAFO Parties through a mail voting process. More details on U.S. and NAFO requirements for chartering operations are available from NMFS (see **ADDRESSES**).

Due to the lack of interest expressed thus far by U.S. fishermen in harvesting 2000 NAFO fish quota allocations, and recent information indicating that NAFO may adopt a TAC based system for the 3M shrimp fishery for 2001, expressions of interest from U.S. fishing interests intending to make use of foreign vessels under chartering arrangements to fish the U.S. 2000 3M shrimp effort allocation will be considered (see **DATES**). Such expressions of interest should be directed to the Director, NMFS Office of Sustainable Fisheries (see **ADDRESSES**).

All expressions of interest should include the following information required by NAFO regarding the proposed chartering operation: the name, registration and flag of the intended vessel; a copy of the charter; the fishing opportunities granted; the date from which the vessel is authorized to commence fishing on these opportunities; and the duration of the charter.

In addition, expressions of interest should be accompanied by a detailed description of anticipated benefits to the United States. Such benefits might include (but are not limited to): the use of U.S. processing facilities/personnel; the use of U.S. fishing personnel; other specific positive effects on U.S. employment; evidence that fishing by the chartered vessel would actually take place; and a willingness to document the physical characteristics and economics of the fishery for future use by the U.S. fishing industry.

In the event that multiple expressions of interest are made by U.S. fishing interests proposing the use of chartering operations from more than one NAFO Contracting Party, the information submitted regarding benefits to the United States will be used in determining which, if any, NAFO Contracting Party will receive the transfer of the U.S. 3M shrimp effort allocation.

If multiple proposals are submitted by U.S. fishing interests expressing interest in chartering operations with the same NAFO Contracting Party, the United States may transfer its 3M shrimp effort allocation to that Party for distribution as that Party sees fit (pending approval by NAFO).

All individuals/companies submitting expressions of interest to NMFS will be contacted within seven business days of the end of the comment period and apprised of the status of their proposal. Should an expression of interest be made on behalf of a U.S. registered vessel or vessels, such proposal will be given first consideration. If more than one expression of interest is made on behalf of a U.S. registered vessel or vessels, however, it may be necessary to promulgate regulations to determine how applicants would be chosen. It is unlikely that such regulations could be promulgated in time for the 2000 effort allocation of 3M shrimp to be used by a U.S. registered vessel. In the case that no interest is expressed on behalf of U.S. vessels, NMFS will determine whether to initiate the necessary steps to transfer the U.S. 3M shrimp effort allocation to another NAFO Contracting Party for use in a chartering operation.

Dated: June 18, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–15977 Filed 6–22–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061900C]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held July 10–14, 2000.

ADDRESSES: These meetings will be held at the Westin Beach Resort, 97000 South Overseas Highway, Key Largo, Florida; telephone: 305–852–5553.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION:

Monday, July 10, 2000

9:30 a.m.–11:30 a.m.—Convene the Stone Crab Management Committee to discuss Stone Crab Amendment 7. The Stone Crab amendment proposes to extend the trap certificate program for the commercial stone crab fishery adopted by the state of Florida into the federal waters off west Florida. The Florida Fish and Wildlife Conservation Commission, after working with the stone crab industry and the Council over the past 4 years, has adopted by rule a trap certificate program that will gradually reduce the number of traps over a 30-year period. The Florida legislature has approved the portion of this program pertaining to licenses and fees. The committee will make recommendations for the full Council to take final action on Thursday morning.

1 p.m.–3:30 p.m.—Convene the Shrimp Management Committee to review an options paper for an amendment to require vessel and operator permits, and receive a National Marine Fisheries Service(NMFS) report on the status of the shrimp stocks.

3:30 p.m.–4:30 p.m.—Convene the Sustainable Fisheries Committee to discuss resubmission of the Sustainable Fisheries Act (SFA) Amendment Bycatch Reporting Measures.

4:30 p.m.–5:30 p.m.—Convene the Budget Committee to review the status of the CY2000 budget and CY1999 budget extension.

Tuesday, July 11, 2000

8 a.m.–12 noon—Convene the Reef Fish Management Committee to receive a report on the status of the jewfish stock, to review and discuss red snapper and grouper stock restoration scenarios, and to select stock assessments to be completed by the NMFS Southeast Fisheries Science Center in FY 2001.

1:30 p.m.–3:30 p.m.—Convene the Joint Marine Reserves/Reef Fish Management Committees to discuss a Generic Amendment Addressing the Establishment of Tortugas Marine Reserves, which proposes to establish the Tortugas South marine reserve that will encompass the Riley's Hump mutton snapper spawning aggregation site established by the Council in 1994. The total area of the proposed Tortugas South marine reserve is 60 square nautical miles. The amendment also proposes to create the Tortugas North marine reserve cooperatively with the Florida Keys National Marine Sanctuary program, the state of Florida, and the National Park system, which will encompass an area of 120 square nautical miles. The portion proposed to be established by the Council is 13 square nautical miles. The Committees' recommendations on this amendment will be considered by the full Council on Thursday morning.

3:30 p.m.–5 p.m.—Convene the Habitat Protection Committee to hear a presentation on the Williams Gas Pipeline Project and the Gulfstream Gas Pipeline Project.

Wednesday, July 12, 2000

9 a.m.–11:30 a.m.—Convene the Mackerel Management Committee to approve a letter to the states and the South Atlantic Fishery Management Council (SAFMC)on the sale of fish, and to approve the Dolphin/Wahoo Fishery Management Plan for public hearings.

1 p.m.–The Council will convene.

1:15 p.m.–5 p.m.—Receive public testimony on Stone Crab Amendment 7, Resubmission of the Section on Bycatch Reporting in the SFA Amendment, and the Generic Amendment Addressing Establishment of the Tortugas 2000 Marine Reserve.

Thursday, July 13, 2000

8:30 a.m.–9:30 a.m.—Continue public testimony if necessary.

9:30 a.m.–10 a.m.—Receive a report of the Stone Crab Management Committee.

10 a.m.–10:30 a.m.—Receive a report of the Joint Marine Reserves and Reef Fish Management Committees.

10:30 a.m.–12 noon—Receive a report of the Reef Fish Management Committee.

1:30 p.m.–2 p.m.—Receive a report of the Mackerel Management Committee.

2 p.m.–2:30 p.m.—Receive a report of the Shrimp Management Committee.

2:30 p.m.–3 p.m.—Receive a report of the Sustainable Fisheries Management Committee.

3 p.m.–3:15 p.m.—Receive a report of the Habitat Protection Committee.

3:15 p.m.–3:30 p.m.—Receive a report of the Budget Committee.

3:30 p.m.–3:45 p.m.—Receive a report of the Council Chairman's Meeting.

3:45 p.m.–4 p.m.—Receive the SAFMC Liaison report.

4 p.m.–4:15 p.m.—Receive a report on the Marine Recreational Symposium.

4:15 p.m.–4:30 p.m.—Receive a report on the Joint U.S./Canadian Observer Workshop.

4:30 p.m.–4:45 p.m.—Receive enforcement reports.

4:45 p.m.–5 p.m.—Receive the NMFS Regional Administrator's Report.

5 p.m.–5:15 p.m.—Receive Director's Reports.

5:15 p.m.–5:30 p.m.—Other Business.

5:30 p.m.–5:45 p.m.—Election of Temporary Chairman and Vice Chairman.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, these issues may not be the subject of formal Council action during these meetings. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final actions to address such emergencies. A copy of the Committee schedule and agenda can be obtained by calling (813) 228–2815.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: June 19, 2000.

Richard W. Surdi,

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

[FR Doc. 00–15974 Filed 6–22–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061900F]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling joint public meetings of its Groundfish Oversight Committee and Groundfish Advisory Panel, and separate public meetings of its Capacity, Scientific and Statistical and Herring Committees, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held from July 6 to July 19, 2000. See **SUPPLEMENTARY INFORMATION** for specific agendas, dates and times.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for specific meeting locations.

Council address: New England Fishery Management Council, 50 Water Street, Newburyport, Massachusetts 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates, Locations and Agendas

Thursday, July 6, 2000, 9:30 a.m.—Joint Groundfish Oversight Committee and Groundfish Advisory Panel

Location: Trade Winds Motor Inn, 2 Park View Drive, Rockland, Maine 04841; telephone (207) 596–6661.

The committee and advisors will conduct a joint meeting to continue development of management options for Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). These groups will continue their discussion of alternatives within the framework of the status quo management measures currently in the FMP. They also may review information on the current four, year-round area closures and develop preliminary options for changes to those areas. The committee will receive the report of the June 27 Groundfish Advisory Panel meeting; review, and possibly act on, suggestions from the advisors, including identification of an additional approach to management that should be considered for Amendment 13. If time permits, the committee may continue development of area management and sector allocation alternatives.

Monday, July 10, 2000, 10:00 a.m.—Capacity Committee

Location: Holiday Inn, Mansfield, 31 Hampshire Street, Mansfield, MA 02048; telephone (508) 339–2200.

The Capacity Committee will review analyses of proposals to allow more flexible transfer of fishing permits among fisheries and effort allocations in the multispecies fishery. One proposal would allow multispecies permit holders to acquire additional days-at-sea (DAS) from other permit holders with different rates of reduction of DAS on the transfer of active and inactive DAS. Two other proposals would allow the transfer of fishing permits among different fisheries but not allow vessels in the monkfish, scallop and multispecies to acquire additional DAS. A fourth proposal would reduce unused DAS by a small percentage each year unless the DAS were put under a freeze until groundfish stocks were rebuilt. The committee will make recommendations on these proposals at the Groundfish Committee meeting on July 19, 2000 and at the New England Council meeting on July 25–27, 2000.

Tuesday, July 11, 2000, 10:00 a.m.—Scientific and Statistical Committee

Location: Comfort Inn Airport, 1940 Post Road, Warwick, RI 02886; telephone: (401) 732–0470.

The committee will review scientific information and analyses in the draft Stock Assessment and Fishery Evaluation (SAFE) Report for 1999–2000 prepared by the Herring Plan Development Team (PDT). The committee also will review and comment on the annual specifications recommendations of the PDT for the 2001 fishing year.

Wednesday, July 12, 2000, 9:30 a.m.—Atlantic Herring Oversight Committee

Location: Comfort Inn Airport, 1940 Post Road, Warwick, RI 02886; telephone: (401) 732–0470.

The committee will review the draft annual Herring SAFE Report prepared by the Herring PDT, including the comments of the Scientific and Statistical Committee meeting developed on July 11. The committee also will review the annual specifications recommendations of the PDT on optimum yield from the fishery (OY) and total allowable catch (TACs) for each management area for the 2001 fishing year, and develop recommendations to the Council.

Thursday, July 13, 2000, 9:30 a.m.—Joint Groundfish Oversight Committee and Groundfish Advisory Panel

Location: Comfort Inn Airport, 1940 Post Road, Warwick, RI 02886; telephone (401) 732–0470.

The committee and advisors will conduct a joint meeting to continue development of management options for Amendment 13 to the Northeast Multispecies FMP. If not completed at the July 6 meeting, they will continue to refine the alternatives developed within the context of the status quo measures. They will also develop area management and sector allocation alternatives.

Wednesday, July 19, 2000, 9:30 a.m.—Joint Groundfish Oversight Committee and Groundfish Advisory Panel

Location: Holiday Inn Express, Harborfront Center, 110 Middle Street, Fairhaven, MA 02719; telephone (508) 997–1281.

The committee and advisors will conduct a joint meeting to continue development of management options for Amendment 13 to the Northeast Multispecies FMP. They will receive a report from the Council's Capacity Committee that may suggest approaches for addressing excess capacity and latent effort issues in the groundfish fishery. They will review these proposals and determine which should be analyzed for inclusion in Amendment 13. These groups also may receive reports from the Overfishing Definition Panel. The committee and advisors will complete development of alternatives for Amendment 13 that will be presented for Council consideration. Subject to Council approval of the alternatives, these will be further analyzed and developed into a document for public hearings.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids, or other special accommodations, should be directed to the Council (see **ADDRESSES**) at least five days prior to the meeting dates.

Dated: June 19, 2000.

Richard W. Surdi,

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

[FR Doc. 00–15976 Filed 6–22–00; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Srl Lanka

June 19, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 23, 2000.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for swing, carryover, special shift, folklore adjustment, and the recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Also

see 64 FR 70224, published on December 16, 1999.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 19, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 10, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on January 1, 2000 and extends through December 31, 2000.

Effective on June 23, 2000, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
237	420,688 dozen.
314	5,196,030 square meters.
331/631	4,210,579 dozen pairs.
333/633	23,344 dozen.
334/634	1,105,018 dozen.
335/835	241,110 dozen.
336/636/836	605,773 dozen.
338/339	1,941,416 dozen.
340/640	1,705,139 dozen.
341/641	2,453,612 dozen of which not more than 1,648,238 dozen shall be in Category 341 and not more than 1,610,749 dozen shall be in Category 641.
342/642/842	925,809 dozen.
345/845	198,651 dozen.
347/348/847	1,956,096 dozen.
350/650	166,641 dozen.
351/651	475,468 dozen.
352/652	1,938,160 dozen.
359–C/659–C [2]	1,346,562 kilograms.
360	1,085,802 numbers.
363	17,881,387 numbers.
369–D [3]	820,441 kilograms.
369–S [4]	1,026,205 kilograms.
434	8,776 dozen.
435	18,807 dozen.
440	9,329 dozen.
611	5,033,220 square meters.
635	573,850 dozen.
638/639/838	1,181,981 dozen.
644	742,390 numbers.
645/646	219,720 dozen.
647/648	1,240,306 dozen.
840	243,428 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1999.

[2] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[3] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[4] Category 369–S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00–15876 Filed 6–22–00; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Department of the Navy

Public Hearings for the Draft Environmental Impact Statement (DEIS) for the North Pacific Acoustic Laboratory (NPAL)

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy, Office of Naval Research (ONR), has prepared and filed with the U.S. Environmental Protection Agency (EPA) a DEIS for the reuse of the sound source and cable previously installed by the Acoustic Thermometry of Ocean Climate (ATOC) Project for the NPAL. Public hearings will be held to provide information and to receive oral and written comments on the DEIS. Federal, state and local agencies, and interested individuals are invited to be present or represented at the hearings.

DATES AND ADDRESSES: Public hearings will be held in: (1) Lihue, Kauai, HI on July 5, 2000 from 7 PM—9:30 PM at the Kauai Community College Dining Room, 3–1901 Kaumualii Highway; (2) Honolulu, HI on July 6, 2000 from 7 PM—9:30 PM at the Hawaii Imin International Conference Center, East-West Center, 2nd Floor, Pacific Room, 1777 East-West Road, and (3) Kilauea, Kauai, HI on July 8, 2000 from 1:30 PM—4 PM at the Kilauea Neighborhood Center, 2460 Keneke Street.

The evening meetings in Lihue and Honolulu will consist of an informational presentation at 7 PM, followed by a public hearing at 8 PM. The afternoon meeting in Kilauea will consist of an informational presentation at 1:30 PM, followed by a public hearing at 2:30 PM.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen Vigness Raposa, telephone (401) 847–7508.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4345) and its implementing regulations (40 CFR parts 1500 to 1508), and in accordance with the Hawaii Environmental Impact Statement (EIS) Law (Chapter 343, Hawaii Revised Statutes), ONR has prepared and filed with the EPA a joint state-federal DEIS for the reuse of the sound source and cable previously installed for use in ATOC research for NPAL.

A Notice of Intent for this EIS was published in the **Federal Register** on June 15, 1999. Public scoping meetings were held in Hanalei, Kauai, HI, on June 29, 1999; in Lihue, Kauai, HI, on June 30, 1999; and in Honolulu, HI, on July 1, 1999.

The proposed action is reuse of the ATOC sound source and cable for NPAL, an ONR basic research project, which would combine: a second phase of research on the feasibility and value of large-scale acoustic thermometry; long-range underwater sound transmission studies; and marine mammal monitoring and studies.

Under the proposed action, the seabed power cable and sound source would remain in their present locations, and transmissions would continue for a period of five years with approximately the same signal parameters and transmission schedule used in the ATOC project. The action would be carried out by Scripps Institution of Oceanography, University of California, San Diego, which is the applicant for necessary state and federal permits, and by the Applied Physics Laboratory of the University of Washington.

The DEIS addresses the potential effects of the transmissions on the marine environment, including potential auditory, behavioral, and physiological effects on marine mammals and other marine creatures. Alternatives developed and analyzed in

the DEIS include: the Preferred Alternative, in which the Kauai sound source would be used as described above; the No Action Alternative, in which no further activity with the Kauai source would occur; and the Midway Alternative, in which a sound source and cable would be located off Midway Island. The proposed action is the preferred alternative because it best meets the project's purpose and need.

The DEIS has been distributed to various federal, state, and local agencies, elected officials, special interest groups, and public libraries. The document is available for public review at the following libraries:

Aina Haina Public Library, 5246 Kalanianaole Highway, Honolulu, HI 96821

Hawaii Kai Public Library, 249 Lunalilo Home Road, Honolulu, HI 96825

Hawaii State Library, Hawaii Documents Center, 478 South King Street, Honolulu, HI 96813

Kaimuki Public Library, 1041 Koko Head Avenue, Honolulu, HI 96816

Kailua Public Library, 239 Kuulei Road, Kailua, HI 96734

McCully-Moiliili Public Library, 2211 South King Street, Honolulu, HI 96826

Pearl City Public Library, 1138 Waimano Home Road, Pearl City, HI 96782

Salt Lake-Moanalua Public Library, 648 Ala Lilikoi Street, Honolulu, HI 96818

Waikiki-Kapahulu Public Library, 400 Kapahulu Avenue, Honolulu, HI 96815

University of Hawaii, Hamilton Library, 2559 The Mall, Honolulu, HI 96822

Kalihi-Palama Public Library, 1325 Kalihi Street, Honolulu, HI 96819

Kaneohe Public Library 45–829 Kamehameha Highway, Kaneohe, HI 96744

Library for the Blind & Physically Handicapped, 402 Kapahulu Avenue, Honolulu, HI 96815

Liliha Public Library, 1515 Liliha Street, Honolulu, HI 96817

Manoa Public Library, 2716 Woodlawn Drive, Honolulu, HI 96822

Wailuku Public Library, 251 High Street, Wailuku, HI 96793

Kapaa Public Library, 1464 Kuhio Highway, Kapaa, HI 96746

Lihue Public Library, 4344 Hardy Street, Lihue, HI 96766

Lanai Public & School Library, P.O. Box 550, Lanai City, HI 96763

Hilo Public Library, 300 Waianuenue, Hilo, HI 96720

Kahului Public Library, 90 School Street, Kahului, HI 96732

Kailua-Kona Public Library, 75–I38 Hualalai Road, Kailua-Kona, HI 96740

Kihei Public Library, 35 Waimahaihai Street, Kihei, HI 96753

Lahaina Public Library, 680 Wharf Street, Lahaina, HI 96761

Hanapepe Public Library, P.O. Box B, Hanapepe, HI 96716

Koloa Public & School Library, P.O. Box 9, Koloa, HI 96756

Waimea Public Library, P.O. Box 397, Waimea, HI 96796

Molokai Public Library, P.O. Box 395, Kaunakakai, HI 96748

Navy will conduct three public hearings to receive oral and written comments concerning the DEIS. A brief presentation will precede a request for public information and comments. Navy representatives will be available at the hearings to receive information and comments from agencies and the public regarding issues of concern. Federal, state, and local agencies, and interested parties are invited and urged to be present or represented at the hearing. Those who intend to speak will be asked to submit a speaker card (available at the door). Oral comments will be heard and transcribed by a stenographer.

To assure accuracy of the record, all statements should be submitted in writing. All statements, both oral and written, will become part of the public record in the study. Equal weight will be given to both oral and written comments. In the interest of available time, each speaker will be asked to limit oral comments to three minutes. Longer comments should be summarized at the public hearings and submitted in writing either at the hearings or mailed to Office of Naval Research, Marine Acoustics, Inc., 809 Aquidneck Avenue, Middletown, RI 02842 (Attn. Ms. Kathleen Vigness Raposa, telephone (401) 847–7508, facsimile (401) 847–7864). Written comments are requested not later than July 24, 2000.

Dated: June 20, 2000.

C.G. Carlson,

Major, U.S. Marine Corps, Alternate Federal Register Liaison Officer.

[FR Doc. 00–15973 Filed 6–22–00; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[CFDA No: 84.031H and 84.031N]

Alaska Native and Native Hawaiian-Serving Institutions Program Notice of Reopening of Fiscal Year 2000 Deadline Dates for Receipt of Applications for Designation as Eligible Alaska Native-Serving Institutions and for Receipt of Grant Applications From Alaska Native-Serving Institutions

Purpose: On December 30, 1999 we published in the **Federal Register** (64 FR 73527) a closing date notice for applications from institutions that wished to be designated as eligible institutions under the Alaska Native and Native Hawaiian-Serving Institutions Program. This program is authorized under section 317 of Title III of the Higher Education Act of 1965, as amended (HEA). Under that notice, February 4, 2000 was the deadline date for submitting eligibility applications for institutions that wished to apply for Fiscal Year 2000 grants.

On December 30, 1999, we also published in the **Federal Register** (64 FR 73525) the grant application closing date notice for the Alaska Native and Native Hawaiian-Serving Institutions Program. That deadline date was February 18, 2000 for applications for development grants. (Planning grant deadline was March 2, 2000.)

In response to these notices, three institutions applied to be designated as an eligible Alaska Native-Serving Institution, but only one institutional applicant so qualified. This institution applied for a planning grant of roughly $32,500. Approximately $1.5 million of the Fiscal Year 2000 appropriation designated for Alaska Native-Serving Institutions under the Alaska Native and Native Hawaiian-Serving Institutions Program remains available for new awards.

There are four other institutions in Alaska that could have applied and qualified as eligible Alaska Native-Serving Institutions, and would have been considered for funding under the Alaska Native and Native Hawaiian-Serving Institutions Program had they applied. Accordingly, we are reopening the eligibility designation process and extending the deadline date to July 7, 2000 to allow institutions to apply for designation as eligible Alaska Native-Serving Institutions. We are also opening the grant application process and extending the deadline date to July 28, 2000 to allow *only* eligible Alaska Native-Serving Institutions to apply for a grant under the Alaska Native and

Native Hawaiian-Serving Institutions Program.

Applications Available: Applications currently available.

Deadline for Transmittal of Applications: June 28, 2000 for applications requesting designation as an eligible Alaska Native-Serving Institution and the Alaska Native-Serving Institutions Certification Form (Appendix XIII in application booklet). July 28, 2000 for grant applications from eligible Alaska Native-Serving Institutions under the Alaska Native and Native Hawaiian-Serving Institutions Program.

Available Funds: Approximately $1.5 million.

For Applications or Information Contact: Darlene B. Collins, U.S. Department of Education, 1990 K Street, NW., 6th Floor, Washington, DC 20006–8513. Telephone (202) 502–7777. E-mail: darlene__collins@ed.gov. If you use a telecommunications device for the deaf (TDD) you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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

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

Electronic Access to This Document

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

http://gcs.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use PDF, you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using 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) 572–1530.

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

Program Authority: 20 U.S.C. 1059d.

Dated: June 20, 2000.

A. Lee Fritschler,

Assistant Secretary for Postsecondary Education.

[FR Doc. 00–15920 Filed 6–22–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Docket No. EA–187–A]

Application To Export Electric Energy; Merchant Energy Group of the Americas, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Merchant Energy Group of the Americas, Inc. (MEGA) has applied for renewal of its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before July 24, 2000.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Rosalind Carter (Program Office) 202–586-7983 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: On August 21, 1998, the Office of Fossil Energy (FE) of the Department of Energy (DOE) issued Order No. EA–187 authorizing MEGA to transmit electric energy from the United States to Canada as a power marketer using the international electric transmission facilities owned and operated by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power and Light Co., Inc., Minnkota Power, New York Power Authority, Niagara Mohawk Power Corp., Northern States Power, and Vermont Electric Transmission Company. That two-year authorization will expire on August 21, 2000.

On May 31, 2000, MEGA filed an application with FE for renewal of the export authority contained in Order No. EA–187. In that application, MEGA also requested that the international transmission facilities of Long Sault, Inc. be added to the list of authorized export points.

Procedural Matters:

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the MEGA request to export to Canada should be clearly marked with Docket EA–187–A. Additional copies are to be filed directly with Mr. Joseph P. Limone, Esq., General Counsel, Merchant Energy Group of the Americas, Inc., 151 West Street, Suite 300, Annapolis, MD 21401.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been granted in FE Order No. EA–187. Consequently, DOE believes that it has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA–187 proceeding.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select "Electricity," from the Regulatory Info menu, and then "Pending Proceedings" from the options menus.

Issued in Washington, D.C., on June 19, 2000.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 00–15907 Filed 6–22–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket Nos. FE C&E 00–11, C&E 00–12 and C&E 00–13 Certification Notice—187]

Office of Fossil Energy; Notice of Filings of Coal Capability of Newington Energy, LLC, Lakefield Junction, L.P and Ouachita Power, LLC Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Newington Energy, LLC, Lakefield Junction, L.P and Ouachita Power, LLC submitted coal capability self-certifications pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G–039, FE–27, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of the proposed new baseload powerplants have filed a self-certification in acccordance with section 201(d).

Owner: Newington Energy, LLC (C&E 00–11).
Operator: Newington Energy, LLC.
Location: Newington, NH.
Plant Configuration: Combined-cycle.
Capacity: 525 MW.
Fuel: Natural gas.
Purchasing entities: The New England wholesale market.
In-Service date: May 2002.

Owner: Lakefield Junction, L.P. (C&E 00–12).
Operator: Lakefield Junction, L.P.
Location: Martin County, Minnesota.
Plant configuration: Simple-cycle combustion turbines.
Capacity: 534 MW.
Fuel: Natural gas.
Purchasing entities: Great River Energy.
In-Service date: June 2001.

Owner: Ouachita Power, LLC (C&E 00–13).
Operator: Indirect subsidiary of Cogentrix Energy, Inc.
Location: Sterlington, Louisiana.
Plant configuration: Combined-cycle.
Capacity: 800 MW.
Fuel: Natural gas.
Purchasing entities: A power marketer.
In-Service date: July 1, 2002.

Issued in Washington, D.C., June 19, 2000.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 00–15908 Filed 6–22–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–383–000; CP00–384–000; and CP00–385–000]

Nortẽno Pipeline Company and Southern Transmission company; Notice of Joint Applications

DATES : June 19, 2000.

Take notice that on June 9, 2000, Nortẽno Pipeline Company (Nortẽno) and Southern Transmission Company (Southern Transmission), (collectively applicants), both at 504 Lavaca Street, Austin, Texas, 78701, filed applications in the above referenced dockets pursuant to Section 7(b) of the Natural Gas Act (NGA) and Section 3 and Sections 153.1 through 153.8 of the Commission's Regulations, respectively, seeking authorization to allow Southern Transmission to succeed to all of Nortẽno's import and export authorizations to operate and maintain facilities for the transportation of natural gas to Mexico, all as more fully set forth in the application which is on file with the Commission and which is open to the public for inspection. The filing may be viewed at *http://www.ferc/fed/us/online/rims.htm* (call 202–208–2222 for assistance).

Any questions regarding the application should be directed to Dennis K. Morgan, Esquire, Nortẽno Pipeline Company, 504 Lavaca Street, Austin, Texas, 78701.

Pursuant to Section 7(b) of the NGA and Part 157 of the Commission's Regulations, Applicants, in Docket No. CP00–383–000, seek permission and approval to abandon by sale and conveyance to Southern Transmission and Del Norte export facilities owned and operated by Nortẽno located in El Paso, Texas, at the International Boundary.

Pursuant to Sections 153.10 through 153.12 of the Commission's Regulations, and Executive Order No. 10485, as amended by Executive Order 12038, Applicants, in Docket No. CP00–384–000, seek authorization permitting Southern Transmission to succeed to the Presidential Permit issued to Nortẽno in Docket No. CP96–83–000. Applicants state that the authorization sought does not seek any change in the terms and conditions of Nortẽno existing import and export authority apart from the succession of Southern Transmission as the holder of that authority.

Pursuant to Section 3 of the NGA and part 153 of the Commission's Regulations, Applicants, in Docket No. CP00–384–000, seek authorization permitting Southern Transmission to succeed to all of Nortẽo's existing authorizations to import and export natural gas to and from Mexico.

Upon authorization of the transactions described in these concurrent applications, Southern Transmission will (1) Own certain facilities of Nortẽno, (2) succeed to Nortẽno's certificates and import-export authorizations for the facilities related to its transportation services, and (3) utilize the facilities to render such services.

Applicants states that the sole purpose of these applications is to restructure Nortẽno as a natural gas company by transferring certain of its system operations to Southern Transmission. Applicants further states that the proposed applications will have no adverse impact on any of the existing services of Nortẽno and there will be no disruption or interruption of current services. Applicants requests that action be taken by the Commission no later than September 1, 2000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 10, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 and 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and

by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filings it makes with the Commission to every other intervenor in the proceeding, as well as an original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have environmental comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to 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 a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its 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. 00–15905 Filed 6–22–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 372–000]

Southern California Edison Company; Notice of Authorization for Continued Project Operation

June 19, 2000.

On June 12, 1998, Southern California Edison Company, licensee for the Lower Tule River Project No. 372, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 372 is located on the North and South Forks of the Middle Fork Tule River in Tulare County, California.

The license for Project No. 372 was issued for a period ending June 14, 2000. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 372 is issued to Southern California Edison Company for a period effective June 15, 2000, through June 14, 2001, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before June 14, 2001, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Southern California Edison Company is authorized to continue operation of the Lower Tule River Project No. 372 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 00–15884 Filed 6–22–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ00–5–000]

Southern Minnesota Municipal Power Agency; Notice of Filing

June 19, 2000

Take notice that on June 6, 2000, Southern Minnesota Municipal Power Agency tendered for filing a revision to its Open Access Transmission Tariff on file with the Commission. The filed revision adds a new service, Generation to Schedule Imbalance Service, to the services already provided under the tariff.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before June 27, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–15906 Filed 6–22–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–260–000]

Texas Gas Transmission Corporation; Notice of Settlement Conference

June 19, 2000.

Take notice that an informal settlement conference will be convened in this proceeding on Wednesday, June 28 at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, for the purpose of discussing settlement procedures.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Michael D. Cotleur (202) 208–1076.

David P. Boergers,

Secretary.

[FR Doc. 00–15883 Filed 6–22–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2791–000, et al.]

Northern Maine Independent System Administrator, Inc., et al.; Electric Rate and Corporate Regulation Filings

June 15, 2000.

Take notice that the following filings have been made with the Commission:

1. Northern Maine Independent System Administrator, Inc.

[Docket No. ER00–2791–000]

Take notice that on June 12, 2000, Northern Maine Independent System Administrator, Inc. (NMISA), tendered for filing (i) an amendment to NMISA Rate Schedule FERC No. 1 and (ii) a revised version of Rate Schedule FERC No. 1 that complies with Order No. 614.

NMISA requests an effective date of June 1, 2000.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. FirstEnergy System

[Docket No. ER00–2792–000]

Take notice that on June 12, 2000, FirstEnergy System tendered for filing a Service Agreement to provide Non-Firm Point-to-Point Transmission Service for: Public Service Company of Colorado, the Transmission Customer. Services are being provided under the FirstEnergy System Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER97–412–000.

The proposed effective date under this Service Agreement is June 9, 2000 for the above mentioned Service Agreement in this filing.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. FirstEnergy System

[Docket No. ER00–2793–000]

Take notice that on June 12, 2000, FirstEnergy System tendered for filing Service Agreements to provide Firm Point-to-Point Transmission Service for Public Service Company of Colorado, the Transmission Customer. Services are being provided under the FirstEnergy System Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER97–412–000.

The proposed effective date under this Service Agreement is June 9, 2000 for the above mentioned Service Agreement in this filing.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Jersey Central Power & Light Company; Metropolitan Edison Company; and Pennsylvania Electric Company

[Docket No. ER00–2794–000]

Take notice that on June 12, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Energy and Delmarva Power & Light Company, FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 72.

GPU Energy requests that cancellation be effective the August 8, 2000.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. PPL Montana, LLC

[Docket No. ER00–2796–000]

Take notice that on June 12, 2000, PPL Montana, LLC (PPL Montana), tendered for filing a Service Agreement dated May 11, 2000 with Black Hills Corporation d/b/a Black Hills Power and Light (Black Hills) under PPL Montana's Market-Based Rate Tariff, FERC Electric Tariff, Original Volume No. 1. The Service Agreement adds Black Hills as an eligible customer under the Tariff.

PPL Montana requests an effective date of May 11, 2000 for the Service Agreement.

PPL Montana states that Black Hills has been served with a copy of this filing.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Allegheny Energy Service Corporation, on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER00–2797–000]

Take notice that on June 12, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply), tendered for filing Amendment No. 5 to Supplement No. 5 to the Market Rate Tariff to incorporate a Netting Agreement with Public Service Electric and Gas Company into the tariff provisions.

Allegheny Energy Supply Company requests a waiver of notice requirements to make the Amendment effective as of June 6, 2000.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Allegheny Energy Service Corporation, on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER00–2798–000]

Take notice that on June 12, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply), tendered for filing Amendment No. 6 to Supplement No. 5 to the Market Rate Tariff to incorporate a Net-Out Agreement with Dynegy Power Marketing, Inc., into the tariff provisions.

Allegheny Energy Supply Company requests a waiver of notice requirements to make the Amendment effective as of May 24, 2000.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the

Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. Consumers Energy Company

[Docket No. ER00–2799–000]

Take notice that on June 12, 2000, Consumers Energy Company (Consumers), tendered for filing an executed transmission service agreement with El Paso Merchant Energy, L.P. (Customer), pursuant to the Joint Open Access Transmission Service Tariff filed on December 31, 1996 by Consumers and The Detroit Edison Company (Detroit Edison).

The agreement has an effective date of May 25, 2000.

Copies of the filed agreement were served upon the Michigan Public Service Commission, Detroit Edison, and the Customer.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. PECO Energy Company

[Docket No. ER00–2800–000]

Take notice that on June 12, 2000, PECO Energy Company (PECO), tendered for filing under Section 205 of the Federal Power Act, 16 U.S.C. S 792 *et seq.*, an Agreement dated June 2, 2000 with Amerada Hess Corporation (AHC) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff).

PECO requests an effective date of June 9, 2000, for the Agreement.

PECO states that copies of this filing have been supplied to Amerada Hess Corporation and to the Pennsylvania Public Utility Commission.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Jersey Central Power & Light Company Metropolitan Edison Company and Pennsylvania Electric Company

[Docket No. ER00–2803–000]

Take notice that on June 12, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy) tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and Atlantic City Electric Company, FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 13.

GPU Energy requests that cancellation be effective August 8, 2000.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Deseret Generation & Transmission Co-operative

[Docket No. ER00–2812–000]

Take notice that on June 12, 2000, Deseret Generation & Transmission Co-operative, Inc. (Deseret), tendered for filing an executed umbrella non-firm point-to-point service agreement and an executed umbrella short term firm point-to-point service agreement with Southern Company Energy Marketing, L.P. under Deseret's open access transmission tariff. Deseret's open access transmission tariff is currently on file with the Commission in Docket No. OA97–487–000. Southern Company Energy Marketing has been provided a copy of this filing.

Deseret requests a waiver of the Commission's notice requirements for an effective date of June 1, 2000.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. PECO Energy Company

[Docket No. ER00–2821–000]

Take notice that on June 12, 2000, PECO Energy Company (PECO), tendered for filing a request to amend its service agreement with Commonwealth Edison Company under PECO's Electric Tariff Original Volume No. 1 accepted by the Commission in Docket No. ER95–770, as subsequently amended and accepted by the Commission in Docket No. ER97–316.

PECO requests waiver of the notice period and expedited acceptance of the filing by the Commission.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Competitive Utility Services Corporation

[Docket No. ER00–2823–000]

Take notice that on June 12, 2000 Competitive Utility Services Corp. (CUSCo), tendered for filing with the Federal Energy Regulatory Commission a Notice of Succession relating to the above docket.

Comment date: July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–15882 Filed 6–22–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2232–393]

Duke Energy Corporation; Notice of Availability of Draft Environmental Assessment

June 19, 2000.

A draft environmental assessment (DEA) is available for public review. The DEA analyzes the environmental impacts of proposed revisions to the shoreline classification maps for the Catawba-Wateree Project Shoreline Management Plan (SMP). The licensee for the project is Duke Energy Corporation (Duke). The maps address the allowable uses of 1,635 miles of shoreline for the 11 project reservoirs located in North and South Carolina. The maps are supported by results of Duke's Shallow Water Fish Habitat Study (SWFHS). Also, addressed in this DEA is the Shoreline Stabilization Technique Selection Process (SSTSP). The proposed revisions to the shoreline classification maps are an integral part of the SMP for the project.

On the basis of this independent environmental assessment, approval of the revised reclassification maps would not constitute a major federal action that would significantly affect the quality of the human environment.

The DEA was written by Commission staff in the Office of Energy Projects, Federal Energy Regulatory Commission. Copies of the DEA can be viewed on the web at *www.ferc.fed.us/online/rims.htm*. Call (202) 208–2222 for assistance. Copies are also available for inspection and reproduction at the

Commission's Public Reference Room located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371.

Anyone may file comments on the DEA. The public, federal and state resource agencies are encouraged to provide comments. All comments must be filed within 30 days of the date of this notice shown above. Send an original and eight copies of all comments marked with the project number P–2232–393 to : The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. If you have any questions regarding this notice, please call Brian Romanek at (202) 219–3076.

David P. Boergers,

Secretary.

[FR Doc. 00–15885 Filed 6–22–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6721–4]

Agency Information Collection Activities: Proposed Collection; Comment Request; 2001 Hazardous Waste Report (Biennial Report), Notification of Regulated Waste Activity, and RCRA Part A Permit Application Information Collection Requests

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is planning to submit the following continuing Information Collection Requests (ICR) to the Office of Management and Budget (OMB): 2001 Hazardous Waste Report (Biennial Report), 976.08, OMB Control Number 2050–0024, expiration date November 30, 2000. EPA is planning to submit modifications to the Notification of Regulated Waste Activity ICR, 261.12, OMB Control Number 2050–0028, expiration date 12/31/02; and the RCRA Part A Permit Application ICR, 262.09, OMB Control Number 2050–0034, expiration data 10/31/02. Before submitting this ICR and the ICR modifications to OMB for review and approval, EPA is requesting comment on the issues described below.

DATES: Comments must be submitted on or before August 22, 2000.

ADDRESSES: Commenters must send an original and two copies of their comments referencing docket number F–2000–B3IP–FFFFF to: (1) If using regular U.S. Postal Service mail: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0002, or (2) if using special delivery, such as overnight express service: RCRA Docket Information Center (RIC), Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. Comments may also be submitted electronically through the Internet to: *rcra-docket@epa.gov.* Comments in electronic format should also be identified by the docket number F–2000–B3IP–FFFFF and must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460–0002.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling 703–603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15/page. The index and some supporting materials are available electronically.

The official record for this action will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. EPA will not immediately reply electronically to commenters other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at 800–424–9346 or TDD 800–553–7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703–412–9810 or TDD 703–412–3323. For detailed information, contact Robert Burchard, Office of Solid Waste, 5302W, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0002; phone number 703–308–8450, fax: 703–308–8433, Internet: *burchard.robert@epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected entities: Entities affected by this action are those which generate and treat, store, and dispose of hazardous waste.

Title: 2001 Hazardous Waste Report (Biennial Report), 976.08, OMB Control Number 2050–0024, expiration date November 30, 2000.

Abstract: Generators of hazardous waste and owners/operators of hazardous waste facilities must complete, under the authority of RCRA sections 3002 and 3004, a biennial report on the amount of waste generated in the United States, a description of the waste, and how it was managed.

EPA uses this information to understand the population of the regulated community, to expand its database of information for rulemakings, and for monitoring compliance with regulatory requirements.

Title: Notification of Regulated Waste Activity, 262.12, OMB Control Number 2050–0028, expires 12/31/02.

Abstract: Persons who generate, transport, treat, store, or dispose of hazardous waste and all persons who store recyclable materials prior to recycling them are required to notify EPA of their hazardous waste activities using this form.

EPA uses this information to understand the population of the regulated community and to obtain the information necessary to provide facilities with a RCRA ID.

Title: RCRA Part A Permit Application, 262.09, OMB Control Number 2050–0034, expires 10/31/02.

Abstract: RCRA requires anyone who owns or operates a facility where hazardous waste is treated, stored or disposed to have a RCRA hazardous waste permit issued by EPA. The part A is the first of two parts of the permit application.

EPA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. OMB control numbers for EPA are listed in 40 CFR part 9 and 48 CFR chapter 15.

EPA would like comments to:

(i) Evaluate whether the proposed collection of information is necessary for the performance of the functions of EPA;

(ii) Evaluate the accuracy of the our estimate of the burden the proposed collection of information will impose;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) See how we can minimize the burden the proposed collection of information will impose, such as through electronic collection techniques.

Detailed Discussion of Planned Changes to the 2001 Biennial Report, the Notification of Regulated Waste Activity, and the RCRA Part A Permit Application

I. Background to Today's Planned Changes

In response to the concerns raised over the years about a lack of a comprehensive strategy in the way EPA's Office of Solid Waste (OSW) collects hazardous waste information, the WIN/Informed Initiative was created by the states and OSW to develop and implement a solution. WIN stands for Waste Information Needs, and is the OSW portion of the project. Informed stands for Information Needed for Making Environmental Decisions, and is the state portion of the project.

The objective of this Initiative is to assess the information needs of the hazardous waste program, assess the way information is managed, and make recommendations for improvement. WIN/Informed also has been tasked with making the changes that will improve the collection, quality, use, and management of hazardous waste information, and to make that information more available to states, EPA, Tribes, and the public.

Today's **Federal Register** notice presents a set of recommendations from WIN/Informed. These recommendations affect the Hazardous Waste Report (Biennial Report), the Notification of Regulated Waste Activity (Notification), and the RCRA Part A Permit Application (part A). These ICRs are being modified at the same time because the changes we are recommending complement each other. The changes to the Biennial Report will be implemented (with the one exception discussed below) in 2001. The changes in the Notification and part A forms will be implemented the next time their ICRs are renewed (in 2002).

Today's notice summarizes the WIN/Informed recommendations. They are presented fully in a background document available on the Internet. The Internet site addresses is: *http://www.epa.gov/epaoswer/hazwaste/data/brs01/icr.htm*

II. Detailed Recommendations

(1) Standardizing Site Identification Information

Background: Information about a site and the hazardous waste activities taking place there is used by regulators for waste activity and compliance monitoring, for program planning, to provide technical assistance, and to analyze waste minimization activities.

This information is currently being collected on three different forms, each with its own instructions and definitions. This sometimes gives regulators conflicting information about the same site, and is burdensome for respondents.

Basic site information is collected from all RCRA-regulated facilities on the Notification form. Generators and Treatment, Storage, and Disposal Facilities(TSDFs) report site information on the Biennial Report Identification and Certification (IC) form Facilities that treat, store or dispose of hazardous waste submit site information on the part A.

Recommendation: We plan to standardize the RCRA site identification information that is collected on the three forms. This means that the site identification information prepared for one form will be the exact same site identification information asked for on the other two forms. Once a facility has submitted this information once, the facility can just attach a copy of the previous submittal (with any changes) when facility identification information is requested again.

We plan to include as part of the site identification data elements the North American Industrial Classification System (NAICS) codes, which have replaced the Standard Industrial Classification (SIC) codes. Additionally, we will also ask about mixed waste and universal waste activity at the facility, and whether the facility imports waste.

A chart showing the information we will ask for as part of the standardized RCRA site identification is available on the Internet at: *http://www.epa.gov/epaoswer/hazwaste/data/brs01/icr.htm.*

The chart is in the file: "2001 Hazardous Waste Report (Biennial Report), Part A Permit Application, and Notification of Regulated Waste Activity Information Collection Request." Detailed discussion of this recommendation is found in Recommendations 7, 8, and 9 of the Internet document.

(2) Obtain for the EPA National Database Information on Generators, as Defined by Both RCRA and State Definitions

Background: The following discussion concerns how states will report data, and does not change respondents' reporting obligations. The federal rules in 40 CFR parts 261 and 262 establish three categories of hazardous waste generator: Large Quantity Generators (LQGs), Small Quantity Generators (SQGs), and Conditionally Exempt Small Quantity Generators (CESQGs). A site's RCRA generator status is based on the volume of hazardous waste generated, and/or accumulated during any month of the year. Both LQGs and SQGs must notify the implementing agency of their activities and obtain an EPA identification number. CESGQs are exempt from these two requirements, as well as many of the other hazardous waste requirements. RCRA section 3009 requires state hazardous waste rules to be at least as stringent as federal rules, but it also allows state rules to be broader in scope and more stringent than the federal rules. For example, a state:

- May impose regulatory obligations for LQGs on facilities generating less than 1,000 kilograms of hazardous waste in a month, (this is more stringent than the federal rules).
- May regulate wastes not regulated by the federal rules (this is broader in scope).
- May require CESQGs to obtain an EPA identification number (this is broader in scope).

States need to know the regulatory status of a generator as defined by their rules. However, since states have different definitions of generators, it is more useful for EPA to use the federal definition when performing analyses of data from multiple states.

Recommendation: States will report to EPA their total generator universe, as defined by their state rules. They will also, to the best of their abilities, report to EPA their total generator universe as defined by RCRA. This will provide the following benefits:

- Including the state-defined generators in the RCRA national database will provide a more complete picture of the number of waste generators in the country being regulated.
- With both sets of generators in the national database, the concerns regarding different generator universe numbers (EPA versus state numbers) will be resolved.
- EPA inspectors will be able to better determine which regulations (state or EPA) apply to a generator they are inspecting.

There will be no changes to the part A or Biennial Report forms.

Planned Biennial Report instructions revisions are on the Internet at: *http://www.epa.gov/epaoswer/hazwaste/data/brs01/icr.htm.*

See the file: "2001 Hazardous Waste Report (Biennial Report), Part A Permit

Application, and Notification of Regulated Waste Activity Information Collection Request." Detailed discussion of this recommendation is found in Recommendation 6 of the Internet document.

(3) Tracking Hazardous Waste Exports

Background: Generators exporting hazardous waste must notify EPA of their intent to export their waste and submit an annual report about the waste they exported. EPA maintains a separate database for this information, called the Hazardous Waste Export Data System.

Recommendation: We plan to integrate data in the Hazardous Waste Export Data System into the national RCRA information system. This would eliminate the need to collect export data through the Biennial Report. The Biennial Report instructions will be changed to tell respondents that they should not be reporting exports as part of their Biennial Report submissions, reducing duplication and confusion.

Planned Biennial Report instructions revisions are on the Internet at: *http://www.epa.gov/epaoswer/hazwaste/data/brs01/icr.htm.* See the file: "2001 Hazardous Waste Report (Biennial Report), Part A Permit Application, and Notification of Regulated Waste Activity Information Collection Request." Detailed discussion of this recommendation is found in Recommendation 13 of the Internet document.

(4) Tracking Hazardous Waste Imports

Background: A person who imports hazardous waste from a foreign country into the United States is, for regulatory purposes, the generator of the waste. Currently, there is no way to differentiate imported waste from waste generated in the receiving state. This makes waste generation totals for the state artificially high.

EPA and the states need to be able to determine whether hazardous waste is generated domestically or from a foreign source to obtain accurate generation totals and accurate import totals.

Recommendation: We plan to revise the Biennial Report instructions so that importers of hazardous waste will use a specific code to identify imported wastes.

Planned Biennial Report instructions revisions are on the Internet at: *http://www.epa.gov/epaoswer/hazwaste/data/brs01/icr.htm.* See the file: "2001 Hazardous Waste Report (Biennial Report), Part A Permit Application, and Notification of Regulated Waste Activity Information Collection Request." Detailed discussion of this recommendation is found in Recommendation 14 of the Internet document.

(5) Clarify Types of Hazardous Wastes To Be Reported on the Biennial Report

Background: Interim status and permitted treatment, storage and disposal facilities report hazardous waste received from off-site, wastes accumulated onsite, wastes managed on-site, and shipments of hazardous waste off-site.

Large quantity generators report the hazardous waste that are generated, accumulated, and subsequently managed on-site or shipped off-site.

One complication to this reporting system is that 40 CFR parts 260 to 273 exempt specific hazardous wastes and distinct hazardous waste management processes from regulation. When these exemptions were crafted, the issue of whether the wastes involved should be reported in the Biennial Report was not addressed. This created uncertainty as to whether the wastes should be reported. EPA has provided guidance, but there has still been confusion about the issue. We are providing clarification in today's notice. We will consider comments on our position, and will issue more definitive guidance in the instructions for the 2001 Biennial Report.

Recommendation: The exemptions in 40 CFR parts 260 to 273 have their own regulatory histories and backgrounds, and as mentioned above, EPA often did not clarify whether the waste should be reported in the Biennial Report when the exemption was created. EPA, in consultation with a number of states and other stakeholders, considered various approaches to defining which wastes should be reported. We concluded that the simplest approach is to change the Biennial Report instructions to clarify that generators should report only the hazardous wastes which count toward the determination of their generator status. See 40 CFR 261.5(c) and (d).

A list of the specific exemptions is on the Internet site listed below. Examples include hazardous waste that is a specified recyclable material such as ethyl alcohol or scrap metal and hazardous wastes that are recycled on-site without prior storage or accumulation. If you are not sure whether your waste is exempt, check with your state. (Individual states may require reporting of items that the EPA has considered exempt, so it is important to check with your state.)

TSDFs should report hazardous waste received from off-site, the management of the hazardous waste while on-site, and the shipments of hazardous waste off-site. In general, if a waste comes in to the TSDF accompanied by the Hazardous Waste Manifest, it is subject to the Biennial Report.

Planned Biennial Report instructions revisions are on the Internet at: *http://www.epa.gov/epaoswer/hazwaste/data/brs01/icr.htm.* See the file: "2001 Hazardous Waste Report (Biennial Report), Part A Permit Application, and Notification of Regulated Waste Activity Information Collection Request." Detailed discussion of this recommendation is found in Recommendation 15 of the Internet document.

(6) Streamline Biennial Report Source, Origin, Form, and Management Codes

Background: A review of the information needs identified by WIN/Informed suggests that the existing Biennial Report Source, Origin, Form and Management codes could be streamlined to improve the usefulness of the information we receive. We plan to:

- Consolidate, regroup, and merge current Source codes with the current Origin codes.
- Revise Form codes so that there would be 47 codes instead of 89.
- Eliminate overlap between Management Method and Form codes.

Each is discussed below.

A. Combine Source and Origin Code

There is significant complexity in the way the existing Biennial Report Source and Origin codes are defined. This is a result of the overlap in the coverage of the two coding structures, and it has led to data quality and consistency problems.

Recommendation: The current Source codes will be consolidated, regrouped, and merged with the Origin codes to provide a simpler coding structure. This approach should allow for more meaningful and consistent responses and reduce some of the reporting burden. This scheme will reduce the number of choices from 60 to 30 and the groups from 7 to 6. The planned coding structure is available on the Internet site listed below.

B. Simplify Form Codes

The physical form of a generated waste is collected on the Biennial Report using 89 specific codes in 9 high-level groups. This is the most elaborate of the Biennial Reporting coding structures, and the most difficult for respondents to use, and for information users to analyze.

Recommendation: The new Form codes we are considering combine similar existing codes, using the

information included in the waste code descriptions to reduce the complexity and overlap of information between the two. This new coding system maintains the level of information needed by EPA and the states. Wastes will be better described and categorized. This will decrease confusion for the reporters.

The table providing the planned coding structure is available on the Internet site listed below. The number of Form codes is reduced from 89 to 47, with 7 high level groups. In some cases, there is not an exact translation from the old Form codes to the new ones, but for most, there is a path to ensure continuity for trend analysis.

C. Revise Management Method Codes to Eliminate Overlap

The current Management Method coding structure both duplicates and conflicts with the current Form codes. For example, there are five distinct Management Method codes for waste incineration, depending on the physical form of the waste being incinerated. This leads to such reporting anomalies as a waste of the physical form B201 (concentrated solvent-water solution) being managed by system M043 (incineration—solids).

Recommendation: The existing Management Method coding structure will be revised to eliminate overlap with the Form codes. This revised coding structure is based in part on analysis of the frequency and perceived accuracy with which different Management method codes were reported in the 1995 BRS data. The impact of the Land Disposal Restrictions (LDR) treatment codes was also considered in establishing this list. This reduces the detailed list from 65 to 28 and the high-level groups from 14 to 4. We believe this recommendation will result in increased data accuracy and quality through reduced variation in response, and will decrease burden. A table with revised codes is available on the Internet site listed below.

Planned Biennial Report instructions revisions are on the Internet at: *http://www.epa.gov/epaoswer/hazwaste/data/brs01/icr.htm*. See the file: "2001 Hazardous Waste Report (Biennial Report), Part A Permit Application, and Notification of Regulated Waste Activity Information Collection Request." Detailed discussion of this recommendation is found in Recommendation 16 of the Internet document.

(7) Removal of Data Elements From the Biennial Report

WIN/Informed recommended the elimination of a number of Biennial Report data elements. They are: Point of Measurement, Standard Industrial Classification (SIC), and Off-site availability, and for the 2003 cycle, Radioactive Mixed Waste.

A. Point of Measurement

The Point of Measurement on the Generation and Management (GM) form consists of four codes showing whether the waste being reported was mixed with other wastes prior to being measured. WIN/Informed identified no significant need for this information. Additionally, because the Point of Measurement is confusing to respondents, the data we receive is often of questionable quality. Thus, we plan to eliminate it.

B. Standard Industrial Classification (SIC)

Since we are proposing to add the North American Industrial Classification System (NAICS) codes (the replacement for the SIC codes) to the new RCRA Site Identification form, we plan to remove the SIC from the GM form.

C. Off-Site Availability

This code shows whether an off-site facility is a commercially-available TSDF, or if it is only permitted to accept wastes from firms owned by the same company. WIN/Informed did not find any need for this information, so we plan on eliminating it.

D. RCRA Radioactive Mixed Waste

The Biennial Report asks whether the waste being reported is a RCRA Radioactive Mixed Waste. WIN/Informed did not find a significant national need for this information. However, we learned that some existing EPA compliance agreements with federal facilities require this data for compliance monitoring. We determined that it would be disruptive to drop the requirement since it was being used in these limited areas. So, it will continue to be collected for the 2001 Biennial Report cycle. At this time, however, we are planning to remove it starting with the 2003 Biennial Report, as long as the compliance agreement information needs are able to be satisfied by another source of information.

Planned Biennial Report instructions revisions are on the Internet at: *http://www.epa.gov/epaoswer/hazwaste/data/brs01/icr.htm*.

See the file: "2001 Hazardous Waste Report (Biennial Report), Part A Permit Application, and Notification of Regulated Waste Activity Information Collection Request." Detailed discussion of this recommendation is found in Recommendation 17 of the Internet document.

(8) Make the Source Code on the Biennial Report Mandatory

Currently, the Source Code is a data element on the Biennial Report that is voluntary to complete. We plan to make it mandatory to complete.

WIN/Informed identified a number of information needs that are met by the Source Code. Regulators need to be able to distinguish among the following types of hazardous wastes:

—Ongoing generation from production and service processes
—Residuals from on-site management
—One-time or sporadic generation (for example, discarding off-specification or out-of-date chemicals, process equipment change-out, lagoon drag-out)
—Generated by spills or accidental releases
—Generated by remediation of past contamination (this includes Superfund or state cleanups, RCRA closure or corrective action)

Within each of the categories, participants in WIN/Informed identified a need for detailed information on the specific industrial or waste management processes generating the wastes. With this recommendation, regulators will be dbetter able to target inspections.

Planned Biennial Report instructions revisions are on the Internet at: *http://www.epa.gov/epaoswer/hazwaste/data/brs01/icr.htm*. See the file: "2001 Hazardous Waste Report (Biennial Report), Part A Permit Application, and Notification of Regulated Waste Activity Information Collection Request." Detailed discussion of this recommendation is found in Recommendation 25 of the Internet document.

III. Burden Statement

The following is an estimate of the total annual cost and hour burden to the regulated community for the changes described in this notice:

- Biennial Report currently: 164.303 hours and $24,723. Biennial Report with proposed changes: 158,027 hours and $24,671.
- Notification currently: 100,137 hours and $130,725. New RCRA Site ID form: 83,298 hours and $130,725.
- Part A currently: 945 hours and $424. Part A with changes: 893 hours and $424.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal or implementing agency. This includes the time needed to review

instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. EPA estimates that the changes discussed today, when implemented, will reduce burden by 23,000 hours and an insignificant number of dollars.

Dated: June 14, 2000.

Elizabeth Cotsworth,

Director, Office of Solid Waste.

[FR Doc. 00–15912 Filed 6–22–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6608–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency:
Office of Federal Activities, General Information (202) 564–7167
www.epa.gov/oeca/ofa.

Weekly Receipt of Environmental Impact Statements
Filed June 12, 2000 through June 16, 2000
Pursuant to 40 CFR 1506.9.

EIS No. 000189, Draft EIS, FHW, IL, MO, Chicago-St. Louis High-Speed Rail Project, Improvement from Chicago to St. Louis to enhance the Passenger Transportation Network, NPDES Permit and COE Section 404 Permit, Cook, Will, Kankakee Grundy, Livington, McLean, Sangemon, Macoupin, Jersey, Madison and St. Louis Counties, IL and St. Louis County, MO, Due: August 07, 2000, Contact: Jon Paul-Kohler (217) 492–4988.

EIS No. 000190, Final EIS, FRC, CA, Potter Valley Project Proposed Changes in Minimum Flow Requirements, License Amendment, (FERC Project No. 77–110), Lake and Mendocino Counties, CA, Due: July 24, 2000, Contact: John M. Mudre (202) 219–1208.

EIS No. 000191, Final EIS, DOE, CA, MT, UT, WY, ID, OR, WA, Transmission System Vegetation Management Program, Implementation, Managing Vegetation, Site Specific, Right-of-Way Grant, CA, ID, MT, OR, UT, WA and WY, Due: July 24, 2000, Contact: Stacy Mason (503) 230–5455.

EIS No. 000192, Draft EIS, NPS, FL, Dry Tortugas National Park General Management Plan, Implementation, Monroe County, FL, Due: August 07, 2000, Contact: Richard Ring (305) 242–7710.

EIS No. 200193, Draft Supplement, COE, CA, Guadalupe River Flood Control and Adjacent Streams Investigation, Proposed Modifications to the Guadalupe River Project, Downtown San Jose, Santa Clara County, CA, Due: August 09, 2000, Contact: Nina Bicknese (916) 557–7948.

EIS No. 000194, DRAFT EIS, NRC, UT, Skull Valley Band of Goshute Indians Reservation Project, Construction and Operation of Independent Spent Fuel Storage Installation and Related Transportation Facilities, Permits and Approvals, Tooele County, UT, Due: September 21, 2000, Contact: Scott C. Flanders (301) 415–1172.

EIS No. 000195, Draft EIS, AFS, AK, Madan Timber Sale, Implementation, Tongass National Forest. Wrangell Ranger District, COE Section 404 Permit and NPDES Permit, AK, Due: August 15, 2000, Contact: Richard Cozby (907) 874–2323.

EIS No. 000196, Draft EIS, NPS, MN, Voyageurs National Park General Management, Visitor Use and Facilities Plans, Implementation, Koochiching and St. Louis Counties, MN, Due: August 23, 2000, Contact: Kathleen Przybylski (219) 283–9821.

EIS No. 000197, Final EIS, FHW, TX, Loop 1 Extension Project, From Farm-to-Market Road FM–734 (Palmer Lander) to I–35, Funding, Travis and Williamson Counties, TX, Due: July 24, 2000, Contact: Walter Waidelich (512) 916–5988.

EIS No. 000198, Draft EIS, FTA, WA, Sound Transit, Lakewood-to-Tacoma Commuter Rail and WA–512 Park and Ride Expansion, Construction and Operation, Central Puget Sound Regional Transit Authority, City of Tacoma and City of Lakewood, WA, Due: August 12, 2000, Contact: Helen Knoll (206) 220–7954.

EIS No. 000199, Final EIS, COE, FL, Programmatic EIS—Rock Mining—Freshwater Lakebelt Plan, Limestone Mining Permit, Section 404 Permit, Implementation, Miami-Dade County, FL , Due: July 24, 2000, Contact: William Porter (904) 232–2259.

EIS No. 000200, Final EIS, BLM, ID, Dry Valley Mine—South Extension Project, Construction of two New Open Pit Mine, Special-Use-Permit, COE Section 404 Permit, Public and Private Land Used, Caribou County, ID, Due: July 24, 2000, Contact: Jeff Cundick (208) 478–6354. The US Army National Guard Bureau and the US Air Force are Joint Lead Agencies for the above project.

Amended Notices

EIS No. 000130, Draft EIS, FHW, MO, New Mississippi River Crossing, Relocated I–70 and I–64 Connector, Funding, COE Section 404 and 10 Permits and NPDES Permit, St. Louis County, MO, Due: July 31, 2000, Contact: Ronald C. Marshall (217) 492–4600.

Revision of FR notice published on 05/12/2000: CEQ Comment Date has been Extended from 06/20/2000 to 07/31/2000.

Dated: June 20, 2000.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 00–15978 Filed 6–22–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6608–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D–AFS–L65353–ID Rating EC2, Lakeface-Lamb Fuel Reduction Project, To Reduce the Risk of Lethal Fires within a Wildland/Urban Interface, Implementation, Idaho Panhandle National Forests, Priest Lake Ranger District, Bonner County, ID.

Summary: EPA expressed environmental concerns about the potential adverse impacts to water quality from sediment. EPA recommends that the selected alternative in the final EIS address ATV use and demonstrate that adequate funding will be allocated to maintain redeveloped roads to environmental and safety standards.

ERP No. D–AFS–L65354–ID Rating EO2, Iron Honey Resource Area Project,

Aquatic, Vegetative and Wildlife Habitat Improvement Activities, Implementation, Coeur d'Alene River Ranger District, Idaho Panhandle National Forests, Kootenai and Shoshone Counties, ID.

Summary: EPA expressed objections based on the potential adverse impacts to water quality and wildlife. EPA recommends that the final EIS present more discussion on the relative merits of passive and active restoration to meet project objectives.

ERP No. DS–COE–E36167–FL Rating EO2, Central and Southern Florida Project for Flood Control and Other Purposes, Everglades National Park Modified Water Deliveries, New Information concerning Flood Mitigation to the 8.5 Square Mile Area (SMA), Implementation, South Miami, Dade County, FL.

Summary:

EPA expressed environmental objections to Alternative 1 since its structural approach maximizes internal surface water and wetland drainage. EPA had no objection with Alternative 5 since it restores the area to its natural conditions. In addition, EPA requested that all internal surface waters within any leveed area must be treated to marsh-ready levels before delivery into the Everglades National Park and that zoning within the protected area must be enforced to reduce water quality degradation.

Final EISs

ERP No. F–AFS–J65296–MT Swamp Timber Sales Project, Implementation,

Kootenai National Forest, Fortine Ranger District, Lincoln County, MT.

Summary:

EPA continues to express environmental concerns with the preferred alternative in comparison to alternative D, the environmentally preferred alternative. However, the preferred alternative did include many beneficial features such as road reconstruction, decommissioning and access restrictions, and riparian buffers and fencing, and harvest prescriptions to mitigate impacts.

Dated: June 20, 2000.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 00–15979 Filed 6–22–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00591A; FRL–6589–8]

Pesticides; Policy Issues Related to the Food Quality Protection Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA is announcing the availability of the revised version of the pesticide science policy document entitled "Guidance for Refining Anticipated Residue Estimates For Use in Acute Dietary Probabilistic Risk Assessment." The Agency has also incorporated into this policy document two other policy documents that were issued for public comment: "Guidance for the Conduct of Bridging Studies for Use in Acute Dietary Probabilistic Risk Assessment" and "Guidance for the Conduct of Residue Decline Studies for Use in Acute Dietary Probabilistic Risk Assessment." This notice is the seventeenth in a series concerning science policy documents related to the Food Quality Protection Act of 1996 and developed through the Tolerance Reassessment Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Kathleen Martin, Environmental Protection Agency (7509C), 1200 Pennsylvania, Ave., NW., Washington, DC 20460; telephone number: (703) 308–2857; fax number: (703) 305–5147; e-mail address: martin.kathleen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture or formulate pesticides. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of potentially affected entities
Pesticide producers	32532	Pesticide manufacturers Pesticide formulators

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this notice affects certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under "FOR FURTHER INFORMATION CONTACT."

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, the science policy documents, and certain other related documents that might be available from the Office of Pesticide Programs' Home Page at http://www.epa.gov/pesticides/. On the Office of Pesticide Programs' Home Page select "FQPA" and then look up the entry for this document under "Science Policies." You can also go directly to the listings at the EPA Home Page at http://www.epa.gov. On the Home Page select "Laws and Regulations" and then look up the entry to this document under "**Federal Register**—Environmental Documents." You can 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 science policy documents, as well as supporting information, by using a faxphone to call (202) 401–0527. Select item 6063 for the document entitled "Guidance for Refining Anticipated Residue Estimates For Use in Acute Dietary Probabilistic Risk Assessment." Select item 6064 for the document entitled "EPA's Responses to Public Comments on the Draft Policy Documents: Data for Refining Anticipated Residue Estimates Used in Dietary Risk Assessments; Guidance for the Conduct of Bridging Studies for Use in Acute Dietary Probabilistic Risk Assessment; and Guidance for the Conduct of Residue Decline Studies for Use in Acute Dietary Probabilistic Risk Assessment." 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–00591A. In addition, the documents referenced in the framework notice, which published in the **Federal Register** on October 29, 1998 (63 FR 58038) (FRL–6041–5) have also been inserted in the docket under docket control number OPP–00557. The official record consists of the documents specifically referenced in this action, 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.

II. Background Information About the Tolerance Reassessment Advisory Committee

On August 3, 1996, the Food Quality Protection Act of 1996 (FQPA) was signed into law. Effective upon signature, the FQPA significantly amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Among other changes, FQPA established a stringent health-based standard ("a reasonable certainty of no harm") for pesticide residues in foods to assure protection from unacceptable pesticide exposure; provided heightened health protections for infants and children from pesticide risks; required expedited review of new, safer pesticides; created incentives for the development and maintenance of effective crop protection tools for farmers; required reassessment of existing tolerances over a 10-year period; and required periodic re-evaluation of pesticide registrations and tolerances to ensure that scientific data supporting pesticide registrations will remain up-to-date in the future.

Subsequently, the Agency established the Food Safety Advisory Committee (FSAC) as a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT) to assist in soliciting input from stakeholders and to provide input to EPA on some of the broad policy choices facing the Agency and on strategic direction for the Office of Pesticide Programs (OPP). The Agency has used the interim approaches developed through discussions with FSAC to make regulatory decisions that met FQPA's standard, but that could be revisited if additional information became available or as the science evolved. As EPA's approach to implementing the scientific provisions of FQPA has evolved, the Agency has sought independent review and public participation, often through presentation of the science policy issues to the FIFRA Scientific Advisory Panel (SAP), a group of independent, outside experts who provide peer review and scientific advice to OPP.

In addition, as directed by Vice President Albert Gore, EPA has been working with the U.S. Department of Agriculture (USDA) and another subcommittee of NACEPT, the Tolerance Reassessment Advisory Committee (TRAC), chaired by the EPA Deputy Administrator and the USDA Deputy Secretary, to address FQPA issues and implementation. TRAC comprised more than 50 representatives of affected user, producer, consumer, public health, environmental, states, and other interested groups. The TRAC met seven times as a full committee from May 27, 1998, through April 29, 1999.

The Agency worked with the TRAC to ensure that its science policies, risk assessments of individual pesticides, and process for decision making are transparent and open to public participation. An important product of these consultations with TRAC was the development of a framework for addressing key science policy issues. The Agency decided that the FQPA implementation process and related policies would benefit from initiating notice and comment on the major science policy issues.

The TRAC identified nine science policy issue areas they believed were key to implementation of FQPA and tolerance reassessment. The framework calls for EPA to provide one or more documents for comment on each of the nine issues by announcing their availability in the **Federal Register**. In accordance with the framework described in a separate notice published in the **Federal Register** of October 29, 1998 (63 FR 58038), EPA has been issuing a series of draft science policy documents concerning nine science policy issues identified by the TRAC related to the implementation of FQPA. This notice announces the availability of the revised version of the science policy document identified in the "SUMMARY."

III. Summary of Revised Science Policy Guidance Document

This science policy document provides guidance to registrants, other test sponsors and interested parties, and data reviewers on the extent and quality of pesticide residue and ancillary data needed to support the use of more refined "anticipated residues" in acute dietary probabilistic exposure assessments. The purpose of this guidance document is to outline the types of data OPP can use to refine residue estimates for pesticides and explain when and how EPA may use these data. Such data can include (as is further discussed in the science policy document) information from cooking studies, processing studies, and market basket surveys conducted on individual produce items. In addition, such data can include information from "bridging" studies used to support the use of typical application rates in probabilistic risk assessments or residue decline data used to support the use of typical preharvest intervals (PHI) in probabilistic risk assessments. This guidance also provides information on how risk-mitigation activities (e.g., increasing PHIs and lowering maximum label rates) can be considered in OPP risk assessments and used to adjust tolerance levels.

It should be noted that the guidance in this science policy document is not intended to limit or restrict the type of data that may be submitted in support of risk-mitigation measures, and that OPP will consider other data or information as long as they would provide a scientifically sound basis for determining residues at typical application rates for risk mitigation purposes.

EPA published a draft version of this science policy document on April 7, 1999 (64 FR 16967) (FRL–6071–1) and comments were filed in docket control number OPP–00591. In addition, EPA issued two related draft science policy documents entitled, "Guidance for the Conduct of Bridging Studies for Use in Acute Dietary Probabilistic Risk Assessment" and "Guidance for the Conduct of Residue Decline Studies for Use in Acute Dietary Probabilistic Risk Assessment," on August 4, 1999 (64 FR 42371) (FRL–6093–2). Comments for these documents were filed in docket control number OPP–00616. The Agency received comments from several organizations and interested individuals. All comments on these three draft science policy documents were considered by the Agency in producing the revised version of the science policy document and the response-to-comments document described in this notice.

Many of the comments were similar in content, and pertained to general issues concerning the proposed policy or specific sections within the draft science policy document. The Agency grouped the comments according to the nature of the comment and the issue or section of the document which they addressed. The Agency's response to the

comments is available as described in Units I.B.1. and I.B.2.

IV. Policies Not Rules

The policy document 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, the policy in this guidance is not binding on either EPA or any outside parties. Although this guidance provides a starting point for EPA risk assessments, EPA will depart from its 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 a policy is not appropriate for a specific pesticide or that the circumstances surrounding a specific risk assessment demonstrate that a policy should be abandoned.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: June 15, 2000.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 00–15917 Filed 6–22–00; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting: Announcing an Open Meeting of the Board

TIME AND DATE: 10 a.m., Friday, June 23, 2000.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:

- Final Rule: Amendments to Membership Regulation and Advances Regulation.
- Final Rule: Election of Federal Home Loan Bank Directors.
- Resolution Required by Section 608 of the Federal Home Loan Bank Modernization Act Certifying that Withdrawal of Bank System Members will not cause the Bank System to fail to meet its REFCorp Obligations.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

William W. Ginsberg,

Managing Director.

[FR Doc. 00–16009 Filed 6–20–00; 4:59 pm]

BILLING CODE 6725–01–P

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting: Announcing an Open Meeting of the Board

TIME AND DATE: 2 P.M., Thursday, June 29, 2000.

PLACE: Board Room, Second Floor, Federal Housing Finance Board 1777 F Street, N.W., Washington, D.C. 20006.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:

- Final Rule: Federal Home Loan Bank Acquired Member Assets, Core Mission Activities, Investments and Advances.
- Final Rule: Amendments to Advances and Other Regulations to Implement Gramm-Leach-Bliley Act Collateral Provisions and Make Related Revisions.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

William W. Ginsberg,

Managing Director.

[FR Doc. 00–16010 Filed 6–20–00; 4:59 pm]

BILLING CODE 6725–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Employee Thrift Advisory Council; Amended Meeting

FR.00–14739 appearing on page 36906 in the **Federal Register** of Monday, June 12, 2000, change the time of the meeting from 10 a.m. to 2 p.m. on Tuesday, June 27, 2000. Everything else remains the same.

Dated: June 20, 2000.

Elizabeth S. Woodruff,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 00–15958 Filed 6–22–00; 8:45 am]

BILLING CODE 6760–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Research Integrity Office Findings; Lingxun Duan, M.D.

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that based on oversight by the Office of Research Integrity (ORI) and decision by the Assistant Secretary for Health, the U.S. Public Health Service has taken final action in the following case:

Lingxun Duan, M.D., Thomas Jefferson University: The U.S. Public Health Service (PHS) alleges that Dr. Duan, former Research Assistant Professor of Medicine, Division of Infectious Diseases, Department of Medicine, Jefferson Medical College, Thomas Jefferson University, engaged in scientific misconduct by reporting research that was inconsistent with original data or could not be supported because original data were not retained. The research in question was supported by a National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH), grant, R01 AI36552, entitled "Intracellular antibodies and HIV 1."

Specifically, the research in question was reported in an NIAID, NIH, grant application; in an FDA-approved phase I gene therapy investigational new drug (IND) application entitled "Intracellular immunization against HIV—1 infection using an anti-rev single chain variable fragment (SFV);" and in two publications: (1) Duan, L., Bagasra, O., Laughlin, M.A., Oakes, J.W., & Pomerantz, R.J., "Potent inhibition of human immunodeficiency virus type I replication by an intracellular anti-Rev single chain antibody," Proc. Natl. Acad. Sci. USA 91:5075–5079, 1994; and (2) Levy-Mintz, P., Duan, L., Zhang, H., Hu, B., Dornadula, G., Zhu, M., Kulkosky, J., Bizub-Bender, D., Skalka, A.M., and Pomerantz, R.J., "Intracellular expression of single-chain variable fragments to inhibit early stages of the viral life cycle by targeting human immunodeficiency virus type 1 integrase," J. Virol. 70:8821–8823, 1996.

Dr. Duan denies all allegations of scientific misconduct and contends that some of his original data is missing. Both Dr. Duan and PHS are desirous of concluding this matter without further expense of time and other resources. Thus, Dr. Duan has entered into a Voluntary Exclusion Agreement (Agreement) with PHS, in which Dr. Duan has voluntarily agreed:

(1) To exclude himself from any contracting of subcontracting with any agency of the United States government and from eligibility for, or involvement in, nonprocurement transactions (*e.g.*, grants and cooperative agreements) of the United States Government as defined in 45 CFR part 76 for a period of two (2) years, beginning on June 7, 2000;

(2) That for a period of one (1) year after the conclusion of the voluntary exclusion period, any institution that submits an application for PHS support for a research project on which his participation is proposed or that uses him in any capacity on PHS supported research, or that submits a report of PHS funded research in which Dr. Duan is involved, must concurrently submit a plan for supervision of his duties to the funding agency for approval; the supervisory plan must be designed to ensure the scientific integrity of Dr. Duan's research contribution, and the institution must also submit a copy of the supervisory plan to ORI;

(3) To exclude himself from serving in any advisory capacity to PHS, including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant for a period of two (2) years, beginning on June 7, 2000;

(4) That he will not oppose the submission to journals of a statement summarizing the current state of the science with respect to the scientific matters at issue relating to grant R01 AI36552, which has been jointly agreed to by Thomas Jefferson University and the United States of America.

FOR FURTHER INFORMATION CONTACT: Acting Director, Division of Investigative Oversight, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852 (301) 443–5330.

Chris B. Pascal, J.D.,

Acting Director, Office of Research Integrity.

[FR Doc. 00–15900 Filed 6–22–00; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1328]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension; Latex Condoms; User Labeling; Expiration Dating

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing information collection, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements for an expiration date on latex condom labeling based on physical and mechanical testing performed after exposing the product to varying conditions that age latex.

DATES: Submit written comments on the collection of information by August 22, 2000.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520) Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Latex Condoms; User Labeling; Expiration Dating—21 CFR 801.435 (OMB Control No. 0910–0352)—Extension

Sections 502(a), 519, 701, and 704 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 352(a), 360(i), 371, and 374) establish the statutory authority to collect information under this regulation. Section 519 of the act describes recordkeeping, section 502(a) misbranding, section 704 authority for inspections, and section 701 general administrative procedures and regulations and hearings.

To protect the public health and minimize the risk of device failure, latex condoms are required to be labeled with an expiration date, which must be supported by data from quality control tests demonstrating physical and mechanical integrity of three random lots of the same product that were stored under accelerated and real time conditions (§ 801.435 (21 CFR 801.435)).

The recording of shelf life testing by condom manufacturers is used to support the expiration dating on the labeling of latex condoms. Information concerning latex shelf life is necessary to allow lay users to use these products safely by avoiding use of products that may have degraded. Degradation of latex film products like latex condoms occurs when latex is exposed to various types of environmental conditions normally experienced in product use, shipment, or storage situations. The effectiveness of latex condoms as a barrier to the transmission of infectious agents is dependent upon the integrity of the latex material. The information and records generated by condom manufacturers under this regulation will be used to establish an expiration date that will inform consumers when the product should no longer be used.

Section 510(h) of the act (21 U.S.C. 360(h)) requires that condom manufacturers as device manufacturers be inspected at least once in a 2-year period. During that inspection, FDA inspectors will review the test records

used to support the expiration date in order to ensure that the expiration date is accurate.

The respondents to this collection of information are domestic and foreign condom manufacturers.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
801.435	45	1	45	96	4,320

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The number of domestic establishments was estimated by reviewing the FDA data base of registered medical device manufacturers to arrive at 5 domestic and 40 foreign condom manufacturers. Based upon conversations with condom manufacturers, FDA field personnel, and comments received from the public during this collections initial approval, FDA determined the number hours to complete labeling and testing of condoms to be 96 hours per respondent.

Dated: June 15, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–15865 Filed 6–22–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Children's Hospitals Graduate Medical Education (CHGME) Program Conference

On June 19, 2000, the Health Resources and Services Administration (HRSA) published a notice in the **Federal Register** announcing the Children's Hospitals Graduate Medical Education (CHGME) Program (65 FR 37985). Interested parties are invited to attend a briefing conference on July 7, 2000, from 1 p.m. to 3 p.m. EDT in conference room D in the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Parties may also participate in the conference by telephone. To do so, dial: 800–545–4387 or 700–991–1738 (for Federal Government employees), then enter the access code ID# 28353. Telephone participants should call by 12:45 p.m.

The conference is to provide information on the topics contained in the CHGME notice: proposed eligibility criteria, funding factors and methodology, and performance measures. It will include a question and answer period.

For additional information call or write to: F. Lawrence Clare, telephone: (301) 443–7334; Division of Medicine and Dentistry, Bureau of Health Professions, Room 9–A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; *lclare@hrsa.gov*.

Dated: June 19, 2000.

Claude Earl Fox,

Administrator.

[FR Doc. 00–15901 Filed 6–22–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute: Development of Innovative Idiotype Tumor Vaccines

Multiple opportunities are available for collaboration with the National Cancer Institute (NCI), Division of Clinical Sciences, for the pre-clinical and clinical development of protein and/or DNA-based idiotypic vaccines using novel formulations, adjuvants or delivery systems and directed against low-grade and intermediate B-cell lymphomas, mantle cell lymphomas or chronic lymphocytic leukemias (CLL). It is anticipated that because of the magnitude and diversity of these projects the collaboration(s) will take the form of multiple Cooperative Research and Development Agreements (CRADAs). The collaboration(s) may involve any aspect of the therapeutic development of these tumor vaccines from basic scientific inquiry to late stage clinical trials.

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of opportunities for Cooperative Research and Development Agreements.

SUMMARY: Pursuant to the Federal Technology Transfer Act of 1986 (FTTA, 15 U.S.C. 3710; Executive Order 12591 of April 10, 1987 as amended by the National Technology Transfer and Advancement Act of 1995), the National Cancer Institute (NCI) of the National Institutes of Health (NIH) of the Public Health Service (PHS) of the Department of Health and Human Services (DHHS) is seeking pharmaceutical or biotechnology companies which can effectively collaborate on the scientific and commercial development of idiotypic tumor vaccines for treatment of low-grade and intermediate B-cell lymphomas, mantle cell lymphoma or chronic lymphocytic leukemia (CLL). The goal of the collaboration(s) will be the development of novel vaccine strategies to elicit an immune response directed against autologous idiotypic surface immunoglobulin derived from these tumors. Any CRADA for further development of this technology that focuses on preclinical or clinical studies of idiotypic vaccines for treatment of the indicated diseases will be considered. The CRADA would have an expected duration of three (3) to five (5) years. The goals of the CRADA will include the rapid publication of research results and timely commercialization of products, diagnostics, and treatments that result from the research. The CRADA Collaborators will have an option to negotiate the terms of an exclusive or nonexclusive commercialization license to subject inventions arising under the CRADA.

ADDRESSES: Proposals and questions about this CRADA opportunity may be addressed to Dr. Thomas M. Stackhouse, Technology Development & Commercialization Branch, National Cancer Institute—Frederick Cancer Research and Development Center, Fairview Center, 1003 West Seventh Street, Room 502, Frederick, MD 20852, Telephone: (301) 846–5222; Facsimile: (301) 846–6820. Scientific Inquiries may be directed to Dr. Larry Kwak, M.D., Ph.D., Senior Investigator, Division of Clinical Sciences, National Cancer Institute, Bldg. 567, Room 205, Frederick, MD 21702–1201, Telephone: (301) 846–1607; Facsimile: (301) 846–6107.

EFFECTIVE DATE: Organizations must submit a proposal summary preferably two pages or less, to NCI within 90 days from date of this publication. Guidelines

for preparing full CRADA proposals will be communicated shortly thereafter to all respondents with whom initial discussions have established sufficient mutual interest.

SUPPLEMENTARY INFORMATION:

Technology Available

The NCI has established the anti-tumor effects of protein-based immunologic anti-idiotype antibodies for lymphoma-specific vaccination in both animal studies and human clinical trials evaluating idiotype vaccines against B-cell lymphomas. B-cell tumors are composed of clonally-expanded cells synthesizing a single antibody molecule containing unique variable regions in the heavy and light chains known as idiotypic determinants. B-cell lymphomas consist of mature resting and reactive lymphocytes, which typically synthesize and express immunoglobulin on the cell surface. Idiotypic determinants of the surface immunoglobulin of B-cell malignancies therefore, comprise tumor-specific antigens that can be used to elicit a specific immune response against B-cell lymphoma. Immunization against idiotypic determinants on malignant B cells prevents tumor growth and antagonizes the growth of established tumors in several syngeneic tumor models. Studies conducted at the NCI have also demonstrated that idiotype specific immune responses against an autologous antigen could be induced in patients with B-cell lymphoma (New Engl. J. of Med. 327:1209–1215, 1992).

In a recent clinical study, NCI investigators demonstrated that an idiotypic protein vaccine against B-cell lymphoma administered in combination with granulocyte-macrophage colony-stimulating factor (GM–CSF), exerts an anti-tumor effect in patients with B-cell lymphoma as measured by the eradication of residual tumor cells bearing a t(14:18) translocation detectable by PCR. The clearance of residual tumor cells from the blood and the presence of tumor specific cytotoxic T-cells correlated with long-term disease free survival in these patients. Based on the results of these studies, the NCI is currently conducting a definitive multi-center Phase III clinical trial of idiotype vaccines against follicular B-cell lymphoma. In addition, results of Phase I/II clinical studies evaluating the effectiveness of protein-based immnoglobulin idiotype vaccines in the treatment of multiple myeloma have also provided support for the use of idiotypic vaccines as a cancer therapeutic. The NCI is currently seeking partners to collaborate in extending the development of idiotype tumor vaccines to additional tumor types specifically, low-grade and intermediate B-cell lymphomas, mantle cell lymphoma and chronic lymphocytic leukemia (CLL). In addition, the NCI is interested in evaluating novel formulations, adjuvants or delivery systems for idiotypic vaccines against any of the indicated diseases, including B-cell lymphoma and myeloma.

The NCI specifically seeks corporate partner(s) with the ability to collaborate in the development of any of these therapeutic applications. Since idiotypic determinants are tumor-specific, the vaccines must be custom-made for each patient. Collaborators will be selected based upon the scientific merit and intellectual contributions brought to each individual project(s) as well as their demonstrated expertise in vaccine production and clinical monitoring. Potential collaborators should have experience in preclinical and clinical drug development; experience in the monitoring, evaluation and interpretation of data from investigational agent clinical studies; or experience in areas that represent an extention of these studies to include new formulations, or approaches to vaccine delivery, such as the development of DNA-based idiotype vaccines.

The role of the National Cancer Institute in the CRADA(s) may include but is not limited to the following:

1. The NCI will provide intellectual, scientific, and technical expertise and experience related to the development of idiotype vaccines.

2. The NCI will continue preclinical and clinical development of these vaccines and will make data available to the collaborator as appropriate.

3. NCI will collaborate in the design of experiments and the evaluation of results.

4. Agents developed under a pre-clinical CRADA may proceed to clinical development under NCI-sponsored clinical trials if warranted.

The role of the CRADA Collaborator may include, but is not limited to the following:

1. Providing scientific development strategy and financial and other support for the collaborative preclinical development of vaccines for new disease indications or for development of novel methodologies.

2. Providing significant intellectual, scientific, and technical expertise or experience to the development of processes required for GMP vaccine production of selected vaccine candidates.

3. Participating in clinical development leading to FDA approval and marketing through participation on a Steering Committee established to guide the commercialization of successful vaccines.

Selection criteria for choosing the CRADA Collaborator may include, but not be limited to:

1. The scientific merit and intellectual contribution of the Collaborator as outlined in the project proposal. Potential collaborators are urged to submit proposals which focus on particular areas of expertise and which clearly outline a development and commercialization plan.

2. The ability to collaborate with NCI on the research and development of this technology. This ability can be demonstrated through experience and expertise in this or related areas that indicate the ability to contribute intellectually to the ongoing research and development of idiotype vaccines.

3. The demonstration of adequate resources to perform the research and development of this technology (e.g. facilities, personnel and expertise) and accomplish objectives according to an appropriate timetable to be outlined in the CRADA Collaborator's proposal.

4. The willingness to commit best effort and demonstrated resources to the research and development of this technology, as outlined in the CRADA Collaborator's proposal.

5. The demonstration of expertise in the commercial development and production of products related to this area of technology.

6. The willingness to cooperate with the National Cancer Institute in the timely publication of research results.

7. The agreement to be bound by the appropriate DHHS regulations relating to human subjects, and all PHS policies relating to the use and care of laboratory animals.

Dated: June 5, 2000.

Kathleen Sybert,

Chief, Technology Development & Commercialization Branch, National Cancer Institute, National Institutes of Health.

[FR Doc. 00–15939 Filed 6–22–00; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMANS SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section10(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 af Cammittee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: July 11, 2000.

Time: 8:30 AM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: John R. Lymangrover, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Palicy.

[FR Doc. 00–15934 Filed 6–22–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name af Cammittee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: July 7, 2000.

Time: 8:30 AM to 12 PM.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD.

Cantact Person: AFTAB A. Ansari, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Building, 45 Center Drive, Room 5AS25N, Bethesda, MD 20892, 301–594–4952.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: July 7, 2000.

Time: 1 PM to 4:30 PM.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: AFTAB A. Ansari, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Building, 45 Center Drive, Room 5AS25N, Bethesda, MD 20892, 301–594–4952.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: July 13, 2000.

Time: 8:30 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Persan: Tommy L. Broadwater, Chief, Grants Review Branch, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25U, Bethesda, MD 20892, 301–594–4952.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: July 14, 2000.

Time: 8:30 AM to 2 PM.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Tommy L. Broadwater, Chief, Grants Review Branch, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25U, Bethesda, MD 20892, 301–594–4952.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: July 25–26, 2000.

Time: 8:30 AM to 4:30 PM.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Cantact Persan: Aftab A. Ansari, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bld., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 16, 2000.

LaVerne Y. Stringfield,

Directar, Office af Federal Advisory Committee Policy.

[FR Doc. 00–15935 Filed 6–22–00; 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 28, 2000.

Time: 1:30 PM to 3:30 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: Mary Sue Krause, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, 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: July 6, 2000.

Time: 3:30 PM to 5:30 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: Mary Sue Krause, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, 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.

Nome of Committee: National Institute of Mental Health Special Emphasis Panel.

Dote: July 21, 2000.

Time: 1:00 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Ploce: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: David I. Sommers, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6144, MSC 9606, Bethesda, MD 20892–9606, 301–443–6470.

Nome of Committee: National Institute of Mental Health Special Emphasis Panel.

Dote: August 1, 2000.

Time: 11:00 AM to 5:00 PM.

Agendo: To review and evaluate grant applications.

Ploce: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: David I. Sommers, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6144, MSC 9606, Bethesda, MD 20892–9606, 301–443–6470.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: August 17, 2000.

Time: 5:00 PM t9 6:30 PM.

Agendo: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert H. Stretch, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–4728.

(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 19, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–15936 Filed 6–22–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel.

Dote: June 25, 2000.

Time: 7:00 PM to 8:00 PM.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Holiday Inn, Gaithersburg, MD 20879.

Contact Person: Priscilla B. Chen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435–1787.

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: Center for Scientific Review Special Emphasis Panel.

Dote: July 6–7, 2000.

Time: 8:30 AM to 4:00 PM.

Agendo: To review and evaluate grant applications.

Place: River Inn, 924 25th Street, NW, Washington, DC 20037.

Contact Person: Gloria B. Levin, PhD, Scientific Review Administrator. Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, (301) 435–1017, leving@csr.nih.gov.

Nome of Committee: Center for Scientific Review Special Emphasis Panel.

Dote: July 6–7, 2000.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW, Washington, DC 20007.

Contact Person: Karen Sirocco, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–0676.

Nome of Committee: Center for Scientific Review Special Emphasis Panel.

Dote: July 6–7, 2000.

Time: 8:30 AM to 3:00 PM.

Agendo: To review and evaluate grant applications and/or proposals.

Ploce: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW, Washington, DC 20007.

Contact Person: Prabha L. Atreya, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7842, Bethesda, MD 20892, (301) 435–8367.

Nome of Committee: AIDS and Related Research Integrated Review Group, AIDS and Related Research 3.

Dote: July 6, 2000.

Time: 8:30 AM to 6:30 PM.

Agendo: To review and evaluate grant applications.

Ploce: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Bruce Maurer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 435–1168.

Nome of Committee: Center for Scientific Review Special Emphasis Panel.

Dote: July 6, 2000.

Time: 1:00 PM to 3:00 PM.

Agendo: To review and evaluate grant applications.

Ploce: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Eugene M. Zimmerman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301–435–1220, zimmerng@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Dote: July 7, 2000.

Time: 8:00 AM to 6:00 PM.

Agenda: To review and evaluate grant applications.

Ploce: The Ritz-Carlton-Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Jean D. Sipe, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM. 4106, MSC 7814, Bethesda, MD 20892, 301/435–1743, sipej@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 7, 2000.

Time: 8:30 AM to 3:30 PM.

Agendo: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Bruce Maurer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5102, MSC 7852, Bethesda, MD 20892, (301) 435–1168.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 7, 2000.

Time: 3:00 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Philip Perkins, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7804, Bethesda, MD 20892, (301) 435–1718.

(Catalogue of Federal Domestic Assistance Program Nos 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

June 19, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–15937 Filed 6–22–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Peer Review Oversight Group.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Peer Review Oversight Group.

Date: July 10–11, 2000.

Time: July 10, 2000, 8:30 AM to 5:00 PM.

Agenda: The discussions will focus on peer review-related issues including, the use of lay reviewers, structured review, preliminary data, modular grant applications, conflict of interest, Federal reimbursement for compliance costs, and the status of activities related to the implementation of recommendations in the Regulatory Burden Report.

Place: National Institutes of Health, Building 60, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Barbara Nolte, Program Analyst, Office of Extramural Research, National Institutes of Health, 9000 Rockville Pike, Building 1, Room 252, Bethesda, MD 20892, 301–402–1058.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 19, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–15938 Filed 6–22–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Federal Drug Testing Custody and Control Form

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of final form.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) has revised the Federal Drug Testing Custody and Control Form (CCF). The current Federal CCF has a July 31, 2000, expiration date. The Office of Management and Budget (OMB) has approved the use of the new Federal CCF until June 30, 2003. OMB approval of the new Federal CCF allows Federal agencies and employers regulated by the Department of Transportation (DOT) to begin using the new Federal CCF on August 1, 2000, for their workplace drug testing programs.

EFFECTIVE DATE: August 1, 2000.

FOR FURTHER INFORMATION CONTACT: Walter F. Vogl, Ph.D., Drug Testing Section, Division of Workplace Programs, CSAP, 5600 Fishers Lane, Rockwall II, Suite 815, Rockville, Maryland 20857, tel. (301) 443–6014, fax (301) 443–3031, or email: wvogl@samhsa.gov.

SUPPLEMENTARY INFORMATION:

Background

All urine specimens must be collected using chain of custody procedures to document the integrity and security of the specimen from the time of collection until receipt by the laboratory. To ensure uniformity among all Federal agency and federally regulated workplace drug testing programs, the use of an OMB approved Federal CCF is required. Based on the experiences of using the current Federal CCF for the past several years, SAMHSA and DOT initiated a joint effort to develop a new Federal CCF that was easier to use and more accurately reflected both the collection process and how results were reported by the drug testing laboratories. This effort included scheduling two public meetings attended by over 35 industry representatives who recommended most of the changes to the current Federal CCF. As a result of these two meetings, SAMHSA published a proposed revised Federal CCF in a **Federal Register** notice (64 FR 61916) on November 15, 1999. A sample of the proposed form was included in that notice.

The first major proposed change was to make the revised Federal CCF a six-part form by eliminating the split specimen copy. Since the split specimen copy is used only when the split specimen is tested (*i.e.*, less than approximately 5 percent of split specimens are tested), it would be more efficient to have the split specimen test result reported on the original laboratory copy (Copy 1). When the split specimen is tested, the primary laboratory would need to make a photocopy of Copy 1 of the Federal CCF and send it along with the split specimen to the second laboratory. Although this procedure requires the primary laboratory to make a photocopy, SAMHSA and DOT believe the cost saving associated with not including a separate split specimen copy with each Federal CCF outweighs the cost associated with the few times that Copy 1 will need to be photocopied by the primary laboratory. Additionally, eliminating the split specimen copy will help make any handwritten information appear more legible on the later copies.

The second major proposed change was to move the specimen bottle seal(s)/label(s) from the right side of the form to the bottom of Copy 1. This change would permit overprinting information on the form using standard width tractor feed printers rather than requiring more expensive wide carriage printers. In addition, the storage and handling requirements would be similar to other documents since the overall size of the new Federal CCF (including the tractor feed strips) is essentially the same as a standard sheet of paper.

The third major proposed change involved simplifying the chain of custody step by requiring the collector to only sign the form once. SAMHSA and DOT believe the current requirement for the collector to sign the

form three times can be replaced with one signature because the certification statement signed by the collector clearly describes that the collector has possession of the specimen from the time the collector receives the specimen from the donor until the collector releases the specimen for shipment to the laboratory.

The fourth major proposed change was to provide a wider choice of terms that a laboratory can use to report specimen test results. The current form uses the term "Test Not Performed" to report any result other than a negative or positive result. In fact, this term does not always reflect the actual handling of the specimen. SAMHSA and DOT believe it is more appropriate to provide a variety of terms on the Federal CCF that accurately reflect the different specimen test results that a laboratory may report, such as, invalid result, adulterated, substituted, or rejected for testing.

The fifth major proposed change was to include a new step on the original laboratory copy (Copy 1) for reporting the result for the split specimen (Bottle B) since the split specimen copy was eliminated. This change ensures that the primary specimen and split specimen laboratory test results are recorded on the same copy that is provided to the Medical Review Officer if the split specimen is tested.

The sixth major proposed change was to place the Medical Review Officer (MRO) steps for both the primary and split specimens on the MRO copy. This change permits the MRO to record the determination for both the primary specimen and the split specimen (if tested) on the same copy and to use this copy to report results to the employer.

Other changes were considered to be minor changes and were discussed as each part of the proposed new form was described in the November 15, 1999, **Federal Register** notice.

Public Comments

SAMHSA received thirty comments on the proposed changes from laboratories, printing firms, employers, organizations, and individuals. The majority of comments supported the proposed changes. All comments were reviewed and taken into consideration in preparing the new Federal CCF. The substantive comments submitted and SAMHSA's and DOT's response to those comments are discussed below as each step of the new Federal CCF is described.

New Federal CCF

Appendix A is a sample of the new Federal CCF.

General Changes

The new Federal CCF has the following 5 copies: Copy 1—Laboratory Copy, Copy 2—Medical Review Officer Copy, Copy 3—Collector Copy, Copy 4—Employer Copy, and Copy 5—Donor Copy. The reverse side of each copy (*i.e.*, Copy 1, Copy 2, Copy 3, Copy 4, and Copy 5) must have the "Paperwork Reduction Act Notice" statement. The reverse side of Copy 5 must also have the "Privacy Act Statement (for Federal employees only)" and the "Instructions for Completing the Federal Drug Testing Custody and Control Form." The required statements and instructions for completing the Federal CCF are provided below.

The second laboratory copy was eliminated from the proposed six-part form when SAMHSA and DOT agreed to permit a certified laboratory to transmit a negative result to the Medical Review Officer (MRO) electronically (*e.g.*, facsimile, computer). The only time that a hard copy of the Federal CCF must be sent to the MRO is when the laboratory is reporting either a positive for a specific drug, adulterated, substituted, rejected for testing, or invalid result. For these relatively few non-negative results, the laboratory is required to make and send a photocopy of Copy 1 to the MRO even if an electronic report was sent. SAMHSA and DOT believe the additional cost saving associated with not including the second laboratory copy with each Federal CCF outweighs the cost associated with the few times that Copy 1 will need to be photocopied by the primary laboratory.

Each copy of the new Federal CCF will be on white paper. The proposed changes had required using paper with a different color border for the MRO, collector, employer, and donor copies as opposed to using a different color paper for each of these copies as used for the old form. Two comments supported using paper with different color borders while two comments opposed using color borders. SAMHSA and DOT have reevaluated the need to use either different color paper or paper with different color borders and believe that using white paper for each copy is sufficient to ensure that the copies will be distributed as required. Additionally, using white paper for all copies will reduce the cost to assemble the form and will make handwritten information more legible on all copies.

The sequence of the copies for the new Federal CCF was changed to laboratory, MRO, collector, employer, and donor. Three comments suggested changing the sequence of the copies for the proposed revised form because of the concern with the legibility of the information on the latter copies, especially if a latter copy is needed to replace a lost copy. SAMHSA and DOT concur that legibility is a concern and the best copies, beside the laboratory copy, should be the MRO and collector copies. If the employer and donor copies are not entirely legible, the information can be obtained from the MRO or collector copies. In addition, placing the donor copy last, gives the donor the instructions for collecting the urine specimen and completing the Federal CCF. This may be useful if, at a later time, the donor claims that the collector did not follow the collection procedure.

Copy 1—Laboratory Copy

Copy 1 has a one inch space at the top of the page reserved for the following items: the title "Federal Drug Testing Custody and Control Form" must be printed along the top edge, the OMB Number must appear in the right hand corner, name and street address of the certified laboratory that will test the specimen, a unique preprinted specimen identification number, an accession number after the specimen is received by the laboratory, and any other information (*e.g.*, accounting code) the laboratory or user of the form may want to print on the form.

Step 1 is completed by the collector or employer representative. A space is provided for the name, address, and identification number (if applicable) of the employer and the name and address of the MRO. The collector records the donor's social security number or other employee identification number after verifying the donor's identity. The collector marks the appropriate box to indicate the reason for the test and the appropriate box for the drug tests to be performed. The collector records the collection site address and the phone and fax numbers where the collector can be contacted.

Four comments recommended that the we retain the same sequence for the reasons for the test as on the current CCF. SAMHSA and DOT concur with that recommendation and changed the sequence to coincide with that on the current CCF. Three comments were opposed to requiring the collector to indicate the acronym of the Federal agency for which the specimen was being collected because the collector did not always have that information. We agree that that information is not always known by the collector and deleted the acronym from the new Federal CCF.

Step 2 is completed by the collector after receiving the specimen from the donor and measuring the temperature of

the specimen. This step requires the collector to mark the appropriate box to indicate if the temperature of the specimen was within the required temperature range, whether it is a split or single specimen collection, if no specimen was collected, and if it was an observed collection. A "Remarks" line is provided when the collector is required to provide a comment. One comment suggested placing the box for the split specimen collection before the box for the single specimen collection. SAMHSA and DOT agree with the comment because the vast majority of collections are split specimen collections rather than single specimen collections.

Step 3 directs the collector to affix the seal(s)/label(s) to the specimen bottle(s), to date the seal(s) after being placed on the specimen bottle(s), to have the donor initial the seal(s) after being placed on the specimen bottle(s), and to instruct the donor to complete step 5 on the MRO copy (Copy 2). This is essentially the same instruction that appears on the current form.

Step 4 is a revised chain of custody step that is initiated by the collector and completed by the laboratory after the specimen is accessioned by the laboratory. This step requires the collector to only sign the form once to certify that the specimen was collected, labeled, sealed, and released for shipment to the laboratory in accordance with Federal requirements. SAMHSA and DOT believe that one collector signature is sufficient to document chain of custody from this procedure. The collector is also required to note the time of the collection, the date of collection, and the specific name of the delivery service to whom the specimen is released for shipment to the laboratory. This is the same information that is required on the current Federal CCF. Since there is no requirement for delivery service personnel to document chain of custody during transit because they do not have access to the specimen bottle(s) or the Federal CCF, chain of custody annotations resume when the shipping container/package is opened and an individual at the laboratory has access to the specimen bottle(s) and the Federal CCF. We consider this individual to be the accessioner, and he or she is required to document the condition of the primary specimen bottle seal, sign the Federal CCF, print his/her name, the date the specimen was accessioned, and then to whom the specimen was released. The entry for the "Specimen Bottle(s) Released To" may include transfer to temporary storage or transfer to another individual. After this transfer, chain of custody for the specimen bottle(s) is documented by the laboratory using an internal chain of custody form. Two comments suggested deleting the requirement to record the delivery service since it was mentioned in the certification statement signed by the collector and one commenter suggested allowing preprinting a generic term for the delivery service. SAMHSA and DOT believe it is extremely important to document that the collector transferred the shipping container/package to a specific delivery service. It ensures that the collector knows that the specimen must be directly transferred to a specific delivery service rather than to another individual or to temporary storage.

Step 5(a) is completed by a certifying scientist at the laboratory to document the test result for the primary specimen. The certifying scientist is required to provide a signature, print his or her name, and the date. This step has boxes to allow the certifying scientist to easily check whether the result is negative, positive for a specific drug, rejected for testing, adulterated, substituted, invalid result, and/or dilute. One comment suggested adding a box to check when a specimen was dilute rather than requiring a comment to written on the "Remarks" line. SAMHSA and DOT concur with that recommendation and added a box to check when a specimen was dilute.

Step 5(b) is used by a certifying scientist at the second certified laboratory to document the test result for the split specimen, if the split specimen is tested. This step has a space for the name and address of the second laboratory, a certification statement, appropriate boxes for the certifying scientist to report the test result for the split specimen, a signature line, a line to print his or her name, and the date. There were no comments submitted regarding this step.

There must be two tamper-evident specimen bottle seal(s)/label(s) located in the bottom one and three-quarter inch space of Copy 1. One label must have the letter "A" on it to designate its use for sealing and labeling the primary specimen bottle and the other has the letter "B" on it to designate its use for sealing and labeling the split specimen bottle. Each seal/label must have the same specimen identification number (either preprinted or overprinted before use) that appears at the top of the form, a place for the collector to annotate the date of the collection, and a place for the donor to initial each label after it is placed on the specimen bottle. If a single specimen collection procedure is used, the "B" label is discarded by the collector.

It is also the responsibility of the supplier of the seals/labels to ensure that they are tamper-evident. Tamper-evident is defined as a seal/label that cannot be removed from the specimen bottle after 5 minutes contact with the specimen bottle.

Three comments supported locating the seals/labels at the bottom of the form and three comments were opposed and recommended leaving the seals/labels attached to the side of the form. They were concerned that placement of the seals/labels at the bottom of the form would jam the printers because of the thickness of the form. SAMHSA and DOT believe that reducing the number of copies to 5 from 7 and ensuring that a good quality tamper-evident seal/label is properly placed on the form that the seals/labels will not interfere with the printing or overprinting process. There are numerous examples of forms used with labels placed directly onto the forms that do not cause printing problems and we fully expect that to be the case when the new Federal CCF is printed and used.

Copy 2—Medical Review Officer Copy

The Medical Review Officer copy is the same format as Copy 1 except that step 5(a) has been replace with step 5. This step 5 on Copy 2 is completed by the donor after the specimen bottle(s) are sealed, initialed by the donor, and dated. The donor is required to read the certification statement, provide a signature, printed name, date of collection, daytime phone number, evening phone number, and date of birth. This information will be used by the Medical Review Officer to contact the donor for results that require donor contact before making a determination.

Copy 3—Collector Copy

Exactly the same as Copy 2.

Copy 4—Employer Copy

Exactly the same as Copy 2.

Copy 5—Donor Copy

Exactly the same as Copy 2.

Paperwork Reduction Act Notice

The following Paperwork Reduction Act Notice must appear on the back of each copy (*i.e*, Copy 1, Copy 2, Copy 3, Copy 4, and Copy5) of the Federal CCF:

Paperwork Reduction Act Notice (as required by 5 CFR 1320.21)

Public reporting burden for this collection of information, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated for each respondent to average: 5 minutes/donor; 4 minutes/collector; 3

minutes/laboratory; and 3 minutes/Medical Review Officer. Federal employees may send comments regarding these burden estimates, or any other aspect of this collection of information, including suggestions for reducing the burden, to the SAMHSA Reports Clearance Officer, Paperwork Reduction Project (0930–0158), Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930–0158.

There were no comments submitted regarding this Paperwork Reduction Act Notice statement.

Privacy Act Statement

The following Privacy Act Statement must appear on the back of the donor copy (Copy 5):

Privacy Act Statement (For Federal Employees Only)

Submission of the information on the attached form is voluntary. However, incomplete submission of the information, refusal to provide a urine specimen, or substitution or adulteration of a specimen may result in delay or denial of your application for employment/appointment or may result in your removal from Federal service or other disciplinary action.

The authority for obtaining the urine specimen and identifying information contained herein is Executive Order 12564 ("Drug-Free Federal Workplace"), 5 U.S.C. § 3301 (2), 5 U.S. C. § 7301 and Section 503 of Public Law 100–71, 5 U.S.C. § 7301 note. Under provisions of Executive Order 12564 and U.S.C. 7301, test results may only be disclosed to agency officials on a need-to-know basis. This may include the agency Medical Review Officer, the administrator of the Employee Assistance Program, and a supervisor with authority to take adverse personnel action. This information may also be disclosed to a court where necessary to defend against a challenge to an adverse personnel action.

Submission of your SSN is not required by law and is voluntary. Your refusal to furnish your number will not result in the denial of any right, benefit, or privilege provided by law. Your SSN is solicited, pursuant to Executive Order 9397, for purposes of associating information in agency files relating to you and for purposes of identifying the specimen provided for urinalysis testing for illegal drugs. If you refuse to indicate your SSN, a substitute number or other identifier will be assigned, as required, to process the specimen.

In the event laboratory analysis determines the presence of one or more illegal drugs in the specimen you provide, you will be contacted by an agency Medical Review Officer (MRO). The MRO will determine whether there is a legitimate medical explanation for the drug(s) identified by urinalysis.

There were no comments submitted regarding this Privacy Act statement.

Instructions for Completing the Federal CCF

The following instructions must appear on the back of the donor copy (Copy 5):

Instructions for Completing the Federal Drug Testing Custody and Control Form

A. Collector ensures that the name and address of the drug testing laboratory appear on the top of the CCF and the Specimen I.D. number on the top of the CCF matches the Specimen I.D. number on the labels/seals.

B. Collector provides the required information in STEP 1 on the CCF. The collector provides a remark in STEP 2 if the donor refuses to provide his/her SSN or Employee I.D. number.

C. Collector gives a collection container to the donor for providing a specimen.

D. After the donor gives the specimen to the collector, the collector checks the temperature of specimen within 4 minutes and marks the appropriate temperature box in STEP 2 on the CCF. The collector provides a remark if the temperature is outside the acceptable range.

E. Collector checks the split or single specimen collection box. If no specimen is collected, that box is checked and a remark is provided. If it is an observed collection, that box is checked and a remark is provided. If no specimen is collected, Copy 1 is discarded and the remaining copies are distributed as required.

F. Donor watches the collector pouring the specimen from the collection container into the specimen bottle(s), placing the cap(s) on the specimen bottle(s), and affixing the label(s)/seal(s) on the specimen bottle(s).

G. Collector dates the specimen bottle label(s) after they are placed on the specimen bottle(s).

H. Donor initials the specimen bottle label(s) after the label(s) have been placed on the specimen bottle(s).

I. Collector turns to Copy 2 (MRO Copy) and instructs the donor to read the certification statement in STEP 5 and to sign, print name, date, provide phone numbers, and date of birth after reading the certification statement. If the donor refuses to sign the certification statement, the collector provides a remark in STEP 2 on Copy 1.

J. Collector completes STEP 4 (*i.e.,* provides signature, printed name, date, time of collection, and name of delivery service), immediately places the sealed specimen bottle(s) and Copy 1 of the CCF in a leak-proof plastic bag, releases specimen package to the delivery service, and distributes the other copies as required.

List of Acceptable Modifications

SAMHSA recognizes that different hardware and software are used to prepare and print forms and this will create minor differences in the appearance between forms. The following is a list of acceptable differences and modifications when printing the Federal CCF:

(1) The OMB number may appear either vertically or horizontally in the upper right hand corner of the form.

(2) The name and address of the testing laboratory and the unique specimen identification number at the top of the form and on the specimen bottle seal(s)/label(s) may be printed during the original printing and form assembly process or added by "overprinting" after the form is assembled.

(3) Preprinting and/or overprinting the employer name and address, MRO name and address, and collection site information is permitted.

(4) The spaces for the employer name and address, MRO name and address, and the collection site address may have lines.

(5) The unique specimen identification number at the top of the form and on the tamper-evident seal(s)/label(s) may be either a bar code with an associated human readable number or only a human readable number.

(6) A laboratory does not need to assign and record a separate laboratory accession number in the one inch space at the top of the form if it uses the unique specimen identification number to track the specimen after receipt. When this is the case, the form may be printed without the words "LAB ACCESSION NO." appearing on the top of the form.

(7) The size of each "check" box may vary slightly.

(8) The font size and style used for letters may vary to enhance readability.

(9) The "exact" location for each item on the printed form may vary slightly from the location indicated on the sample form provided in Appendix A.

(10) The data entry/information fields may be highlighted using different colors to show where the collector, donor, and laboratory would be providing information. The colors used to highlight the fields may be different for different fields, but must not prevent making clear facsimiles and photocopies of the information that is printed or handwritten in these fields.

(11) The space for the donor's SSN or Employee I.D. No. may have combs, boxes, or a single line.

(12) The legend at the bottom of copies 2 through 5 may be printed using different colors or a different color stripe may be printed at the bottom of copies 2 through 5. To ensure consistency and correct distribution of the copies, if different color stripes or legends are used at the bottom of each copy, the following colors must be used: MRO copy—pink, Collector copy—yellow, Employer copy—blue, Donor copy—green.

(13) A reference mark(s) may be used to position the form in a printer to overprint information in the correct

location or to optically scan the information in the various fields.

(14) The size of the two tamper-evident seals/labels may vary, but must be placed within the space provided at the bottom of Copy 1.

(15) The color of the preprinted information on the "A" specimen bottle tamper-evident seal/label may be different than the color of the preprinted information on the "B" specimen bottle tamper-evident seal/label.

Availability of Federal CCF

The new Federal CCF is available on the SAMHSA website (www.health.org/workpl.htm) as an electronic ".pdf" file that can be opened, saved, and printed.

Use of Expired Federal CCF

SAMHSA and DOT recognize that there may be a large supply of old forms at collection sites after the August 1, 2000, implementation date for the new Federal CCF. To avoid discarding these forms, OMB is permitting the use of the old Federal CCF until supplies are exhausted, but not to be used beyond July 31, 2001. After that date, remaining copies of the old Federal CCF should be destroyed.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

BILLING CODE 4162–20–P

Appendix A

FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM

SPECIMEN ID NO. 1234567 LAB ACCESSION NO.

OMB No. 0930-0158

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Employer Name, Address, I.D. No. B. MRO Name, Address, Phone and Fax No.

C. Donor SSN or Employee I.D. No. _____

D. Reason for Test: ☐ Pre-employment ☐ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident ☐ Return to Duty ☐ Follow-up ☐ Other (specify) _____

E. Drug Tests to be Performed: ☐ THC, COC, PCP, OPI, AMP ☐ THC & COC Only ☐ Other (specify) _____

F. Collection Site Address:

Collector Phone No. _____

Collector Fax No. _____

STEP 2: COMPLETED BY COLLECTOR

Read specimen temperature within 4 minutes. Is temperature between 90° and 100° F? ☐ Yes ☐ No, Enter Remark

Specimen Collection: ☐ Split ☐ Single ☐ None Provided (Enter Remark) ☐ Observed (Enter Remark)

REMARKS

STEP 3: Collector affixes bottle seal(s) to bottle(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable Federal requirements.

X _____ Signature of Collector

_____ Time of Collection - AM PM

_____ (PRINT) Collector's Name (First, MI, Last)

_____ Date (Mo./Day/Yr.)

SPECIMEN BOTTLE(S) RELEASED TO: _____ Name of Delivery Service Transferring Specimen to Lab

RECEIVED AT LAB:

X _____ Signature of Accessioner

_____ (PRINT) Accessioner's Name (First, MI, Last)

_____ Date (Mo./Day/Yr.)

Primary Specimen Bottle Seal Intact ☐ Yes ☐ No, Enter Remark Below

SPECIMEN BOTTLE(S) RELEASED TO:

STEP 5a: PRIMARY SPECIMEN TEST RESULTS - COMPLETED BY PRIMARY LABORATORY

☐ NEGATIVE ☐ POSITIVE for: ☐ MARIJUANA METABOLITE ☐ CODEINE ☐ AMPHETAMINE ☐ ADULTERATED
☐ DILUTE ☐ COCAINE METABOLITE ☐ MORPHINE ☐ METHAMPHETAMINE ☐ SUBSTITUTED
☐ REJECTED FOR TESTING ☐ PCP ☐ 6-ACETYLMORPHINE ☐ INVALID RESULT

REMARKS _____

TEST LAB (if different from above) _____

I certify that the specimen identified on this form was examined upon receipt, handled using chain of custody procedures, analyzed, and reported in accordance with applicable Federal requirements.

X _____ Signature of Certifying Scientist

_____ (PRINT) Certifying Scientist's Name (First, MI, Last)

_____ Date (Mo./Day/Yr.)

STEP 5b: SPLIT SPECIMEN TEST RESULTS - (IF TESTED) COMPLETED BY SECONDARY LABORATORY

_____ Laboratory Name

_____ Laboratory Address

☐ RECONFIRMED ☐ FAILED TO RECONFIRM - REASON _____

I certify that the split specimen identified on this form was examined upon receipt, handled using chain of custody procedures, analyzed, and reported in accordance with applicable Federal requirements.

X _____ Signature of Certifying Scientist

_____ (PRINT) Certifying Scientist's Name (First, MI, Last)

_____ Date (Mo./Day/Yr.)

PEEL 1234567 A SPECIMEN ID NO.

PLACE OVER CAP

1234567 SPECIMEN BOTTLE SEAL

_____ Date (Mo. Day Yr.)

_____ Donor's Initials

PEEL 1234567 B (SPLIT) SPECIMEN ID NO.

PLACE OVER CAP

1234567 SPECIMEN BOTTLE SEAL

_____ Date (Mo. Day Yr.)

_____ Donor's Initials

COPY 1 - LABORATORY

PRESS HARD - YOU ARE MAKING MULTIPLE COPIES

0000-0000-0225

Drug Form Part 1
Face Inks: 000 BLK / 000 RED
Date: 05/09/00
Not To Use For Colormatch
Follow PMS Guide For Colors

Paperwork Reduction Act Notice (As Required by 5 CFR 1320.21)

Public reporting burden for this collection of information, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated for each respondent to average: 5 minutes/donor; 4 minutes/collector; 3 minutes/laboratory; and 3 minutes/Medical Review Officer. Federal employees may send comments regarding these burden estimates, or any other aspect of this collection of information, including suggestions for reducing the burden, to the SAMHSA Reports Clearance Officer, Paperwork Reduction Project (0930–0158), Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930–0158.

FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM

SPECIMEN ID NO. 1234567 LAB ACCESSION NO.

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Employer Name, Address, I.D. No.

B. MRO Name, Address, Phone and Fax No.

OMB No. 0930-0158

C. Donor SSN or Employee I.D. No. _____

D. Reason for Test: ☐ Pre-employment ☐ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident ☐ Return to Duty ☐ Follow-up ☐ Other (specify) _____

E. Drug Tests to be Performed: ☐ THC, COC, PCP, OPI, AMP ☐ THC & COC Only ☐ Other (specify) _____

F. Collection Site Address:

Collector Phone No. _____

Collector Fax No. _____

STEP 2: COMPLETED BY COLLECTOR

Read specimen temperature within 4 minutes. Is temperature between 90° and 100° F? ☐ Yes ☐ No, Enter Remark	Specimen Collection: ☐ Split ☐ Single ☐ None Provided (Enter Remark)	☐ Observed (Enter Remark)
REMARKS		

STEP 3: Collector affixes bottle seal(s) to bottle(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable Federal requirements.

X _____ Signature of Collector

Time of Collection AM PM

(PRINT) Collector's Name (First, MI, Last)

Date (Mo./Day/Yr.) / /

SPECIMEN BOTTLE(S) RELEASED TO:

Name of Delivery Service Transferring Specimen to Lab

RECEIVED AT LAB:

X _____ Signature of Accessioner

(PRINT) Accessioner's Name (First, MI, Last)

Date (Mo./Day/Yr.) / /

Primary Specimen Bottle Seal Intact

☐ Yes

☐ No, Enter Remark Below

SPECIMEN BOTTLE(S) RELEASED TO:

STEP 5: COMPLETED BY DONOR

I certify that I provided my urine specimen to the collector; that I have not adulterated it in any manner; each specimen bottle used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to each specimen bottle is correct.

X _____ Signature of Donor

(PRINT) Donor's Name (First, MI, Last)

Date (Mo. / Day / Yr.) / /

Daytime Phone No. ( )

Evening Phone No. ( )

Date of Birth Mo. / Day / Yr.

Should the results of the laboratory tests for the specimen identified by this form be confirmed positive, the Medical Review Officer will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications for your own records. THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 5). —DO NOT PROVIDE THIS INFORMATION ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE COPY 5 WITH YOU.

STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

In accordance with applicable Federal requirements, my determination/verification is:

☐ NEGATIVE ☐ POSITIVE ☐ TEST CANCELLED ☐ REFUSAL TO TEST BECAUSE: ☐ DILUTE ☐ ADULTERATED ☐ SUBSTITUTED

REMARKS _____

X _____ Signature of Medical Review Officer

(PRINT) Medical Review Officer's Name (First, MI, Last)

Date (Mo./Day/Yr.) / /

STEP 7: COMPLETED BY MEDICAL REVIEW OFFICER - SPLIT SPECIMEN

In accordance with applicable Federal requirements, my determination/verification for the split specimen (if tested) is:

☐ RECONFIRMED ☐ FAILED TO RECONFIRM - REASON _____

X _____ Signature of Medical Review Officer

(PRINT) Medical Review Officer's Name (First, MI, Last)

Date (Mo./Day/Yr.) / /

COPY 2 - MEDICAL REVIEW OFFICER COPY

Drug Form Part 2
Face Inks: 000 BLK / 000 RED
Date: 05/09/00
Not To Use For Colormatch
Follow PMS Guide For Colors

Paperwork Reduction Act Notice (As Required by 5 CFR 1320.21)

Public reporting burden for this collection of information, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated for each respondent to average: 5 minutes/donor; 4 minutes/collector; 3 minutes/laboratory; and 3 minutes/Medical Review Officer. Federal employees may send comments regarding these burden estimates, or any other aspect of this collection of information, including suggestions for reducing the burden, to the SAMHSA Reports Clearance Officer, Paperwork Reduction Project (0930–0158), Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930–0158.

FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM

SPECIMEN ID NO. 1234567 LAB ACCESSION NO.

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Employer Name, Address, I.D. No.

B. MRO Name, Address, Phone and Fax No.

OMB No. 0930-0158

C. Donor SSN or Employee I.D. No. _____

D. Reason for Test: ☐ Pre-employment ☐ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident ☐ Return to Duty ☐ Follow-up ☐ Other (specify) _____

E. Drug Tests to be Performed: ☐ THC, COC, PCP, OPI, AMP ☐ THC & COC Only ☐ Other (specify) _____

F. Collection Site Address:

Collector Phone No. _____

Collector Fax No. _____

STEP 2: COMPLETED BY COLLECTOR

Read specimen temperature within 4 minutes. Is temperature between 90° and 100° F? ☐ Yes ☐ No, Enter Remark	Specimen Collection: ☐ Split ☐ Single ☐ None Provided (Enter Remark)	☐ Observed (Enter Remark)
REMARKS		

STEP 3: Collector affixes bottle seal(s) to bottle(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable Federal requirements.

X _____ AM PM
Signature of Collector — Time of Collection ▶

_____ / / ▶
(PRINT) Collector's Name (First, MI, Last) — Date (Mo./Day/Yr.)

SPECIMEN BOTTLE(S) RELEASED TO:

_____ ▶
Name of Delivery Service Transferring Specimen to Lab

RECEIVED AT LAB:

X _____ ▶
Signature of Accessioner

_____ / / ▶
(PRINT) Accessioner's Name (First, MI, Last) — Date (Mo./Day/Yr.)

Primary Specimen Bottle Seal Intact

☐ Yes
☐ No, Enter Remark Below

SPECIMEN BOTTLE(S) RELEASED TO:

STEP 5: COMPLETED BY DONOR

I certify that I provided my urine specimen to the collector; that I have not adulterated it in any manner; each specimen bottle used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to each specimen bottle is correct.

X _____ _____ / / _____
Signature of Donor — (PRINT) Donor's Name (First, MI, Last) — Date (Mo. / Day / Yr.)

Daytime Phone No. ( ) _____ Evening Phone No. ( ) _____ Date of Birth / / _____
Mo. Day Yr.

Should the results of the laboratory tests for the specimen identified by this form be confirmed positive, the Medical Review Officer will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications for your own records. THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 5). —DO NOT PROVIDE THIS INFORMATION ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE COPY 5 WITH YOU.

STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

In accordance with applicable Federal requirements, my determination/verification is:

☐ NEGATIVE ☐ POSITIVE ☐ TEST CANCELLED ☐ REFUSAL TO TEST BECAUSE:
☐ DILUTE ☐ ADULTERATED ☐ SUBSTITUTED

REMARKS _____

X _____ _____ / / _____
Signature of Medical Review Officer — (PRINT) Medical Review Officer's Name (First, MI, Last) — Date (Mo./Day/Yr.)

STEP 7: COMPLETED BY MEDICAL REVIEW OFFICER - SPLIT SPECIMEN

In accordance with applicable Federal requirements, my determination/verification for the split specimen (if tested) is:

☐ RECONFIRMED ☐ FAILED TO RECONFIRM - REASON _____

X _____ _____ / / _____
Signature of Medical Review Officer — (PRINT) Medical Review Officer's Name (First, MI, Last) — Date (Mo./Day/Yr.)

COPY 3- COLLECTOR COPY

Drug Form Part 3
Face Inks: 000 BLK / 000 RED
Date: 05/09/00
Not To Use For Colormatch
Follow PMS Guide For Colors

Paperwork Reduction Act Notice (As Required by 5 CFR 1320.21)

Public reporting burden for this collection of information, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated for each respondent to average: 5 minutes/donor; 4 minutes/collector; 3 minutes/laboratory; and 3 minutes/Medical Review Officer. Federal employees may send comments regarding these burden estimates, or any other aspect of this collection of information, including suggestions for reducing the burden, to the SAMHSA Reports Clearance Officer, Paperwork Reduction Project (0930–0158), Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930–0158.

FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM

SPECIMEN ID NO. 1234567 LAB ACCESSION NO.

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Employer Name, Address, I.D. No.

B. MRO Name, Address, Phone and Fax No.

OMB No. 0930-0158

C. Donor SSN or Employee I.D. No. _____

D. Reason for Test: ☐ Pre-employment ☐ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident ☐ Return to Duty ☐ Follow-up ☐ Other (specify) _____

E. Drug Tests to be Performed: ☐ THC, COC, PCP, OPI, AMP ☐ THC & COC Only ☐ Other (specify) _____

F. Collection Site Address:

Collector Phone No. _____

Collector Fax No. _____

STEP 2: COMPLETED BY COLLECTOR

Read specimen temperature within 4 minutes. Is temperature between 90° and 100° F? ☐ Yes ☐ No, Enter Remark	Specimen Collection: ☐ Split ☐ Single ☐ None Provided (Enter Remark)	☐ Observed (Enter Remark)
REMARKS		

STEP 3: Collector affixes bottle seal(s) to bottle(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable Federal requirements.

X _____ Signature of Collector

_____ AM PM Time of Collection

_____ (PRINT) Collector's Name (First, MI, Last)

_____ Date (Mo./Day/Yr.)

SPECIMEN BOTTLE(S) RELEASED TO:

_____ Name of Delivery Service Transferring Specimen to Lab

RECEIVED AT LAB:

X _____ Signature of Accessioner

_____ (PRINT) Accessioner's Name (First, MI, Last)

_____ Date (Mo./Day/Yr.)

Primary Specimen Bottle Seal Intact

☐ Yes

☐ No, Enter Remark Below

SPECIMEN BOTTLE(S) RELEASED TO:

STEP 5: COMPLETED BY DONOR

I certify that I provided my urine specimen to the collector; that I have not adulterated it in any manner; each specimen bottle used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to each specimen bottle is correct.

X _____ Signature of Donor

_____ (PRINT) Donor's Name (First, MI, Last)

_____ Date (Mo. / Day / Yr.)

Daytime Phone No. (___) _____ Evening Phone No. (___) _____ Date of Birth ___/___/___ Mo. Day Yr.

Should the results of the laboratory tests for the specimen identified by this form be confirmed positive, the Medical Review Officer will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications for your own records. THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 5). —DO NOT PROVIDE THIS INFORMATION ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE COPY 5 WITH YOU.

STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

In accordance with applicable Federal requirements, my determination/verification is:

☐ NEGATIVE ☐ POSITIVE ☐ TEST CANCELLED ☐ REFUSAL TO TEST BECAUSE: ☐ DILUTE ☐ ADULTERATED ☐ SUBSTITUTED

REMARKS _____

X _____ Signature of Medical Review Officer

_____ (PRINT) Medical Review Officer's Name (First, MI, Last)

_____ Date (Mo./Day/Yr.)

STEP 7: COMPLETED BY MEDICAL REVIEW OFFICER - SPLIT SPECIMEN

In accordance with applicable Federal requirements, my determination/verification for the split specimen (if tested) is:

☐ RECONFIRMED ☐ FAILED TO RECONFIRM - REASON _____

X _____ Signature of Medical Review Officer

_____ (PRINT) Medical Review Officer's Name (First, MI, Last)

_____ Date (Mo./Day/Yr.)

COPY 4- EMPLOYER COPY

Drug Form Part 4
Face Inks: 000 BLK / 000 RED
Date: 05/09/00
Not To Use For Colormatch
Follow PMS Guide For Colors

Paperwork Reduction Act Notice (As Required by 5 CFR 1320.21)

Public reporting burden for this collection of information, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated for each respondent to average: 5 minutes/donor; 4 minutes/collector; 3 minutes/laboratory; and 3 minutes/Medical Review Officer. Federal employees may send comments regarding these burden estimates, or any other aspect of this collection of information, including suggestions for reducing the burden, to the SAMHSA Reports Clearance Officer, Paperwork Reduction Project (0930–0158), Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930–0158.

FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM

SPECIMEN ID NO. 1234567 LAB ACCESSION NO.

OMB No. 0930-0158

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Employer Name, Address, I.D. No.

B. MRO Name, Address, Phone and Fax No.

C. Donor SSN or Employee I.D. No. _____

D. Reason for Test: ☐ Pre-employment ☐ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident ☐ Return to Duty ☐ Follow-up ☐ Other (specify) _____

E. Drug Tests to be Performed: ☐ THC, COC, PCP, OPI, AMP ☐ THC & COC Only ☐ Other (specify) _____

F. Collection Site Address:

Collector Phone No. _____

Collector Fax No. _____

STEP 2: COMPLETED BY COLLECTOR

Read specimen temperature within 4 minutes. Is temperature between 90° and 100° F? ☐ Yes ☐ No, Enter Remark	Specimen Collection: ☐ Split ☐ Single ☐ None Provided (Enter Remark)	☐ Observed (Enter Remark)
REMARKS		

STEP 3: Collector affixes bottle seal(s) to bottle(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable Federal requirements.

X _____ Signature of Collector

_____ Time of Collection AM PM

_____ (PRINT) Collector's Name (First, MI, Last)

_____ Date (Mo./Day/Yr.)

SPECIMEN BOTTLE(S) RELEASED TO:

_____ Name of Delivery Service Transferring Specimen to Lab

RECEIVED AT LAB:

X _____ Signature of Accessioner

_____ (PRINT) Accessioner's Name (First, MI, Last)

_____ Date (Mo./Day/Yr.)

Primary Specimen Bottle Seal Intact

☐ Yes

☐ No, Enter Remark Below

SPECIMEN BOTTLE(S) RELEASED TO:

STEP 5: COMPLETED BY DONOR

I certify that I provided my urine specimen to the collector; that I have not adulterated it in any manner; each specimen bottle used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to each specimen bottle is correct.

X _____ Signature of Donor

_____ (PRINT) Donor's Name (First, MI, Last)

_____ Date (Mo. / Day / Yr.)

Daytime Phone No. ( ) _____ Evening Phone No. ( ) _____ Date of Birth ___ / ___ / ___ Mo. Day Yr.

Should the results of the laboratory tests for the specimen identified by this form be confirmed positive, the Medical Review Officer will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications for your own records. THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 5). —DO NOT PROVIDE THIS INFORMATION ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE COPY 5 WITH YOU.

STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

In accordance with applicable Federal requirements, my determination/verification is:

☐ NEGATIVE ☐ POSITIVE ☐ TEST CANCELLED ☐ REFUSAL TO TEST BECAUSE: ☐ DILUTE ☐ ADULTERATED ☐ SUBSTITUTED

REMARKS _____

X _____ Signature of Medical Review Officer

_____ (PRINT) Medical Review Officer's Name (First, MI, Last)

_____ Date (Mo./Day/Yr.)

STEP 7: COMPLETED BY MEDICAL REVIEW OFFICER - SPLIT SPECIMEN

In accordance with applicable Federal requirements, my determination/verification for the split specimen (if tested) is:

☐ RECONFIRMED ☐ FAILED TO RECONFIRM - REASON _____

X _____ Signature of Medical Review Officer

_____ (PRINT) Medical Review Officer's Name (First, MI, Last)

_____ Date (Mo./Day/Yr.)

0000-0000-0225

COPY 5- DONOR COPY

Drug Form Part 5
Face Inks: 000 BLK / 000 RED
Date: 05/09/00
Not To Use For Colormatch
Follow PMS Guide For Colors

BILLING CODE 4162-20-C

Instructions for Completing the Federal Drug Testing Custody and Control Form

A. Collector ensures that the name and address of the drug testing laboratory appear on the top of the CCF and the Specimen I.D. number on the top of the CCF matches the Specimen I.D. number on the labels/seals.

B. Collector provides the required information in STEP 1 on the CCF. The collector provides a remark in STEP 2 if the donor refuses to provide his/her SSN or Employee I.D. number.

C. Collector gives a collection container to the donor for providing a specimen.

D. After the donor gives the specimen to the collector, the collector checks the temperature of specimen within 4 minutes and marks the appropriate temperature box in STEP 2 on the CCF. The collector provides a remark if the temperature is outside the acceptable range.

E. Collector checks the split or single specimen collection box. If no specimen is collected, that box is checked and a remark is provided. If it is an observed collection, that box is checked and a remark is provided. If no specimen is collected, Copy 1 is discarded and the remaining copies are distributed as required.

F. Donor watches the collector pouring the specimen from the collection container into the specimen bottle(s), placing the cap(s) on the specimen bottle(s), and affixing the label(s)/seal(s) on the specimen bottle(s).

G. Collector dates the specimen bottle label(s) after they are placed on the specimen bottle(s).

H. Donor initials the specimen bottle label(s) after the label(s) have been placed on the specimen bottle(s).

I. Collector turns to Copy 2 (MRO Copy) and instructs the donor to read the certification statement in STEP 5 and to sign, print name, date, provide phone numbers, and date of birth after reading the certification statement. If the donor refuses to sign the certification statement, the collector provides a remark in STEP 2 on Copy 1.

J. Collector completes STEP 4 (*i.e.*, provides signature, printed name, date, time of collection, and name of delivery service), immediately places the sealed specimen bottle(s) and Copy 1 of the CCF in a leak-proof plastic bag, releases specimen package to the delivery service, and distributes the other copies as required.

Privacy Act Statement: (For Federal Employees Only)

Submission of the information on the attached form is voluntary. However, incomplete submission of the information, refusal to provide a urine specimen, or substitution or adulteration of a specimen may result in delay or denial of your application for employment/appointment or may result in removal from the Federal service or other disciplinary action.

The authority for obtaining the urine specimen and identifying information contained herein is Executive Order 12564 ("Drug-Free Federal Workplace"), 5 U.S.C. § 3301 (2), 5 U.S.C. § 7301, and Section 503 of Public Law 100–71, 5 U.S.C. § 7301 note. Under provisions of Executive Order 12564 and 5 U.S.C. 7301, test results may only be disclosed to agency officials on a need-to-know basis. This may include the agency Medical Review Officer, the administrator of the Employee Assistance Program, and a supervisor with authority to take adverse personnel action. This information may also be disclosed to a court where necessary to defend against a challenge to an adverse personnel action.

Submission of your SSN is not required by law and is voluntary. Your refusal to furnish your number will not result in the denial of any right, benefit, or privilege provided by law. Your SSN is solicited, pursuant to Executive Order 9397, for purposes of associating information in agency files relating to you and for purposes of identifying the specimen provided for urinalysis testing for illegal drugs. If you refuse to indicate your SSN, a substitute number or other identifier will be assigned, as required, to process the specimen.

In the event laboratory analysis determines the presence of one or more illegal drugs in the specimen you provide, you will be contacted by an agency Medical Review Officer (MRO). The MRO will determine whether there is a legitimate medical explanation for the drug(s) identified by urinalysis.

Paperwork Reduction Act Notice (as Required by 5 CFR 1320.21)

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[FR Doc. 00–15889 Filed 6–22–00; 8:45 am]
BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4557–N–25]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone(202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use as assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of property Management, Program Support Center, HHS, room 5B-41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon

as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: DOT: Mr. Rugene Spruill, Space Management, SVC–140, Transportation Administrative Service Center, Department of Transportation, 400 7th Street, SW., Room 2310, Washington, DC 20590; (202) 366–4146; GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Contract & Property Disposal, 18th and F Streets, NW., Washington, DC 20405; (202) 501–0052; ENERGY: Mr. Tom Knox, Department of Energy, Office of Contract & Resource Management, MA–52, Washington, DC 20585; (202) 586–8715); INTERIOR: Mr. Al Barth, Department of the Interior, 1849 C Street, NW., Mail Stop 5512–MIB, Washington, DC 20240; (202) 208–7283; NAVY: Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9200; (These are not toll-free numbers).

Dated: June 15, 2000.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 6/23/00

Suitable/Available Properties

Buildings (by State)

Illinois

Milo Comm. Tower Site
350 N. Rt. 8
Milo Co: Bureau IL 56142–
Landholding Agency: GSA
Property Number: 54200020018
Status: Excess
Comment: 120 sq. ft. cinder block bldg.
GSA Number: 1–D–IL–795

LaSalle Comm. Tower Site
1600 NE 8th St.
Richland Co: LaSalle IL 61370–
Landholding Agency: GSA
Property Number: 54200020019
Status: Excess
Comment: 120 sq. ft. cinder block bldg. and a 300' tower
GSA Number: 1–D–IL–724

New Hampshire

Bldg. 179
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200020099
Status: Excess
Comment: 1452 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—quarters, off-site use only

Bldg. 201
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200020100
Status: Excess
Comment: 450 sq. ft., presence of asbestos/lead paint, off-site use only

Bldg. 304
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200020101
Status: Excess
Comment: 1320 sq. ft., presence of asbestos/lead paint, most recent use—garb. house, off-site use only

New Mexico

Bldgs. 847, 6600
Kirtland AFB
Albuquerque Co: Bernalilo NM 87185–
Landholding Agency: Energy
Property Number: 41200020021
Status: Excess
Comment: 4053 sq. ft. & 1501 sq. ft., needs rehab, presence of asbestos, off-site use only

Land (by State)

Maryland

12.52 acres
Casson Neck
Cambridge Co: Dorchester MD 00000–
Landholding Agency: GSA
Property Number: 54200020020
Status: Excess
Comment: 12.52 acres, possible restrictions due to wetlands
GSA Number: 4–U–MD–600A

Ohio

Licking County Tower Site
Summit & Haven Corner Rds
Pataskala Co: Licking OH 43062–
Landholding Agency: GSA
Property Number: 54200020021
Status: Excess
Comment: Parcel 100=3.67 acres, 100E=0.57 acres
GSA Number: 1–W–OH–813

Washington

0.23 acres
off SR25
Kettle Falls Co: Stevens WA 99107–
Landholding Agency: Interior
Property Number: 61200020027
Status: Excess
Comment: Subject to existing right-of-ways, no utilities, rough terrain

Wyoming

Flying J
Shoshone Project
Park Co: WY 82414–
Landholding Agency: GSA
Property Number: 54200020022
Status: Excess
Comment: Approx. 46.35 acres, no utilities, most recent use—oil refinery
GSA Number: 7–1–WY–0539A

Unsuitable Properties

Buildings (by State)

Alaska

Boathouse
Coast Guard Station
Ketchikan
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200020001
Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

California

Bldg. 22074
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020092
Status: Unutilized
Reason: Extensive deterioration

Bldg. 62324
Marine Corps Base
Camp Pendleton Co: CA92055–
Landholding Agency: Navy
Property Number: 77200020093
Status: Unutilized
Reason: Extensive deterioration

Bldg. H–62
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020094
Status: Unutilized
Reason: Extensive deterioration

Connecticut

10 Bldgs./84.62 acres
Naval Weapons Ind. Rsv. Pl.
Bloomfield Co: Hartford CT 06002–0002
Landholding Agency: Navy
Property Number: 77200020096
Status: Unutilized
Reason: Secured Area

Hawaii

Coral Rose Navy Housing
Former Naval Air Station
Kapolei Co: HI 96707–
Landholding Agency: Navy
Property Number: 77200020097
Status: Unutilized
Reason: Extensive deterioration

Maine

Bldg. 90
Naval Security Group
Activity
Winter Harbor Co: ME 00000–
Landholding Agency: Navy
Property Number: 77200020098
Status: Excess
Reason: Extensive deterioration

Michigan

Navy Housing
64 Barberry Drive
Springfield Co: Calhoun MI 49015–
Landholding Agency: GSA
Property Number: 54200020013
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–N–MI–795

New Jersey

Bachardy, William House
Flatbrook-Stillwater Rd.
Wallpack Center Co: Sussex NJ 07881–
Landholding Agency: Interior
Property Number: 61200020022
Status: Unutilized
Reason: Extensive deterioration

Pennsylvania

Mueller, Louis House
Rt. 209
Dingman's Ferry Co: Pike PA 18328–
Landholding Agency: Interior
Property Number: 61200020023
Status: Unutilized
Reason: Extensive deterioration

Vanaria, Edward Garage
Rt. 209
Dingman's Ferry Co: Pike PA 18328–
Landholding Agency: Interior
Property Number: 61200020024
Status: Unutilized
Reason: Extensive deterioration

Foster, Dorothy House
Freeman Tract Rd.
Bushkill Co: Pike PA 18324–
Landholding Agency: Interior
Property Number: 61200020025
Status: Unutilized
Reason: Extensive deterioration

Span, Irene House
Freeman Tract Rd.
Bushkill Co: Monroe PA 18324–
Landholding Agency: Interior
Property Number: 61200020026
Status: Unutilized
Reason: Extensive deterioration

South Carolina

Bldg. 38
Naval Air Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020105
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Virginia

Bldgs. 101, 239
Norfolk Station
St. Juilen's Creek Annex
Portsmouth Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200020102
Status: Unutilized
Reason: Extensive deterioration

Facility 189
Norfolk Station
St. Julien's Creek Annex
Portsmouth Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200020103
Status: Unutilized
Reason: Extensive deterioration

Facility 190
Norfolk Station
St. Julien's Creek Annex
Portsmouth Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200020104
Status: Unutilized
Reason: Extensive deterioration

Land (by State)

California

PCL–4 (11.60 acres)
Construction Battalion
Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200020095
Status: Unutilized
Reason: Secured Area

[FR Doc. 00–15557 Filed 6–22–00; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4558–N–02]

Mortgagee Review Board; Administrative Actions

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: In compliance with Section 202(c) of the National Housing Act, notice is hereby given of the cause and description of administrative actions taken by HUD's Mortgagee Review Board against HUD-approved mortgagees.

FOR FURTHER INFORMATION CONTACT: Phillip A. Murray, Director, Office of Lender Activities and Program Compliance, Room B–133–3214 Plaza, 451 7th Street, SW, Washington, DC 20410, telephone: (202)708–1515. (This is not a toll-free number.) A Telecommunications Device for Hearing and Speech-Individuals (TTY) is available at 1–800–877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION: Section 202(c)(5) of the National Housing Act (added by Section 142 of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101–235, approved December 15, 1989), requires that HUD "publish a description of and the cause for administrative actions against a HUD-approved mortgagee" by the Department's Mortgagee Review Board. In compliance with the requirements of Section 202(c)(5), notice is hereby given of administrative actions that have been taken by the Mortgagee Review Board from October 1, 1999 through March 31, 2000.

1. Title I Lenders and Title II Mortgagees that failed to comply with HUD/FHA requirements for the submission of an audited annual financial statement and/or payment of the annual recertification fee.

Action: Withdrawal of HUD/FHA Title I lender approval and Title II mortgagee approval.

Cause: Failure to submit to the Department the required annual audited financial statement, an acceptable annual audited financial statement, and/or remit the required annual recertification fee.

TITLE I—LENDERS WITHDRAWN BETWEEN OCTOBER 1, 1999 AND MARCH 31, 2000

Lender name	City	State
Abundant Financial Inc	Inglewood	CA
American Financial Resources Inc	Phoenix	AZ

TITLE I—LENDERS WITHDRAWN BETWEEN OCTOBER 1, 1999 AND MARCH 31, 2000—Continued

Lender name	City	State
Ameritex Residential Mtg Inc	Hurst	TX
First Federal Bancorp	Pomona	CA
Gibraltar Financial Corp	Santa Ana	CA
Michigan Mortgage Lenders Corp.	Bloomfield Hills	MI
Mid-America Loan—Mtg Co Inc	Hot Springs	AR
One Stop Loan Shop Inc	Studio City	CA
RC Mortgage Inc	Rancho Cucamonga	CA
Rockwell Equities Inc	Old Brookville	NY
Shamrock Corp dba AMS America's Mtg Serv	Carlsbad	CA
Total Financial Services Inc	Palm Desert	CA
United Mortgagee Inc	Virginia Beach	VA

TITLE II—MORTGAGEES WITHDRAWN BETWEEN OCTOBER 1, 1999 AND MARCH 31, 2000

Mortgagee name	City	State
Affordable Home Mortgage Loans Inv Inc	Port Charlotte	FL
Ameritex Residential Mtgs Inc	Hurst	TX
Casa Financial DE America	Modesto	CA
Community Home Mortgage Inc	Macon	MO
First Federal Bancorp dba American Mtg	Pomona	CA
Gibraltar Financial Corp	Santa Ana	CA
Home Financial Services Inc	Berwyn	IL
Home Lending LC	Landover	MD
Hyde Park Cooperative Bank	Hyde Park	MA
John Dennis Inc	Ventura	CA
M Capital Corp	Orange	CA
Mortgage Place	Oklahoma City	OK
One Stop Loan Shop Inc	Encino	CA
RC Mortgage Inc	Rancho Cucamonga	CA
Rockwell Equities Inc	Jericho	NY
Sovereign Mortgage Group Inc	Atlanta	GA
Sun America Mortgage Corp	Covina	CA
WSB Mortgage Co of NJ Inc	West Milford	NJ

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner, Chairman Mortgagee Review Board.

[FR Doc. 00–15859 Filed 6–22–00; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare a Comprehensive Conservation Plan and Associated National Environmental Policy Act Document

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Intent to Prepare a Comprehensive Conservation Plan and Associated National Environmental Policy Act Document.

SUMMARY: This Notice of Intent advises the public that the Fish and Wildlife Service (Service) intends to gather information necessary to prepare a Comprehensive Conservation Plan (CCP) and environmental document (environmental assessment or environmental impact statement) for the South San Diego Bay Unit of the San Diego National Wildlife Refuge and Sweetwater Marsh National Wildlife Refuge. The Service is furnishing this notice in compliance with the Service CCP policy and the National Environmental Policy Act (NEPA) and its implementing regulations.

The purpose of this notice is to (1) initiate the public involvement and scoping for the CCP/NEPA planning and decision-making process, (2) to advise other agencies and the public of our intentions, (3) to solicit suggestions and information on the scope of issues to be addressed in the environmental document, and (4) to announce that public workshops/open houses will be held to present information and receive public input.

DATES: Written comments should be received by July 31, 2000. Public open houses will be held on:

1. July 10, 2000, 7.00 p.m. to 9:00 p.m., Imperial Beach, CA.

2. July 11, 2000, 1:30 p.m. to 3:30 p.m., Chula Vista, CA.

ADDRESSES: Mail comments concerning this notice and requests to be added to the mailing list to Mendel Stewart, Project Leader, San Diego Refuge Complex, Fish and Wildlife Service, 2722 Loker Ave. W, Suite D, Carlsbad, CA 92008.

The open house locations are:

1. Imperial Beach—Marina Vista Center, 1075 8th Street, Imperial Beach, CA 91932

2. Chula Vista—Chula Vista Nature Center (Auditorium), 1000 Gunpowder Point Drive, Chula Vista, CA 91910

FOR FURTHER INFORMATION CONTACT: Victoria Touchstone, Project Planner, at (619) 691–1185.

SUPPLEMENTARY INFORMATION:

Background

By Federal law, all lands within the National Wildlife Refuge System are to be managed in accordance with an approved CCP. The purpose of a CCP is to describe the desired future conditions of the refuge and provide long-range guidance and management direction to accomplish the purposes of the refuge, contribute to the mission of the Refuge System and meet other relevant mandates. Several other goals of the CCP process include: (1) Conducting refuge planning in accordance with an

ecosystem approach, (2) providing a public forum for the public to comment on the type, extent and compatibility of wildlife-dependent recreational uses within the refuge area, and (3) ensuring public involvement in refuge management decisions by providing a process for effective coordination, interaction, and cooperation with affected parties.

The CCP will address habitat and wildlife management, habitat protection and possible restoration, wildlife-dependent recreational uses, and adjacency issues that could affect the Refuge goals and management objectives that will be developed during this process. Public input into this planning process is essential. The Service will solicit comments from the public via noticed meetings, open houses, and written comments. Special mailings, newspaper articles, and announcements will inform people in the general area of the time and place of such opportunities for public input into the CCP.

Refuge Information

The South San Diego Unit of the San Diego NWR, located at the southern end of San Diego Bay, supports tens of thousands of migrating shorebirds, nesting seabirds, wintering sea ducks and other migratory waterfowl. Included within the refuge boundaries is a salt production operation that maintains about 1,050 acres of salt ponds. These ponds provide large amounts of food in the form of fish, brine shrimp and brine flies, all of which are particularly important for shorebirds and seabirds. This refuge provides nesting, feeding, and resting habitat for six endangered bird species, and feeding habitat for one listed sea turtle species.

The Sweetwater Marsh NWR, located in the southeast end of San Diego Bay, includes 316 acres of salt marsh and coastal uplands. This refuge provides habitat for two federally endangered species of bird (California Least Tern and Light-footed Clapper Rail), one federally endangered plant species (salt marsh bird's beak), the Belding's Savannah Sparrow (a State of California endangered bird species), and the Western Snowy Plover, a federally threatened species of bird. Sweetwater Marsh functions as an essential link between Multiple Species Conservation Program wildlands, the South San Diego Bay Unit, and the Tijuana Slough NWR in Imperial Beach.

Review of the CCP and associated environmental document will be conducted in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), NEPA Regulations (40 CFR 1500–1509), other appropriate Federal laws and regulations, including the National Wildlife Refuge System Improvements Act of 1997, Executive Order 12996, and Service policies and procedures for compliance with those regulations. It is estimated that a draft CCP and NEPA document will be made available for public review in October 2001.

Dated: June 16, 2000.

Elizabeth H. Stevens,

Acting Manager, California/Nevada Operations, Sacramento, California.

[FR Doc. 00–15891 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Extension to Public Comment Period

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of extension to public comment period.

SUMMARY: This notice informs the public that the comment period for the Draft Comprehensive Conservation Plan and Boundary Revision—Environmental Impact Statement for Stillwater National Wildlife Refuge Complex is extended.

DATES: The comment period has been extended to August 12, 2000. Comments will be considered during the preparation of the Final Environmental Impact Statement.

ADDRESSES: Address comments and requests for more information to: Refuge Manager, Stillwater National Wildlife Refuge Complex, P.O. Box 1236, Fallon, NV 89406.

FOR FURTHER INFORMATION CONTACT: Kim Hanson, Refuge Manager, Stillwater National Wildlife Refuge Complex (775) 423–5128.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service (Service) published in the **Federal Register** of April 14, 2000 (Vol. 65, No. 73), that comments to the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and Boundary Revision draft Environmental Impact Statement were to be received on or before June 12, 2000. In response to public interest, the Service has granted two separate 30 day extensions to the public comment period.

Dated: June 16, 2000.

Elizabeth H. Stevens,

Acting CA/NV Operations Manager.

[FR Doc. 00–15892 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife: Extension of Comment Period on Draft Environmental Assessment and Application for an Incidental Take Permit of the Atlantic Coast Piping Plover in Massachusetts

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; extension of comment period.

SUMMARY: The Fish and Wildlife Service provides notice to extend the public comment period on the draft Environmental Assessment and the Massachusetts Division of Fisheries and Wildlife application to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act (Act). The requested permit, which is for a period of three years, would authorize the incidental take of the threatened piping plover (*Charadrius melodus*) in Massachusetts. The proposed take would occur as a result of specific actions relating to the management of recreational use of beaches where breeding piping plovers are found. All interested parties are invited to submit comments on these proposals.

DATES: Written comments on the application and draft EA must be received no later than July 3, 2000.

ADDRESSES: Written comments regarding the draft EA and application should be addressed to Field Supervisor, New England Field Office, 22 Bridge St., Unit 1, Concord, New Hampshire 03301–4986, telephone (603) 225–1411. Comments regarding the conservation plan will be forwarded to the Massachusetts Division of Fisheries and Wildlife for review and response.

FOR FURTHER INFORMATION CONTACT: Susanna L. von Oettingen at the above address.

SUPPLEMENTARY INFORMATION: The Atlantic Coast piping plover was listed as a threatened species on January 10, 1986. Because of its listing as threatened, the piping plover is protected by the Act's prohibitions against "take". However, the Service may issue permits to carry out otherwise prohibited activities involving endangered and threatened wildlife under certain circumstances. For threatened species, such permits are available for scientific purposes, incidental take, or special purposes consistent with the purposes of the Act.

The Massachusetts Division of Fisheries and Wildlife has applied to the Service for an incidental take permit pursuant to Section 10(a)(1)(B) of the Act. This permit would authorize the incidental take of piping plovers through otherwise lawful activities occurring on plover breeding beaches. Included in the application is a conservation plan prepared by the Division detailing the activities that would result in incidental take and describing measures that mitigate, minimize and monitor the amount of take.

The purpose of the proposed incidental take permit is to provide increased flexibility in managing Massachusetts beaches for use by recreationists and homeowners, while assuring continued progress toward the recovery of the Massachusetts and Atlantic Coast populations of the piping plover. The additional flexibility in managing beaches will prevent a disproportionate expenditure of resources directed at the protection of a few nests or broods in areas where they may significantly disrupt beach access by large numbers of people and be highly vulnerable to disturbance and/or mortality. Management flexibility also will create incentives for the continued participation by beach management agencies and organizations involved in protecting piping plovers.

On May 18, 2000, the Service published a notice of availability of the draft EA and receipt of an application for an incidental take permit for the Atlantic coast piping plover in Massachusetts. The public comment period originally was announced to close on June 19, 2000. Because of several requests for additional time, the Service is extending the public comment period to July 3, 2000.

Dated: June 19, 2000.

Margaret T. Kolar,

Acting Deputy Regional Director.

[FR Doc. 00–15890 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–075–1330–AC]

Notice of Availability of Final Environmental Impact Statement

SUMMARY: The Department of the Interior, Bureau of Land Management (BLM), announces availability of the Final Environmental Impact Statement (FEIS) for the Dry Valley Mine Extension, Panels C and D. The FEIS analyzes the direct, indirect, and cumulative impacts associated with a proposal by Astaris, LLC (Formerly FMC Corporation) to extend existing open-pit phosphate mining operations in southeastern Idaho. BLM, US Forest Service, and the US Army Corps of Engineers prepared the FEIS. BLM is acting as the lead agency; the US Forest Service is a joint lead agency; and the U.S. Army Corps of Engineers is a cooperating agency for preparation of the FEIS. The Proposed Action includes: construction of two mining pits (Pits C and D), associated haul and access roads, overburden dumps, and use of existing mine facilities to support continued mining. Alternatives to the Proposed Action include the No Action Alternative and alternative methods of handling overburden to reduce impacts caused by the proposed mine extension. The Draft Environmental Impact Statement (DEIS) was distributed in July 1999. The FEIS responds to comments received on the DEIS.

Agency Decisions

The BLM will issue a Record of Decision regarding the proposed Dry Valley Panel C and D Mine and Reclamation Plan and modification (enlargement) of Federal Phosphate Lease I–0678. The Caribou National Forest will provide BLM with recommendations for those portions of the project that are on National Forest System lands. The U.S. Army Corps of Engineers, Walla Walla District anticipates signing a separate Record of Decision regarding issuance of a Section 404 Clean Water Act Permit for the project.

DATES: The Bureau of Land Management and the Department of the Army, Corps of Engineers intend to issue independent Records of Decision (ROD) on the proposal no sooner than July 24, 2000 or 30 days after publication of this Notice in the **Federal Register** by the Environmental Protection Agency.

ADDRESSES: Limited numbers of the FEIS are available at the Bureau of Land Management, Pocatello Field Office, 1111 N. 8th Avenue, Pocatello, Idaho 83201, telephone (208) 478–6354; the Soda Springs Ranger District of the Caribou National Forest, 421 W. 2nd South, Soda Springs, Idaho 83276, telephone (208) 547–4356; and the US Army Corps of Engineers, Walla Walla District, Idaho Falls Regulatory Office, 900 North Skyline Drive, Suite A, Idaho Falls, Idaho 83402 Falls, telephone (208) 522–1645.

FOR FURTHER INFORMATION CONTACT: Comments or questions may be directed to Jeff Cundick, EIS Project Manager, Bureau of Land Management, Pocatello Field Office, 1111 N. 8th Avenue, Pocatello, Idaho 83201. Telephone: (208) 478–6354.

Jeff S. Steele,

Manager, Pocatello Field Office, Bureau of Land Management.

[FR Doc. 00–15418 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–020–00–5101–ER–J206, U–76985]

Notice of Availability of a Draft Environmental Impact Statement and Proposed Plan Amendment to the Pony Express Resource Management Plan (RMP)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of a Draft Environmental Impact Statement and Proposed Plan Amendment to the Pony Express Resource Management Plan (RMP).

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM), Salt Lake Field Office, Utah announces the availability of a Draft Environmental Impact Statement (DEIS) and plan amendment to the Transportation and Corridor Decision of the Pony Express RMP.

On April 15, 1999 the Salt Lake Field Office published in the **Federal Register** a notice of intent to conduct a plan amendment to the RMP. Further, the notice indicated that BLM was a cooperating agency with the Nuclear Regulatory Commission (NRC), lead agency for the DEIS. The NRC is publishing a separate notice for the DEIS, "Draft Environmental Impact Statement for the Construction and Operation of an Independent Spent Nuclear Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah" NUREG–1714, June 2000, regarding the proposal of Private Fuel Storage, L.L.C. (PFS) to construct and operate an independent spent fuel storage installation (ISFSI) on the Reservation of the Skull Valley Band of Goshute Indians. BLM intends to adopt the EIS as a basis for its plan amendment decision.

DATES: Comments on the land use plan amendment and DEIS will be accepted though September 21, 2000. Public meetings concerning both the DEIS and

plan amendment will be held at the following locations and dates:

—July 27, 2000, Little America Inn, Arizona Room, 500 S. Main Street, Salt Lake City, UT, from 7–10 p.m.

—July 28, 2000, Grantsville Middle School, 318 S. Hale Street, Grantsville, UT, from 7–10 p.m.

ADDRESSES: Comments on the proposed BLM plan amendment and the DEIS should be sent to Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, Mailstop T–6D–59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. All comments received by the NRC, including those made by Federal, State, and local agencies, Indian tribes, or other interested persons, will be made available for public inspection at the NRC's Public Document Room in Washington, DC.

The DEIS is available for public inspection and duplication at the NRC's Public Document Room at the Gelman Building, 2120 L Street, NS, Washington, DC. The DEIS will be available for review on the NRC Web site, and a comment form will be available for those who wish to submit comments. Upon written request and to the extent supplies are available, a single copy of the draft report can be obtained for free by writing to the Office of the Chief Information Officer, Reproduction and Distribution Services Section, U.S. Nuclear Regulator Commission, Washington, DC 20555–0001; by e-mail *(Distribution@NRC.gov);* or by fax at (301) 415–2289. Comments, including names and street addresses of respondents, will be available for public review at the BLM Salt Lake Field Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They may be published as part of the Final EIS and other related documents. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review and disclosure under the FOIA, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, will be made available for public inspection in their entirely.

FOR FURTHER INFORMATION CONTACT: For information on the BLM plan amendment contact Alice Stephenson, BLM Project Leader, telephone (801) 977–4317. Existing planning documents and information are available at the above address.

SUPPLEMENTARY INFORMATION: PFS intends to transport spent nuclear fuel (SNF) by rail from commercial power reactor sites to an existing rail line north of Skull Valley. To transport the SNF from the existing rail line to the proposed facility, PFS proposes the construction and operation of a rail siding and rail line from Skunk Ridge (near Low, Utah) to the site of the ISFSI on the Reservation. This DEIS discusses the purpose and need for the PFS proposal and describes the proposed action and its reasonable alternatives. The PFS proposal requires approval from four federal agencies, NRC, Bureau of Indian Affairs (BIA), Surface Transportation Board (STB), and BLM. The BLM decision to grant a right-of-way to PFS would be dependent upon the decisions made by the NRC and BIA. If the NRC issues a license to PFS for the proposed facility and BIA approves the lease, then BLM's preferred alternative would be to amend the Pony Express RMP and issue a right-of-way for the Skunk Ridge rail siding and rail line.

Sally Wisely,

State Director.

[FR Doc. 00–15586 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–330–1820–DH–014B]

Headwaters Forest Reserve, California

AGENCY: Bureau of Land Management in Partnership With California Department of Fish and Game.

ACTION: Extension of scoping comment period.

SUMMARY: A Notice of Intent to prepare an Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) for the adoption of a Management Plan for the Headwaters Forest Reserve in the northcoast area of California, and to announce three public scoping meetings, was published in the **Federal Register** June 2, 2000 (Volume 65, Number 107). A scoping comment deadline of July 3, 2000 was also cited and is hereby extended to Friday, August 4, 2000 by this notice. This extension is intended to provide the public with additional time to prepare and submit comments.

SUPPLEMENTARY INFORMATION: An internet web page describes in detail the scope of the proposed plan and provides background information on the Headwaters Forest Reserve. The web page contains instructions for submitting scoping comments, and coding of comments by subject is requested. The internet address of the web site of *www.ca.blm.gov/arcata/headwaters.html.* The deadline for submitting comments is amended to Friday, August 4, 2000.

FOR FURTHER INFORMATION CONTACT: Lynda J. Roush, Arcata Field Manager, at 707–825–2300 or Headwaters Forest Reserve Management Plan Information Line, 916–737–3010, extension 4326. Email comments should be sent to *headwatersplan@att.net*, or comment letters should be mailed to P.O. Box 189445, Sacramento, California 95818–9445.

Lynda J. Roush,

Arcata Field Manager.

[FR Doc. 00–15894 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–330–1820–00]

Notice of Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Northwest California Resource Advisory Council, Arcata, CA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Public Law 92–463) and the Federal Land Policy and Management Act (Public Law 94–579), the U.S. Bureau of Land Management's Northwest California Resource Advisory Council will hold a field tour and meeting Thursday and Friday, July 13 and 14, 2000, in Eureka, California. Both the field tour and meeting are open to the public. Members of the public participating in the field tour must bring their own transportation, lunch and beverages. Those wishing to participate in the field tour must RSVP with the BLM Arcata Field Office, 1695 Heindon Rd., Arcata, CA.

SUPPLEMENTARY INFORMATION: The meeting begins at 10 a.m. Wednesday, July 13, at the parking area of the Eureka Inn, 518 G St., in Eureka, California. Members will join staff from the BLM's Arcata Field Office and depart immediately for a guided hike into the southern part of the Headwaters Forest Reserve. On Friday, July 14, the council will convene a business meeting in the Eureka Inn. Agenda items include discussion of the BLM's proposed development of a national strategy for management of off-highway vehicles on

public lands. The council will accept public comments on this topic, and others, beginning at 11 a.m. Depending on the number of persons wishing to speak, a time limit could be established. The council will also discuss emerging issues for the BLM, review a proposed publication series, and hear reports from the managers of the BLM's Arcata, Redding and Ukiah field offices.

FOR FURTHER INFORMATION CONTACT: Contact Lynda Roush, BLM Arcata Field Manager, at (530) 233–4666.

Joseph J. Fontana,

Public Affairs Officer.

[FR Doc. 00–15893 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–030–1610–HN]

Notice of Intent To Amend the Kingman Resource Management Plan

AGENCY: Bureau of Land Management.

ACTION: Notice of Intent.

SUMMARY: Pursuant to the Federal Land Policy and Management Act and the National Environmental Policy Action of 1969, the Bureau of Land Management, Kingman Field Office, Arizona will be preparing an Environmental Assessment-level amendment to the Kingman Resource Management Plan. The plan amendment will assess impacts of proposed changes to land tenure classification and management of federal lands in Mohave County in western Arizona. It is proposed to change 478.11 acres of land classified as available for Recreation and Public Purpose uses to a classification of available for disposal, that is conveyance out of public ownership through exchange.

DATES: Written comments will be accepted until July 24, 2000.

ADDRESSES: Comments should be sent to Bureau of Land Management, Kingman Field Office, 2475 Beverly Avenue, Kingman, Arizona, 86401.

FOR FURTHER INFORMATION CALL: Don McClure, (520) 692–4400.

SUPPLEMENTARY INFORMATION: The proposed plan amendment is in the area of the community of Golden Valley. The BLM is considering a land exchange where approximately 15,000 acres of public lands that were classified for disposal would be conveyed into private ownership in the Golden Valley area north west of Kingman, AZ. The public would acquire approximately 18,000 acres to be managed by BLM, southeast of Kingman, AZ.

The proponent for the land exchange expressed interest in acquiring section 31 of Township 22N, Range 18 West (636.36 acres) that was classified for Recreation and Public Purposes. This section is adjacent to lands that are classified as available for disposal and are being considered in the land exchange. It is proposed to change 478.11 acres of land classified as available for Recreation and Public Purpose uses to a classification of available for disposal; that is conveyance out of public ownership through exchange. The remainder of the section, 158.25 acres, the Lots 3, 4, E25W of Section 31 T22N, R18W, would remain classified for Recreation and Public Purposes.

This proposed modification to the Kingman Resource Management Plan will be integrated with the proposed Cane Springs land exchange, and the impact thereof will be presented in a single EA-level analysis. The EA currently is being prepared and a fact sheet on the Cane Springs land exchange has been mailed to approximately 160 persons or agencies. The fact sheet is available upon request.

The issues that will be addressed by the plan amendment include the following; is 158.25 acres enough land for Recreation and Public Purpose uses in this area of Golden Valley and what is the proposed use of the land that would be conveyed into private ownership?

The following criteria are proposed to guide the resolution of the issues: actions must comply with laws, executive orders, and regulations; consider the long term benefits to the public in relation to short term benefits; be reasonable and achievable; use an interdisciplinary approach to land management.

Public Input Requested: Comments should address issues to be considered, if the planning criteria are adequate for the issues, feasible and reasonable alternatives to examine, and relevant information on the EA-level plan amendment.

John R. Christensen,

Field Manager, Kingman Field Office.

[FR Doc. 00–15180 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Preservation Technology and Training Board: Meeting

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix (1988), that the National Preservation Technology and Training Board will meet on July 17 and 18, 2000 in Washington, DC.

The Board was established by Congress to provide leadership, policy advice, and professional oversight to the National Center for Preservation Technology and Training, as required under the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).

The Board will meet in the Pension Commissioner's Suite of the National Building Museum, 401 F Street NW, Washington, DC. Monday, July 16 the meeting will start at 1:30 p.m. and end at 5:00 p.m. Matters to be discussed will include officer, committee, and center reports; consideration of present and future NCPTT programs. Tuesday, July 17 the meeting will start at 9 a.m. and end at 12:30 p.m. Matters to be discussed will include the future role of the NCPTT board with respect to the center and their partners in the preservation community. The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with Dr. Elizabeth A. Lyon, Chair, National Preservation Technology and Training Board, P.O. Box 1269, Flowery Branch, Georgia 30542.

Persons wishing more information concerning this meeting, or who wish to submit written statements, may do so by contacting Mr. E. Blaine Cliver, Chief, HABS/HAER, National Park Service, 1849 C Street NW, Washington, DC 20240, telephone: (202) 343–9573. Draft summary minutes of the meeting will be available for public inspection about eight weeks after the meeting at the office of the Preservation Assistance Division, Suite 200, 800 North Capitol Street, Washington, DC.

Dated: June 16, 2000.

E. Blaine Cliver,

Chief, HABS/HAER, Designated Federal Official, National Park Service.

[FR Doc. 00–15897 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Arizona, INT–DES–00–24]

Allocation of Water Supply and Long-Term Contract Execution, Central Arizona Project

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of a draft environmental impact statement (EIS) for public review and comment on the proposed allocation of water supply and long-term contract execution, Central Airzona Project.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA, the Bureau of Reclamation (Reclamation) has prepared a draft EIS for the Central Arizona Project (CAP). The draft EIS describes in detail four alternative allocations of remaining available CAP water. A No Action Alternative is also described, which provides a baseline for comparing the impacts of the four action alternatives. Public hearings will be held to receive written or verbal comments on the draft EIS from interested organizations and individuals on the environmental impacts of the proposal. Notice of the hearings will appear at a future date.

DATES: Written comments must be received no later than August 25, 2000.

ADDRESSES: Send written comments on the draft EIS to Mr. Bruce Ellis, Environmental Program Manager, Phoenix Area Office, Bureau of Reclamation, P.O. Box 81169, Phoenix, Arizona 85069–1169, by August 25, 2000.

Our practice is to make comments, including names and home addresses of respondends, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials or organizations or businesses, available for public disclosure in their entirety.

The draft EIS document is available on the Internet as *http://www.apo.lc.usbr.gov*. Copies of the draft EIS are also available upon request to the following address: Ms. Janice Kjesbo, PXAO–1500, Phoenix Area Office, Bureau of Reclamation, P.O. Box 81169, Phoenix, Arizona 85069–1169, faxogram 602–216–4006, or telephone 602–216–3864.

See **SUPPLEMENTARY INFORMATION** section for a list of libraries where the draft EIS is available for public inspection and review.

FOR FURTHER INFORMATION CONTACT: Question regarding the draft EIS should be directed to Ms. Sandra Eto, Environmental Resource Management Division, Phoenix Area Office, Bureau of Reclamation, P.O. Box 81169, Phoenix, Arizona 85069–1169; telephone 602–216–3857.

SUPPLEMENTARY INFORMATION: Reclamation is proposing modifications to previous CAP water allocations. The purpose and need for the Federal action is to allocate remaining available CAP water in a manner that would facilitate the resolution of outstanding Indian water rights claims in the State of Arizona. Authority for this action is pursuant to the Colorado River Basin Project Act of 1968 (Public Law 90–537).

The proposed allocation is taking place in the context of settlement negotiations concerning operation and repayment of the CAP and Indian water rights. These negotiations are being conducted by the U.S. Departments of the Interior and Justice, with representatives of the Central Arizona Water Conservation District (which operates the CAP), several Indian Tribes, Arizona Department of Water Resources, non-Indian agricultural districts, and several municipalities. The proposed action (or Settlement Alternative) identified in the draft EIS is an allocation of CAP water consistent with terms of the negotiated settlements currently under discussion with these entities. The draft EIS also analyzes three alternative allocations of remaining available CAP water. The Secretary of the Interior could implement any one of these four action alternatives to achieve the purpose and need for the proposed action. A No Action Alternative is also described, which provides a baseline for comparing the impacts of the four action alternatives.

A final allocation of remaining available CAP water, and execution of contracts for delivery of that water, would provide a level of certainty to all entities regarding available future water supplies. This, in turn, would enable Arizona water users, Indian and non-Indian alike, to develop and implement the systems and infrastructure necessary to utilize those water supplies to meet future water demands and serve Tribal and community needs.

Libraries Where the Draft EIS is Available for Public Inspection and Review

- Department of the Interior, Natural Resources Library, 1849 C Street, NW, Washington, DC 20240.
- Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225
- Arizona Department of Library Archives and Public Records, 1700 W. Washington St., Phoenix, AZ 85007
- Phoenix Public Library (Burton Barr Central), 1221 N. Central Ave., Phoenix, AZ 85004
- Arizona Collection, Hayden Library, Arizona State University, Tempe, AZ 85287
- Government Document Service, Arizona State University, Tempe, AZ 85287
- Arizona State University—West Library, 4701 W. Thunderbird Rd., Glendale, AZ 85306
- University of Arizona, Main Library, 1510 E. University Blvd., Tucson, AZ 85721
- Library, City Hall Annex, 111 E. Pennington, Tucson, AZ 85701
- Law Library, County Courthouse (Lower Level), Tucson, AZ 85701
- Government Reference Library, City Hall, 9th Floor, Tucson, AZ 85701
- Globe Public Library, 339 S. Broad St., Globe, AZ 85501
- Casa Grande Public Library, Casa Grande, AZ 85222
- Coolidge Public Library, 160 W. Central Ave., Coolidge, AZ 85228
- Coconino County Public Library, 300 W. Aspen Ave., Flagstaff, AZ 86001
- Cline Library, PO Box 6022, Northern Arizona University, Flagstaff, AZ 86011–6022
- Tuba City Public Library Bldg., 45 W Maple St., Tuba City, AZ 86045
- Payson Public Library, 510 W. Main, Payson, AZ 85541
- Sierra Vista Public Library, 2600 E. Tacoma, Sierra Vista, AZ 85635
- Cottonwood Public Library, 100 S. 6th St., Cottonwood, AZ 86326
- Parker Public Library, 1001 Navajo Ave., Parker AZ 85344
- Green Valley Public Library, 601 N. LaCañada, Green Valley, AZ 85614
- Octavia Fellin Public Library, 115 W. Hill Ave., Gallup, NM 87301

Dated: June 20, 2000.

V. LeGrand Neilson,

Deputy Regional Director.

[FR Doc. 00–15904 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–MN–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection requests for 30 CFR part 733, Maintenance of State programs and procedures for substituting Federal enforcement of State programs and withdrawing approval of State programs; 30 CFR part 785, Requirements for permits for special categories of mining; and 30 CFR part 876, Acid mine drainage treatment and abatement program, have been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection requests describe the nature of the information collections and their expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collections but may respond after 30 days. Therefore, public comments should be submitted to OMB by July 24, 2000, in order to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: To request a copy of any of the three information collection requests, explanatory information and related forms, contact John A. Trelease at (202) 208–2783. You may also contact Mr. Trelease at jtrelease@osmre.gov.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSM has submitted three requests to OMB to renew its approval for the collections of information found at 30 CFR parts 733, 785 and 876. OSM is requesting a 3-year term of approval for these information collection activities.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for these collections of information are 1029–0025 for part 733, 1029–0040 for part 785, and 1029–0104 for part 876, and may be found in OSM's regulations at 733.10, 785.10 and 876.10.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on the collections of information for parts 733 and 875 was published on March 10, 2000 (65 FR 13015), and on April 5, 2000 (65 FR 17900), for part 785. No comments were received from either notice. This notice provides the public with an additional 30 days in which to comment on the following information collection activities:

Title: Maintenance of State programs and procedures for substituting Federal enforcement of State programs and withdrawing approval of State programs, 30 CFR 733.

OMB Control Number: 1029–0025.

Summary: This part provides that any interested person may request the Director of OSM to evaluate a State program by setting forth in the request a concise statement of facts which the person believes establishes the need for the evaluation.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Any interested person (individuals, businesses, institutions, organizations).

Total Annual Responses: 2.

Total Annual Burden Hours: 200 hours.

Title: Requirements for permits for special categories of mining, 30 CFR 785.

OMB Control Number: 1029–0040.

Summary: The information is being collected to meet the requirements of sections 507, 508, 510, 515, 701 and 711 of Pub. L. 95–87, which requires applicants for special types of mining activities to provide descriptions, maps, plans and data of the proposed activity. This information will be used by the regulatory authority in determining if the applicant can meet the applicable performance standards for the special type of mining activity.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Applicants for coal mine permits.

Total Annual Responses: 347.

Total Annual Burden Hours: 16,372.

Title: Acid mine drainage treatment and abatement program, 30 CFR 876.

OMB Control Number: 1029–0104.

Summary: This part establishes the requirements and procedures allowing State and Indian Tribes to establish acid mine drainage abatement and treatment programs under the Abandoned Mine Land fund as directed through Public Law 101–508.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: State governments and Indian Tribes.

Total Annual Responses: 1.

Total Annual Burden Hours: 350.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the following address. Please refer to the appropriate OMB control number in all correspondence.

ADDRESSES: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, 725 17th Street, NW, Washington, DC 20503. Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Room 210—SIB, Washington, DC 20240, or electronically to jtreleas@osmre.gov.

Dated: June 20, 2000.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 00–15899 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Fall Creek Falls, Tennessee, Lands Unsuitable for Surface Coal Mining and Reclamation Operations; Availability of Record of Decision and Statement of Reasons

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of availability of record of decision and the statement of reasons on the petition to declare certain lands in Fall Creek Falls, Tennessee, unsuitable for surface coal mining.

SUMMARY: The Secretary of Interior has reached a decision on a petition to designate certain areas as unsuitable for

surface coal mining operations in Fall Creek Falls, Bledsoe and Van Buren Counties, Tennessee

ADDRESSES: Copies of the decision and the statement of reasons for the decision may be obtained from the Assistant Director, Program Support, Office of Surface Mining Reclamation and Enforcement (OSM), 1951 Constitution Avenue, HDQ01, Washington, D.C. 20240, or Beverly Brock, Supervisor, Technical Group, Knoxville Field Office, 530 Gay Street, SW, Suite 500, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Beverly Brock, Office of Surface Mining Reclamation and Enforcement, Knoxville Field Office, 530 Gay Street, SW, Suite 500, Knoxville, Tennessee 37902; telephone (865) 545–4103, extension 146; or e-mail: bbrock@osmre.gov.

SUPPLEMENTARY INFORMATION: The petition was submitted to OSM on July 14, 1995, by Save Our Cumberland Mountains and Tennessee Citizens for Wilderness Planning to designate 85,588 acres of land lying in the watershed and viewshed of the Fall Creek Falls State Park and Natural Area, Bledsoe and Van Buren Counties, Tennessee, as unsuitable for all types of surface coal mining operations. OSM determined the petition to be complete on October 5, 1995, and initiated evaluation of the petition allegations.

The petition was filed in accordance with Section 522 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and the implementing regulations at 30 CFR 942.764. The petitioners had five primary allegations: (1) Reclamation is not technologically and economically feasible; (2) mining the area would affect fragile or historic lands which could result in significant damage to important historic, cultural, scientific, or esthetic values; (3) mining the area would affect renewable resource lands which could result in a substantial loss or reduction in long-range productivity of water supply or of food or fiber products; (4) mining would affect natural hazard lands which could substantially endanger life and property; and (5) mining the area would be incompatible with existing State or local and use plans or programs.

Pursuant to 30 CFR 942.764, OSM analyzed the allegations of the petition and on June 18, 1998, held a public hearing. OSM filed the final petition evaluation document/environmental impact statement (PED/EIS) for the Fall Creek Falls petition with the Environmental Protection Agency (EPA) on February 24, 2000. The EPA subsequently published the notice of availability on March 3, 2000 (5 FR 11575).

A copy of the decision signed by the Secretary of Interior appears as an appendix to this notice. Additional copies of the decision are available at no cost from the offices listed above under **ADDRESSES** OSM has sent copies of this document to all interested parties of record.

Prior **Federal Register** notices on the Fall Creek Falls unsuitability petition were the notice of intent to prepare an EIS published in the **Federal Register** dated November 3, 1995 (60 FR 55815) and the notice of availability of the draft combined PED/EIS dated May 1, 1998 (63 FR 24192).

Dated: June 13, 2000.

Allen D. Klein,

Director, Appalachian Regional Coordinating Center.

Appendix: Copy of Letter of Decision and Record of Decision and Statement of Reasons

Letter of Decision

Designation of Certain Lands in the Watershed of Fall Creek Falls State Park, Tennessee, as Unsuitable for Surface Coal Mining Operations

Pursuant to Section 522 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) [30 U.S.C. 1272], the Office of Surface Mining (OSM) was petitioned by 49 citizens, Save Our Cumberland Mountains, and Tennessee Citizens for Wilderness Planning to designate the watershed and viewshed of Fall Creek Falls State Park and Natural Area in Van Buren and Bledsoe Counties, Tennessee, as unsuitable for all types of surface coal mining operations.

In accordance with Section 522(d) of SMCRA [30 U.S.C. 1272(d)] and Section 102 (2)(C) of the National Environmental Policy Act of 1969 (NEPA) [42 U.S.C. 4332(2))(C)], the OSM's Knoxville Field Office (KFO) prepared a detailed Petition Evaluation Document/Environmental Impact Statement (PED/EIS). The PED/EIS analyzed the petitioners' allegations, the potential coal resources of the petition area, the demand for coal resources, the impacts of such designation on the environment, and the economy, and alternative actions available to the decision maker.

I have considered the information in the Fall Creek Falls administrative record, including but not limited to the petition and exhibits, information obtained by KFO, analysis of the petitioners' allegations and the environmental impacts of the alternative actions contained in the final PED/EIS, written comments received on the draft and final PED/EIS's and oral comments received at the public hearing. Based on the analysis of the information contained in the Fall Creek Falls administrative record and presented in the final PED/EIS, I have reached the following decision, as set out in the Record of Decision and Statement of Reasons.

(1) I am exercising my discretion to designate Fall Creek Falls State Park and Natural Area and the Cane Creek, Falls Creek, and Meadow Creek watersheds as unsuitable for all types of surface coal mining operations in accordance with 30 U.S.C. § 1272(a)(3)(A) and (B) and 30 CFR 762.11(b)(1) and (b)(2).

(2) I am exercising my discretion to designate the Piney Creek watershed as unsuitable for surface coal mining operations; *provided, that* a surface coal mining operation may be permitted only in the upper portions of the watershed if a portion of the proposed operation includes previously mined areas and the permit applicant demonstrates that water quality in receiving streams will not be degraded.

(3) I am not designating any lands within the Dry Fork watershed as unsuitable for surface coal mining operations.

Copies of this decision will be sent to all parties involved in this proceeding. The decision will become effective on the date of the signing of the Record of Decision and Statement of Reasons. An appeal of this decision must be filed within 60 days from the date below in the United States District Court for the Eastern District of Tennessee, as required by Section 526(a)(1) of SMCRA [30 U.S.C. § 1276(a)(1)].

Dated: June 17, 2000.

Bruce Babbitt,

Secretary of the Interior.

Petition To Designate Certain Lands Around Fall Creek Falls, Tennessee as Unsuitable for Surface Coal Mining Operations

Record of Decision and Statement of Reasons

I. Introduction

In response to a petition filed by 49 citizens, Save Our Cumberland Mountains, and Tennessee Citizens for Wilderness Planning, I have decided to designate Fall Creek Falls State Park and selected watersheds within the petition area, in Van Buren and Bledsoe Counties, Tennessee, as unsuitable for surface coal mining operations, with one limited exception as discussed below. The following is a discussion of the reasons supporting my decision.

II. Legal Backgound

Section 522(c) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) allows any person having an interest that is or may be adversely affected to petition to have an area designated unsuitable for surface coal mining operations. Under Section 504 of SMCRA, the Secretary of the Interior is responsible for designating lands in Tennessee as unsuitable. The Secretary of the Interior has delegated to the Director of the Office of Surface Mining (OSM) the authority to make a final decision on lands unsuitable petitions except for noncoal mining [216 DM.1.1].

The SMCRA regulatory program for Tennessee is set out at 30 CFR Part 942. Under that program, OSM is the regulatory authority for Tennessee. Specific criteria and procedures for processing a petition to designate non-Federal lands in Tennessee are incorporated by reference in 30 CFR 942.762 and 942.764. Those sections incorporate the criteria set out in 30 CFR Part 762 and the procedures set out in 30 CFR Part 764. OSM has complied with these provisions in reaching its decision on the Fall Creek Falls petition.

SMCRA provides that the regulatory authority *shall* designate an area unsuitable if it determines that reclamation pursuant to the requirements of SMCRA is not technologically and economically feasible [Section 522(a)(2)]. The regulatory authority *may* designate any area unsuitable if such operations will (1) be incompatible with existing State or local land use plans or programs [Section 522(a)(3)(A)]; (2) affect fragile or historic lands in which such operations could result in significant damage to important historic, cultural, scientific, and esthetic values and natural systems [Section 522(a)(3)(B)]; (3) affect renewable resource lands in which such operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products [Section 522(a)(3)(C)]; or (4) affect natural hazard lands in which such operations could substantially endanger life and property [Section 522(a)(3)(D)].

The petition in this case proposes that designation of the Fall Creek Falls petition area be made on the basis of the criteria of Sections 522(a)(2) and 522(a)(3)(A), (B), (C) and (D). The petition contains numerous factual allegations and documentation to support the petitioners' claims that the area should be designated under the mandatory and discretionary criteria.

III. Events

The petition area encompasses the watersheds of Piney Creek, Falls Creek, and Meadow Creek, and portions of Cane Creek and Dry Fork watersheds. The petition area is approximately 85,588 acres, located in Bledsoe and Van Buren Counties, Tennessee.

The Fall Creek Falls unsuitability petition was submitted to OSM's Knoxville Field Office (KFO) on July 14, 1995, by 49 citizens and two organizations, Save Our Cumberland Mountains and Tennessee Citizens for Wilderness Planning. KFO determined the petition to be complete on October 5, 1995, and initiated evaluation of the petition allegations.

Because the decision on this petition may have a major effect on the quality of the human environment, KFO decided to prepare a combined petition evaluation document (PED) and environmental impact statement (EIS). A notice of intent to prepare a draft PED/EIS, including a request for public participation in determining the scope of the issues to be addressed, was published in the November 3, 1995, **Federal Register** (60 FR 55815) and in the November 15, 1995, Tennessee Administrative Record. It was also mailed to all persons with an identifiable ownership interest in the petition area and interested State and Federal agencies. A scoping meeting was held on December 5, 1995, at Fall Creek Falls State Park. Approximately 180 persons attended the scoping meeting, 25 of whom presented oral comments.

By the close of the scoping comment period, on January 26, 1996, KFO had received 49 scoping comment letters. In determining the scope of the PED/EIS, KFO considered all comments contained in the public record for the petition and the proposed PED/EIS.

KFO announced the availability of the draft PED/EIS and requested public comments in the May 1, 1998 **Federal Register** (63 FR 24192) and in local newspapers. In these notices and newspaper advertisements, KFO also gave notice of the June 18, 1998, public hearing. KFO provided three public comment periods on the draft: May 1 to July 30, 1998; August 21 to September 16, 1998; and January 29 to April 29, 1999.

Approximately 350 persons attended the June 18, 1998 hearing, and 45 persons presented oral comments. During the comment period, 606 letters provided written comments on the draft PED/EIS. All comments were considered in the final PED/EIS.

The notice of availability of the final PED/EIS was published in the **Federal Register** on March 3, 2000 (65 FR 11575 and 11604); in the Tennessee Administrative Record on March 15, 2000; and in seven local or major newspapers across the State. Governing regulations at 40 CFR 1506.10(b)(2) require that no decision on the petition be made until 30 days after the PED/EIS is made available to the public. This prescribed wait period was extended to May 3, 2000 (65 FR 15921, March 24, 2000).

IV. The Petition

The Fall Creek Falls Lands Unsuitable for Mining petition contained five primary allegations, with numerous factual allegations and suballegations. The petition is printed in Appendix B of the final PED/EIS. The five primary allegations in the petition are summarized as follows: (1) Mining the area would affect fragile or historic lands which could result in significant damage to important historic, cultural, scientific, or esthetic values; (2) mining the area would affect renewable resource lands which could result in a substantial loss or reduction in long-range productivity of water supply or of food or fiber products; (3) mining would affect natural hazard lands which could substantially endanger life and property; (4) mining the area would be incompatible with existing State or local land use plans or programs; and (5) reclamation is not technologically and economically feasible.

V. Decision Alternatives

KFO evaluated several decision alternatives ranging from designating all lands in the petition area unsuitable for all surface coal mining operations (the proposed action in the Petition) to not designating any of the lands in the area as unsuitable for surface coal mining operations (alternative 1). Other alternatives considered included not designating any of the lands in the area as unsuitable, but requiring an environmental impact statement for any surface coal mining operation proposed in the area (alternative 2), the "No Action" alternative (alternative 4), and various options for designating only parts of the area as unsuitable for all or certain types of surface coal mining operations (alternative 3). The options considered under alternative 3 included designating portions of the area as unsuitable for certain types of coal mining operations based on the presence of acid-forming materials or based on mining method (alternative 3a), designating selected coal resources within the area as unsuitable for certain

types of surface coal mining operations (alternative 3b), and designating selected watersheds within the area as unsuitable for certain types of surface coal mining operations (alternative 3c, the preferred alternative). The full text discussion of the petition decision alternatives and their environmental impacts is found in Chapter V of the final PED/EIS. The rationale for selection of alternative 3c as the preferred alternative is discussed at length in Section VII of this document.

Arguably, the environmentally preferable alternative is the proposed action, which is to designate all lands within the petition area as unsuitable for surface coal mining operations. This would provide the maximum level of environmental protection for the petition area, because no mining activities could occur within the petition area, regardless of the likelihood of environmental impacts. However, as outlined in this Record of Decision and Statement of Reasons, I have determined that there would be significant benefits from remining in the headwaters of the Piney Creek watershed, and that remining operations would be unlikely to affect the natural resources of the Park. I have also determined that surface coal mining operations in Dry Fork watershed would be unlikely to have any significant effect on the Park's surface resources.

I have also considered the purposes set out in SMCRA Section 102. I have concluded that this decision best balances all of these purposes, including those set out in Sections 102(a), (d), (f), (h), and (m). These sections state that "it is the purpose of this Act to—(a) establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations; * * * (d) assure that surface coal mining operations are so conducted as to protect the environment; * * * (f) assure that the coal supply essential to the Nation's energy requirements, and to its economic and social well-being is provided and strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy; * * * (h) promote the reclamation of mined areas left without adequate reclamation prior to the enactment of this Act and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public; * * * and (m) wherever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through effective control of surface coal mining operations." Further, this decision best implements the requirements of Section 522(a), for the reasons set out below. The preferred alternative provides for designation of the Falls Creek, Meadow Creek and Cane Creek watersheds, the lower reaches of the Piney Creek watershed, and the Park as unsuitable for mining. This alternative provides the environmental protections needed for the fragile resources of the Fall Creek Falls State Park and for the Park's land use plans and program.

The preferred alternative allows mining in the headwaters of the Piney Creek watershed, which has been extensively impacted by unreclaimed or unregulated surface coal mining operations. A mining operation would be required to include remining of previously mining-impacted areas. This alternative would provide significant potential benefits to Piney Creek watershed through reclamation of mining-impacted lands, restoration of stream biological communities and over-all improvements to water quality in the Piney Creek watershed. Allowing mining in the Dry Fork watershed is not predicted to have any significant impacts on the Park's fragile surface resources or land use plans and programs because Dry Fork subsides underground during low flow six miles before it reaches the Park boundaries and reemerges approximately six miles north of the Park. Mining in the Dry Fork watershed also is predicted to have little or no impact on the ground water systems of Dry Fork and the Park. This is because the waters of Dry Fork undergo beneficial chemical changes as the creek flows underground into the karst system. That system neutralizes any acidic changes that might have occurred from contact with any mining-impacted waters of the upper reaches of the Dry Fork watershed, where the coal reserves are located. Thus, allowing mining and remining of the upper reaches of the Dry Fork watershed would have similar beneficial effects on the environment as in the upper reaches of the Piney Creek watershed, *i.e.*, restoration of stream biological communities, over-all improvements to water quality in the Dry Fork watershed, etc. Thus, the preferred alternative provides protection to the Park's fragile resources and land use plans and program and allows restoration of mine-impacted areas in the upper reaches of the Piney Creek and Dry Fork watersheds. Approximately 6.58 million tons of coal in the Dry Fork watershed and 8 million tons in the Piney Creek watershed would be available for extraction to help meet energy demands with no significant risk to the Park's resources. Under the preferred alternative, no mining could occur in the lower portions of the Piney Creek watershed closer to the Park where risk of impact on the Park is greater. In the headwaters of the Piney Creek watershed, mining would be allowed only on a case-by-case basis when the operation includes areas previously disturbed by mining and the applicant demonstrates the water quality will not be degraded, and that impacts from previous mining will be mitigated.

The analyses in the PED/EIS predict that should there be a failure of a mining operation in the headwaters of Piney Creek, degraded stream conditions are likely to dissipate before reaching Park boundaries, causing no significant impact on the Park's water quality. Thus, the preferred alternative protects the fragile resources of the Park, minimizes the likelihood of conflict with the State's land use plans for the Park, and provides for restoration and reclamation of the mining-impacted lands and waters of the watersheds.

VI. Findings

The petitioners presented five primary allegations which mirror the five designation criteria of SMCRA Sections 552(a)(2) and (a)(3) and 30 CFR 762.11(a) and (b)(1) through (b)(4).

The petitioners also presented numerous allegations of fact and sub-allegations of fact in support of the five primary allegations. The intervenors presented allegations in rebuttal to the petitioners' five primary allegations, the allegations of fact, and the sub-allegations of fact. A summary of the petitioners' and the intervenors' allegations follows, along with my findings relative to each allegation. The primary allegations are presented in the order in which they appear in the petition. These findings are based upon all the information contained in the public record for this petition.

A. Primary Allegation No. 1—Fragile or Historic Lands

1. *Petition allegation*—The petition area should be designated unsuitable for surface coal mining operations because mining the area would affect fragile or historic lands in which such operations could result in significant damage to important historic, cultural, scientific, or esthetic values or natural systems.

a. The petitioners allege that mining within the petition area would affect the hydrologic balance of the watersheds which drain into the Fall Creek Falls

State Park and affect the Park's unique hydrologic resources. They further allege that the primary reason the Park was set aside was because of its waters and water-formed features and that the watershed areas outside of the Park are critical to the existence of the Park. The petitioners also allege that streams, aquatic life and the falls are at risk when mining occurs in the Sewanee coal seam.

The intervenors allege that the petition area does not meet the regulatory definition of "fragile lands" and that the petition does not provide any supportive evidence that mining in accordance with SMCRA would significantly affect the alleged factors identified or cause any identified significant damage to these values.

b. The petitioners allege that changes in water chemistry, changes in pH, increases in siltation, and changes in stream flow would result in significant damage to the wildlife which depend on the streams as habitat and/or sources of drinking water. The petitioners state that Cane Creek, which is the principal watercourse through Fall Creek Falls State Park, has been designated an environmentally sensitive stream by the Tennessee Department of Environment and Conservation (TDEC) and, therefore, the petition area qualifies as fragile lands.

The intervenors allege that the designation of a specified portion of Cane Creek as an environmentally sensitive stream by the State does not equate to the surrounding host landscape as fragile lands.

c. The petitioners allege that the presence of endangered species qualifies the petition area as fragile lands.

The intervenors allege that the presence of threatened and endangered species in the petition area does not qualify the area as fragile lands.

d. The petitioners allege that Cane Creek, downstream of the Park boundary, is a stocked trout stream and cite a letter written by the Fish and Wildlife Service stating that Cane Creek is considered the best stocked trout stream on the Cumberland Plateau. Further, the petitioners allege that untreated water discharging from surface coal mining operations would seriously degrade the water quality of Cane Creek and would be toxic to stream biota in the vicinity of the outfall and for an unknown distance downstream.

The intervenors allege that: (a) Trout stocking activities occur approximately 13 miles downstream from the petition area proper, (b) historic water quality data collected from Cane Creek does not support the allegation of water degradation as stemming from past surface coal mining operations, and (c) advanced mining and reclamation technologies are being implemented to significantly minimize and/or prevent off-site damage to receiving steams. The intervenors also allege that trout stocking in Cane Creek below the Park does not qualify the petition area as fragile lands.

e. The petitioners allege that the presence of caves and cave-inhabiting species makes the petition area a fragile land. The petitioners further allege that mining-induced degradation of Cane Creek could also adversely affect the aquatic life in the caves located in the Cane Creek gorge as well as the Indiana bat, a Federally-listed endangered species, that inhabits caves in the area. The petitioners also allege that underground mining usually results in subsidence, either planned or unplanned, and that subsidence could alter the flow of the groundwater, resulting in the dewatering of streams and, consequently, diverting flows from the caves.

The intervenors allege that the presence of caves, cave-inhabiting species, and the occurrence of endangered cave species does not qualify the petition area as fragile lands.

f. The petitioners allege that the presence of rare floral species in the petition area qualifies the area as fragile lands. The petitioners further allege that off-site effects of surface coal mining operations within the petition area could have a severe adverse impact on a number of rare floral species.

The intervenors allege that the presence of threatened and endangered species in the petition area does not qualify the area as fragile lands.

g. The petitioners allege that surface coal mining operations would access areas that are currently remote and thereby cause adverse effects on habitats and wildlife from foot and vehicle travel, pollution, and other factors relating to more human contact in the area. The petitioners also allege that surface coal mining operations in the Cane Creek watershed could have a direct and negative impact on TWRA's long-term plans to use the area as turkey and otter habitat.

The intervenors allege that, for the most part, the entire petition area proper is already "honey-combed" with multiple access avenues and that access requirements stemming from any future mine development can utilize the majority of existing roads, power lines, water lines, *etc.*, without causing any further significant disturbances to the area. The intervenors further allege that SMCRA provides flexibility to develop reclaimed areas that are suited to turkey and otter habitats.

h. The petitioners allege that esthetics are essential to the Park's land use plans and that surface coal mining operations outside the Park are incompatible with the Fall Creek Falls Strategic Management Plan. They allege that surface coal mining operations in the petition area would adversely alter the views from Park overlooks and adversely affect the visitor's experience.

The intervenors allege that the existing tree line, undulating topography, and the buffer zone around the Park itself provide a natural shield for the overlook areas referenced by the petitioners, and that surface coal mining operations in the petition area could not be seen from the natural overlooks in the Park.

i. The petitioners allege that surface coal mining operations would have an adverse impact on historic lands (*i.e.*, the Trail of Tears) in which such operations could result in significant damage to important historic lands. The petitioners also allege that there are burial mounds and cemeteries within the Park and the petition area that require the special protections of designation.

The intervenors allege that the presence of the Trail of Tears within the petition area does not qualify the area as fragile (historic) lands because: (1) The location of the Trail of Tears comprises an extremely small portion, less than three percent, of the petition area and is located in the southern portion of the area; and (2) the Trail of Tears does not meet the definition of fragile lands because a majority of the Trail parallels or overlies existing roadways in the petition area.

j. The petitioners allege that Park visitors use various sections of Cane Creek for swimming and church baptisms and that mining impacts on water quantity and quality would adversely affect the cultural values of these areas.

The intervenors allege that Cane Creek water quality is expected to at least maintain status quo despite future mining initiatives.

k. The petitioners allege that noise and dust would affect Park visitation, local residents, and users of the Trail of Tears.

The intervenors allege that the petitioners' comments are not supported by fact and only reflect biased opinions in favor of selected individual beliefs.

l. The petitioners allege that the Park is a "fragile land" as defined in 30 CFR 762.5 and the watersheds of the Park are the "essence" of the term fragile lands. Therefore, the petitioners assert that the

entire petition area which makes up the watershed of the Park should be designated under the "fragile" criterion.

The intervenors allege that a designation of the entire watershed of the Park as "fragile lands" is not supported by fact.

2. *Findings*—Fragile and historic lands. Based on the record, and for the reasons set out below, I find that surface coal mining operations in the Park or in certain watersheds outside the Park would affect the fragile lands of the Park and certain other fragile lands in the petition area, and could result in significant damage to important petition area natural systems and cultural and esthetic values.

a. Fragile Lands in the Petition Area

• Park fragile lands. I find that the Park is fragile land because it has important natural, ecologic, and esthetic resources that could be significantly damaged by surface coal mining operations.

The natural and ecologic resources of the Park include the following:

• The Park provides valuable habitat for threatened and endangered species of fish and wildlife as described in Chapter II, Section H of the PED/EIS.

• Cane Creek inside the Park has numerous occurrences of stream-dependent threatened and endangered species and esthetic resources of high scenic value, forming an environmental corridor within the Park which has a concentration of ecologic and esthetic features as indicated in Chapter V.B.22 of the PED/EIS.

• The Park is a valuable habitat for rare floral species as described in Chapter II, Section H of the PED/EIS.

The esthetic resources of the Park include Fall Creek Falls, Cane Creek Falls, Cane Creek Cascades, Piney Falls, and various viewsheds and gorges throughout the Park.

The Park is an area of high recreational and cultural value due to high environmental quality, and is used for recreational, educational and religious activities.

• Fragile lands in the petition area outside the Park. I find that certain watersheds in the petition area outside the Park are fragile lands because of the existence of natural systems within these watersheds consisting of streams with high water quality and water quantity (Cane, Meadow, and Falls Creek watersheds, and the lower reaches of the Piney Creek watershed).

B. Whether surface coal mining operations will affect fragile lands. I find that surface coal mining operations in the Park or in certain watersheds outside the Park, would affect the fragile lands of the petition area, because of the inherent environmental impacts of surface coal mining operations, as addressed in Chapter V, Section F of the final PED/EIS. These impacts could potentially damage natural systems and cultural and esthetic values within and outside the Park during the mining and reclamation phases of surface coal mining operations. I find that SMCRA does provide significant environmental protection from inherent impacts through its permitting requirements and performance standards. Nonetheless, although these impacts might be relatively unlikely to cause significant damage, if such damage did occur the risk to park resources would be unacceptable.

Among those inherent impact which may occur in a surface coal mining operation in compliance with SMCRA are:

• Removal of wildlife habitat within the mining area,

• Alterations of the soil and geologic structure,

• Elevated levels of total dissolved solids in surface and ground water,

• Noise, dust, and vibration, and

• Increased sedimentation to the receiving stream from construction of drainage control structures and roads.

In addition, surface coal mining operations in the Park and certain other parts of the petition area could have other impacts on fragile lands, as discussed below.

c. Damage to important natural systems and cultural and esthetic values of fragile lands. I find that surface coal mining operations in the Park and in certain watersheds of the petition area outside the Park would affect these fragile lands and could result in significant damage to the important natural systems, cultural values and esthetic values of these fragile lands, as described below.

i. Potential Damage to Park Systems and Values

• Important natural systems. Surface coal mining operations in the Park or in certain parts of the petition area outside the Park could cause significant damage to important natural systems of the Park, including:

• Threatened and endangered species of fish and wildlife and their habitats in the park.

• The environmental corridor along Cane Creek inside the Park, and its ecological and esthetic features.

• The rare floral species and their habitats in the Park.

• Important esthetic values. Surface coal mining operations in the Park or in the petition area outside the Park could result in significant damage to the important esthetic values of the Park's esthetic resources, including Fall Creek Falls, Cane Creek Falls, Cane Creek Cascades, Piney Falls, and various overlooks, viewsheds, and gorges. Significant damage to these important esthetic resources could adversely affect the Park visitors' experience.

• Important cultural values. Surface coal mining operations in the Park or in the petition area outside the Park could cause significant damage to the important cultural values of the Park, including recreational, educational and religious activities.

ii. Potential Damage to Important Natural Systems Outside the Park—Streams

The streams of certain watersheds in the petition area outside the Park (Cane, Meadow, and Falls Creek watersheds, and the lower reaches of the Piney Creek watershed) are important natural systems because they are the primary water sources for the unique waters and water-formed features of the Park and its stream-dependent ecologic resources. Surface coal mining operations in these watersheds could cause significant long-term damage to these waters and features and dependent ecologic resources.

iii. Other Findings—Primary Allegation 1

• Threatened and endangered species outside the Park. I find that the record does not demonstrate that the petition area outside the Park is a fragile land because of the existence of threatened and endangered species of fish and wildlife. Few occurrences of these threatened and endangered species have been identified in the petition area outside the Park, and those occurrences are scattered throughout the watersheds. Only one occurrence has been identified in a location of known recoverable coal reserves. Rare floral threatened and endangered species have been identified in areas of known coal reserves at only two locations in the petition area outside the Park. These two locations are in the upper Piney Creek watershed. However, the presence of rare floral species at these two locations in the upper Piney Creek watershed outside the Park is not sufficient to classify either the entire petition area outside the Park or the Piney Creek watershed where they are located as an important ecologic system of the petition area and as a fragile land. This is in part because SMCRA includes protection measures which should, in this case, provide any necessary protections for the species at these two locations. Other rare floral

threatened and endangered species are scattered throughout the remaining four watersheds, with few occurrences in the areas in which they have been identified. These few occurrences are not in areas of known recoverable coal reserves. Concerning the caves and cave habitats for threatened and endangered species, I find that the presence of caves and potential cave habitats for threatened and endangered species in the petition area outside the Park does not justify a determination that they are an important natural system. While these caves may be a potentially valuable habitat for cave-inhabiting species, there are no identified occurrences of cave-inhabiting threatened and endangered species in the petition area. Therefore, I find that the recorded does not justify a determination that the presence of caves and potential cave habitats in the petition area is sufficient to classify the petition area as an important ecologic system or as fragile lands.

• Trout fishery. I find that neither the Park nor the petition area outside the Park is fragile land because of the existence of a trout fisher, located on a section of Cane Creek that is outside the petition area and the Park.

• Esthetic values outside the Park. I find that the record does not identify esthetic values in the petition area lands outside the Park that justify considering them fragile lands. The petition area outside the Park does not possess either overlooks, gorges and falls like those in Fall Creek Falls State Park, or other significant esthetic values that support designation under the fragile lands criterion.

• Cultural values outside the Park. I find that the record does not demonstrate that the petition area outside the Park is fragile land because of cultural values. Cultural activities in the petition area outside the Park are limited, because the area consists of private land holdings. Typical activities are hunting, fishing, camping, swimming, seed gathering, berrying, *etc.*, by local residents living in the area. There are no developed recreational resources in the petition area outside the Park, and recreation is not a primary land use in any of the watersheds outside the Park. Although the cultural activities referenced above are no doubt important to those living in and near the petition area outside the Park, these activities are not unique to these areas, they do not have uncommon importance in the region, and they are not due to high environmental quality of the lands. Thus, the record does not identify important cultural values in the petition area outside the Park that would support designation under the fragile lands criterion.

• Terrestrial wildlife. I find that the record does not show the presence of terrestrial wildlife that would justify considering the Park or the petition area outside the Park to be fragile land. I find that the existence in the petition area of habitats for wild turkey and otters does not support considering the petition area to be fragile lands, for the following reasons. The wild turkey is not a threatened or endangered species. Nor has the Park been designated a valuable or a critical habitat for turkeys. The State of Tennessee's wild turkey stocking program is very successful in the Park, and the turkey population is now expanding into the petition area. The turkey stocking by the State is for hunting. Concerning otters, I find that otters are on the State's threatened and endangered list. However, the record shows there have been no occurrences of otters in the Park or in the petition area outside the Park. Further, the record documents no other valuable habitats for other terrestrial wildlife, and indicates that impacts on other terrestrial wildlife from potential surface coal mining operations in the petition area would be minor for the following reasons. Mobile species typically seek food and shelter elsewhere during active mining. Although less mobile species would suffer losses during the land clearing phase of an operation, the contemporaneous reclamation requirements of SMCRA would mitigate impacts on terrestrial wildlife.

• Environmentally sensitive stream. I find that the designation of a portion of Cane Creek, and most recently a portion of Dry Fork, as tier II (environmentally sensitive) streams is a State designation relevant only to the quality of discharge allowed to enter these streams. Although some of the criteria evaluated by the State in making its stream evaluations are similar to those considered in the "unsuitability" review process, any designation of a resource as "fragile land" must be based on whether surface coal mining operations could affect important historic, cultural, scientific or esthetic values or natural systems (regardless of any stream classification for other purposes) and could cause significant damage. As indicated above, I have determined that Cane Creek within the Park and in the petition area outside the Park is an important natural system which may be affected by surface coal mining operations, and that such operations could cause significant damage to this system. As indicated below, mining in the Dry Fork watershed is not predicted to affect important natural systems or esthetic and cultural values in the petition area. The record does not demonstrate that surface coal mining operations in the Dry Fork watershed would affect the fragile lands of the Park or could cause significant damage to important values or systems. The record also does not demonstrate that surface coal mining operations in the Dry Fork watershed would be incompatible with the State's land use plans and programs. Therefore, the designation of these streams as "environmentally sensitive" is not germane to the determination of whether Cane Creek or Dry Fork, either in the Park or in the petition area outside the Park, should be considered as "fragile land".

• Resources and values in Dry Fork. I find that the record does not justify designation of Dry Fork under the criterion for fragile and historic lands.

The cave system through which Dry Fork flows may provide valuable habitat for cave-inhabiting species which are considered to be important ecological resources. However, water quality and quantity changes originating in the coal resource areas of the petition area would have little effect in the cave areas of the petition area and the Park because of the beneficial chemical changes that take place when the water enters the cave system. Also, as the areas of major coal reserves in this watershed are several miles from the identified cave habitats, I find that there is little likelihood that surface activities associated with surface coal mining operations, such as blasting and clearing vegetative cover, would have a significant adverse impact on the habitat of cave species in the petition area.

There is no evidence in the record that the Dry Fork area contains uncommon geologic formations or paleontologic sites. Nor does it contain any National Natural Landmarks or areas meeting the definition of historic lands based on 30 CFR 762.5. Nor is there any evidence on the record relative to it being an environmental corridor containing a concentration of ecologic and esthetic features or an area of recreational value due to high environmental quality.

The Dry Fork watershed is the second largest watershed in the petition area but it does not provide any surface water to the Park except during an extremely heavy precipitation event. Dry Fork subsides and flows through the cave systems after it enters Dry Fork Gorge. Dry Fork then resurfaces outside the Park and petition area directly into Cane Creek. As a result of Dry Fork flowing underground beneath the Park, the stream does not have a significant

impact on the important natural systems and esthetic and cultural values of the Park. Therefore, I find that surface coal mining operations in Dry Fork watershed would not affect fragile lands in the Park.

d. Factors in evaluating the risk of significant damage. I find that the risks and uncertainties associated with surface coal mining operations conducted in the Park and in certain watersheds outside the Park could result in adverse impacts causing damage to the fragile lands of the Park and those watersheds. When evaluating the risk of damage to the Park from a surface coal mining operation, I considered the probability that a surface coal mining operation will cause damage and the impacts that could result. I find that the record demonstrates that there are a number of uncertainties in evaluating the impacts of surface coal mining operations in such a large petition area, as follows.

• Recoverable coal reserve locations. I find that complete information is not available on the location and character of recoverable coal reserves, and therefore the nature and degree of risks from surface coal mining operations cannot be calculated with certainty. The PED/EIS analysis of recoverable coal resource information was based on the limited available information. the PED/EIS was unable to determine if all coal reserves had been identified. Thus, additional coal resources may be present within the Park and petition area outside the Park, and any such additional coal resources could result in additional uncertainties or risks to the Park. The PED/EIS could not determine any such additional uncertainties or risks, and thus did not calculate with certainty the level of risk to the Park or other protected resources under this designation criterion.

• Location fo acid- and toxic-forming materials. The occurrence of potentially acid- and toxic-forming material associated with the coal seams of the petition area is generally uncertain, nonuniform and discontinuous throughout the petition area. Thus, the PED/EIS could not predict with certainty the locations of such materials, or the levels of risks to the Park resources under the designation criteria.

• Long-term success of AMD predictive and preventive techniques. Since the passage of SMCRA in 1977, approximately 205 permits have been issued in the southern coal fields of Tennessee. The majority of these sites have been successfully reclaimed. Eight mines or approximately 3.9 percent of the sites permitted have been identified as perpetual acid mine drainage (AMD) producers requiring long-term treatment. Four of these permits were issued during the Interim Program when minimal environmental controls were in place. The remaining four were issued between 1984 and 1992, when regulatory authorities were making significant changes to enhance prediction and prevention techniques for potential AMD production. Regulatory authorities, including OSM, are now using improved prediction and prevention techniques, and OSM now requires more and better base-line data from operators as a basis for analyses. Since 1992, KFO has issued nine permits in the southern coal fields, seven of which have developed acid/toxic drainage. The permittee(s) contend that these sites will not produce toxic drainage once reclamation is complete. These seven sites may or may not be long-term producers of AMD. Thus, uncertainties exist even with those more recent permits where enhanced prediction techniques were used; and several more years of experience with these methodologies will be required to verify long-term efficacy in the petition area.

• Water quality impacts of non-acid or non-toxic materials. Some water quality alterations can result from surface coal mining operations in parts of the petition area that do not have acid or toxic materials. Alterations can include significant increases in alkalinity, total dissolved solids, pH, resuspension of iron from previously weathered overburdens or spoils, and generation of manganese. These alterations are associated with large-scale disruptions of strata interacting with ground and surface waters. Available information is not sufficient to predict whether any particular alterations could kill, injure, or impair biota in the areas of discharges, or how far downstream the impacts would be. However, SMCRA does provide permitting requirements and performance standards which should significantly mitigate such impacts.

• Operator error. The success of a toxic material handling plan (TMHP) is contingent on successful implementation of several steps, including: (1) Adequate sampling of the overburden, (2) accurate analysis of the overburden materials, (3) adequate design for handling the acid- or toxic-material, and (4) effective implementation of the TMHP. At any point in these steps, operator error can occur and potentially result in the formation of AMD, which could significantly impact the water resources of the receiving stream.

Although some of the impacts listed above may have low probabilities of occurring, as discussed in Chapter V of the PED/EIS, I find that, if they did occur, the impacts on the Park would be significant and possibly severe.

e. Historic lands—Trail of Tears. I find that the existence of segments of the Trail of Tears within the petition area outside the Park does not make either the Park or the petition area outside the Park a historic land. I find that there are no identified areas that have been certified by the National Park Service, nor does the record demonstrate that there are any areas that retain enough historic character to warrant the additional protection provided by designation either in the Park or in the petition area outside the Park. I also find that there are no readily identifiable burial mounts or Native American artifacts in the Park or in the petition area outside the Park. If burial mounds or Native American artifacts were identified in the vicinity of a surface coal mining operation, there are a series of statutes and rules (Federal and State) that would provide special protections for their preservation.

f. Fragile and historic lands—Summary. In summary, I find that the Park is fragile land because of the existence of its important natural systems, its ecologic resources (threatened and endangered species and their habitats), its cultural values and its esthetic values. I find that Cane, Meadow, and Falls Creek watersheds, and the lower reaches of the Piney Creek watershed in the petition area outside the Park are also fragile lands because these streams of high water quality and water quantity are the primary water sources for the waters and water-formed features of the Park and its stream-dependent ecologic resources. i find that surface coal mining operations in the Park or these portions of the petition area outside the Park will affect these fragile lands.

I find that surface coal mining operations in the Park or these portions of the petition area outside the Park pose an unacceptable risk of causing significant damage to the important natural systems and cultural and esthetic values of the fragile lands in the Park and the petition area outside the Park. Although some risks may have low probabilities of occurring, if they did occur the impacts on these fragile lands could be significant and long-term.

I find that the water quality and quantity of the streams entering the Park from the Cane Creek, Meadow Creek, and Falls Creek watersheds collectively, have a significant influence on the

Park's natural systems, its ecologic resources, and its cultural and esthetic values. I find that the water quality and quantity in the Dry Fork watershed have no effect on the Park's surface resources except during high flow periods, because the water subsides underground prior to entering the Park and re-emerges north of the Park's boundaries.

I also find that surface coal mining operations in the Crane Creek, Meadow Creek, and Falls Creek watersheds, and the lower reaches of the Piney Creek watershed, could potentially impact the water quality and/or quantity of these streams which are essential to the continued existence of the unique waters and water-formed features of the Park, the natural values of the stream biota in the Park, the threatened and endangered species of the Park, and the esthetic values of the Park.

I find that the fragile lands of the Park would be a risk if an operator failed to mitigate unanticipated acid or toxic mine drainage from a surface coal mining operation within the Park or within one of these watersheds outside the Park, and then abandoned the site without an adequate performance bond to threat the acid or toxic mine drainage. Although this may be a relatively unlikely occurrence, due to the preventive and mitigative requirements of SMCRA, it is an unacceptable risk because of the potential impact that untreated acid or toxic mine drainage could have on the important natural systems of the petition area outside the Park and the important natural systems and esthetic and cultural values of the park. Park resources influenced by the Cane Creek, Meadow Creek, and Falls Creek watersheds and the lower reaches of the Piney Creek watershed, could potentially be damaged. The degree of damage would depend on the character, intensity, and duration of the untreated acid or toxic mine drainage.

In addition, the limited drill hole data available to OSM and the variability in the occurrence of acid/toxic-forming material in the watersheds increases the risk that a permitted surface coal mining operation might produce significant amounts of acid/toxic material. And even with state-of-the-art-predictive and preventive techniques, a permittee may misapply the mining operations or reclamation plan, and create AMD. That AMD could impact the important natural systems and cultural and esthetic values of the Park as referenced above.

B. Primary Allegation No. 2—Renewable Resource Lands

1. *Petition allegation*—The petition area should be designated unsuitable for surface coal mining operations because mining the area would affect renewable resource lands in which the operations could result in a substantial loss or reduction in long-range productivity of water supply or of food or fiber products.

a. The petitioners allege that ground water in the petition area is unpredictable and that the inconsistent quality and quantity of ground water are natural hazards.

The intervenors allege that conducting surface coal mining operations in the petition area will not result in a substantial loss or reduction in long-range productivity of water supply. The intervenors also state that the ground waster resources in the petition area are predictable and manageable. The intervenors state that a site-specific determination must be made on current information.

b. The petitioners allege that pollution from surface coal mining operations could make Cane Creek unpotable to hikers because contaminants entering the stream from surface coal mining operations would result in unacceptable degradation, making it potentially unusable as a drinking water supply.

The intervenors allege that the petitioners have not provided documentation which suggests or demonstrates that surface coal mining operations will result in a substantial loss or reduction of long-range productivity of water supply. The intervenors also allege that historical water quality from Cane Creek, based on USGS records, show that water quality has not been affected in the watershed despite significant previous surface coal mining operations.

c. The petitioners allege that the petition area is used for hunting, fishing, and farming, all of which could be adversely affected by changes in water quality or quantity due to surface coal mining operations. The petitioners also assert that the area is used by local residents for the gathering of berries, seeds for horticultural projects, etc., which could be adversely affected by surface coal mining operations.

The intervenors allege that surface coal mining operations in the petition area will not result in a substantial loss or reduction in long-range productivity of food or fiber products.

2. *Findings*—Renewable resource lands. I find that there are renewable resource lands in the petition area outside the Park. Also, I find that the record demonstrates that surface coal mining operations could affect renewable resource lands. However, for the following reasons, I find that the record does not demonstrate that surface coal mining operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products.

a. Food and fiber productivity. I find that there are lands in the petition area outside the Park that contribute significantly to the long-range productivity of food and fiber products. Therefore, I find that these lands are renewable resource lands. However, I find that the record does not demonstrate that water quality impacts of surface coal mining operations on these renewable resource lands would result in a substantial loss or reduction of long-range productivity of food or fiber products. I find that there have been significant impacts to water quality in Dry Fork and in Piney Creek as a result of pre-SMCRA mining activities. However, silvicultural property owners have stated that fiber production in this area has not been affected by any mining impacts to the water. Similarly, the record does not demonstrate that agriculture has been affected by the pre-SMCRA mining that occurred in the petition area. Both silviculture and agriculture in the petition area rely on precipitation as a water source, rather than ground or surface water. Therefore, there is little likelihood that production of food or fiber products would be significantly damaged by water quality impacts of surface coal mining operations.

b. Water supply productivity. I find that the record does not demonstrate that the petition area is renewable resource land because of ground water, as ground water in the petition area does not contribute significantly to the long-range productivity of water supply. Water supplies in the petition area are provided by public utilities with water sources outside the petition area. There are a few well users scattered throughout the petition area, but those well users would have access to public utility water in the event their wells no longer produced water acceptably. Likewise, hikers and campers occasionally use Cane Creek in the Park as a water source, but the incidental or occasional use of a stream as a water supply, does not demonstrate that the area contributes significantly to long-range productivity of the water supply.

C. Primary Allegation No. 3—Natural Hazard Lands

1, *Petition allegation*—The area should be designated unsuitable for surface coal mining operations because mining would affect natural hazard lands in which such operations could substantially endanger life and property.

The petitioners allege that mining can increase flooding. They allege that a greater than 100-year flood has occurred at Cane Creek in the petition area and that construction activities changed the flood-flow characteristics. They allege that these events demonstrate that the petition area is prone to flooding, and that mining could increase the danger to life, property, and the environment.

The intervenors allege that flooding is not a significant issue in the petition area. Skyline references the flood hazard mapping of Van Buren County prepared by the Department of Housing and Urban Development (HUD). Skyline emphasizes that HUD mapping does not show flood hazard areas along streams where surface coal mining operations would most likely occur in the petition area.

2. *Findings*—Natural hazard lands. I find that there are natural hazard lands in the petition area as evidenced by the flood prone areas shown in the flood hazard maps of HUD for the Cane Creek watershed. Also, I find that the record demonstrates that surface coal mining operations could affect natural hazard lands, as evidenced by the analysis in the PED/EIS that surface coal mining operations could cause a five percent increase in previously identified flood levels. However, I find that the record does not demonstrate that surface coal mining operations could substantially endanger life and property from flooding, for the following reasons. The HUD flood hazard maps and other available information do not indicate that any structures would be substantially endangered by flooding in the Cane Creek watershed during a 100-year event as a result of surface coal mining operations. All identified structures in the other watersheds are located significant distances from the respective creeks. The record does not indicate any other respect in which life and property on natural hazard lands could be substantially endangered by flooding because of surface coal mining operations.

D. Primary Allegation No. 4—Incompatibility With Land Use Plans

1. *Petition allegation*—The petition area should be designated unsuitable for surface coal mining operations because mining the area would be incompatible with existing State or local land use plans or programs.

a. The petitioners allege that the petition area forms the watershed of the Park. State regulations provide for the establishment of buffer areas to protect Natural Resource Areas, including Natural Areas. The Strategic Management Plan for the Park indicates that State plans include the purchase of land both upstream and downstream of the Park "to provide adequate protection of Park resources and to give defensible boundaries." Petitioners allege that allowing mining in the watershed would directly under-cut the ability of the State to create or maintain a buffer area or to make decisions about appropriate activities or land for Park protection.

The intervenors allege that SMCRA requirements, including the 300 foot buffer zone [under Section 522(e)(5)] around the Park, provide adequate protection to the special features in the Park. The intervenors further state that under the Park's original land acquisition agreement, sufficient land acreage was incorporated to provide a natural, built-in "buffering" capacity for its scenic landscape and waterfalls. The intervenors conclude that the combined acreage of the Park's natural "buffer" and the 300 foot buffer zone prohibition to mining around the Park's entire boundary is sufficient to ensure protection of its natural resources. Therefore, mining in the watershed would not directly undercut the State's ability to create or maintain a buffer area.

b. The Petitioners allege that coal truck traffic would affect tourist traffic to the Park.

The intervenors allege that the petitioners provide no proof that coal trucks cause damage to the roads and thus constitute a conflict with land use plans. The intervenors further allege that coal haulage offers an opportunity for jobs which fits into the land use plan and that taxes (local, State, and Federal) provide important resources for maintenance of the road systems in the land use plans of the petition area.

c. The Petitioners allege that mining would affect the Trail of Tears National Historic Trail.

The intervenors allege that the presence of the Trail of Tears within the petition area does not qualify the area as fragile lands because: (1) The location of the Trail of Tears comprises an extremely small portion, less than 3 percent of the petition area, and is located in the southern portion of the area; and (2) the Trail of Tears does not meet the definition of fragile land because a majority of the Trail parallels or overlies existing roadways in the petition area.

d. The petitioners allege that the Park is a prime tourist attraction in the State of Tennessee and that the State has made significant investments in the Park to construct facilities to make Fall Creek a resort park.

The intervenors allege that the petitioners' assertion that mining in the area could damage the Park's attractiveness and economic viability is merely an opinion and is not supported by facts. Therefore, there is no support for the allegation that mining is incompatible with existing State or local land use plans or programs.

e. The Petitioners allege that feature-length films have been made in and out of the petition area, and that mining would cause this industry not to return.

The intervenors made no response to this allegation.

2. *Findings*—Incompatibility with land use plans. I find that surface coal mining operations in the Park or in certain portions of the petition area outside the Park would be incompatible with State or local land use plans and programs, for the following reasons.

The existing land use plans and programs do not call for surface coal mining operations in the Park. The impacts of fugitive dust and noise from surface coal mining operations in or near the Park on the recreational values of the Park would impair the recreational use of Park land. The visual impacts of surface coal mining operations in the Park or in certain parts of the petition area near the Park could have a negative impact on Park visitation, thus affecting the economic viability of the Park and the surrounding area. The natural systems, ecologic resources, cultural resources, and esthetic values of the park could be moderately to significantly impacted by surface coal mining operations in the Park and in the petition area outside the Park as described in the mining scenarios in Chapter V of the PED/EIS.

These impacts would be in direct conflict with the mission of Fall Creek Falls State Park: To preserve and protect the Park and Natural Area's unique resources—most importantly its water and water-formed features, and to provide visitors with well managed and maintained stay use and day use facilities. This mission is the basis for the Park's current land use plans and programs. In order to enhance these programs, the State has invested significant amounts of State funds in the Park to preserve its natural resources and to make it more attractive to Park visitors. In turn, the Park has generated revenue for the State and the surrounding counties because of its high visitation rates and its attractiveness as a feature film location.

However, for the reasons given below, I find that the record does not support the following allegations raised by the petitioners with respect to incompatibility of surface coal mining

operations with State or local land use plans or programs: (1) Mining of the area would undercut the ability of the State to maintain a buffer zone around the Park. [I find the State has been successful in acquiring additional lands around the Park to enhance its protection of the Park resources, although the petition area outside the Park has been significantly affected by various land uses such as agriculture, silviculture and, to a limited degree, by mining. There has been no mining in the petition area outside the Park since 1984]. (2) Coal trucks damaging roads is inconsistent with land use plans. [I find that there is or can be sufficient road maintenance by the State and local government to address impacts on roads from coal trucks in surface coal mining operations.] (3) Mining near the Trail of Tears is inconsistent with land use plans. [I find that since there are no certified segments of the Trail of Tears in the petition area, mining near the Trail of Tears would not be inconsistent with local land use plans or programs.]

Similarly, surface coal mining operations in the Dry Fork watershed would not be incompatible with the existing land use plans or programs for the Park. The largest block of coal reserves in Dry Fork is located in the headwater areas of the watershed. This part of the watershed is adjacent to the northern portion of the Park where visitation is prohibited. Any surface coal mining operations in this area would be outside the viewshed of Park visitors and would go undetected by tourists entering and leaving the Park because of its distance from either the northern or southern entrances of the Park. Therefore, because of the lack of demonstrated likely significant damage to Park natural systems and esthetic and cultural values, or impact on Park visitation, the record does not demonstrate that surface coal mining operations in this watershed would be incompatible with existing State or local land use plans or programs.

E. Primary Allegations No. 5—Feasibility of Reclamation

1. *Petition allegation*—The petition area must be designated unsuitable for surface coal mining operations because reclamation is not technologically and economically feasible.

a. The petitioners allege that reclamation of the petition area is not technologically and economically feasible because mining the Sewanee coal seam consistently leads to acid and toxic drainage despite the efforts of OSM and the most diligent mining companies to avoid such degradation.

The intervenors allege that the Sewanee coal seam in and of itself is not toxic. They contend that the coal seam and its related overburden has variable acid-producing potential and that potential does not automatically equate to toxicity. They further contend that such materials only become acid-producing under prolonged exposure to atmospheric oxidizing conditions and other processes. They further allege that mining at the Skyline Coal Company site has demonstrated that the Sewanee coal seam and its overburden materials can be handled properly to avoid or significantly minimize the production of undesired acid conditions. They also contend that the violation history provided by the petitioners misrepresents the facts and is often inaccurate.

b. The petitioners allege that the methods used by the coal industry and OSM do not accurately predict acid or toxic mine drainage, and that there is no foolproof method for handling acid-forming materials. Therefore, the petitioners allege that any mining in the watershed would place the streams in the Park at risk of acid mine drainage and would conflict with OSM regulations and objectives to prevent such occurrences.

The intervenors allege that reclamation associated with the mining of the Sewanee coal seam is technologically and economically feasible as demonstrated by the operations at its Big Brush Creek Mine. Skyline states that the company has been successful in mining the Sewanee coal seam without creating toxic mine drainage as alleged by the petitioners. The lack of an adequate technological understanding of the geochemical make-up of the overburden associated with the Sewanee coal seam and the subsequent deficit of technological know-how in the proper handling of the spoil material had led to past mining operations causing undesirable acid mine drainage. Intervenors assert that this is not the case with more recent technological breakthroughs and experiences gained in working with the coal seam. With improved acid-base accounting techniques that take into account siderite-masking, the acid-producing potential of the overburden can be properly characterized in advance of mining. Skyline asserts that, with an accurate acid-base bank, the combination of mining and reclamation technologies has been implemented by Skyline at its Big Brush Creek Mine to avoid and/or significantly minimize the generation of acidic conditions. Skyline further states that the company has successfully mined and reclaimed the disturbed areas economically and at a profit.

c. The petitioners allege that reclamation is not technologically and economically feasible within the petition area because even fully regulated mining results in unavoidable impacts.

The intervenors allege that these types of risks and events pose minimal risks to the Fall Creek Falls State Park. They reference storm events well over the 10-year, 24-hour interval which have occurred within the petition area without having unalterable, long-term impacts to the Park.

They also contend that the environmental protection performance standards can and will provide the necessary protection for the Park and the petition area.

2. *Findings*—Feasibility of reclamation. I find that the record does not clearly demonstrate that reclamation of surface coal mining operations in the petition area is technologically and economically infeasible, as required for designation under the mandatory criterion. I find that the presence of the Sewanee coal seam in the petition area does not clearly demonstrate that reclamation is technologically and economically infeasible. Although the Sewanee coal seam may contain acid- and toxic-forming materials, I find that this does not support a determination that reclamation of those surface coal mining operations involving coal extraction from the Sewanee coal seam is infeasible. The history of mining in the southern coal fields where the Sewanee coal seam dominates demonstrates that the majority of sites have been successfully reclaimed. Only 8 permits out of 205 permits issued since 1977 when SMCRA was enacted are confirmed AMD producers. Four of these permits were issued between 1977 and 1982 when minimal environmental controls were in place. The remaining 4 were issued between 1984 and 1992, when Tennessee and other states were developing ways to enhance their predictive techniques in order to accurately identify potential AMD producers. Since 1992, enhanced methodologies have been utilized on most permits. These predictive and preventive methodologies continue to evolve and improve. However, uncertainties exist with some of the more recent permits where water quality problems have developed. Several more years of experience will be required to determine the overall success of the newer methodologies for AMD prediction and prevention that were incorporated into these permits, because the success or failure of these newer

methodologies cannot be verified until these sites are in reclamation. Nonetheless, I have determined that the record does not clearly demonstrate that reclamation is technologically or economically infeasible, as required for designation under the mandatory criterion.

However, as discussed above, the record does demonstrate that surface coal mining operations would pose an unacceptable risk to the fragile lands of the Park, and that such risks are incompatible with Park land use plans and programs. Because the adverse impacts could be significant, the risk to the Park is unacceptable.

VII. Decision on Petition—Designation

A. Areas Designated and Basis for Designation

I am designating the Park and the Cane Creek, Meadow Creek, and Falls Creek watersheds as unsuitable for surface coal mining operations, including surface activities in connection with underground mining operations. I am designating the Piney Creek watershed unsuitable for surface coal mining operations, subject to a proviso that remining may be permitted in the upper reaches, as described below. The selection of the preferred alternative assures that all reasonable and practical means to avoid or minimize environmental harm have been adopted.

I have determined that designation is appropriate under the following discretionary criteria.

- That surface coal mining operations would affect *fragile lands* in which the operations could result in significant damage to important esthetic values and natural systems in accordance with SMCRA Section 522(a)(3)(B); and
- That surface coal mining operations would be *incompatible* with existing Park land use plans or programs in accordance with SMCRA Section 522(a)(3)(A).

In summary, my decision to designate portions of the petition areas as unsuitable for mining operations is based on (1) the inherent risks of surface coal mining operations to fragile lands and (2) the uncertainties associated with predicting and preventing impacts of surface coal mining operations in such a large area as that of the petition area. These risks and uncertainties could result in significant adverse and irreversible impacts to the Park's esthetic and cultural values, its natural systems, and its ecologic resources, and with both its short-term and long-term land use plans and programs.

I have determined that, if surface coal mining operations were to occur on these lands, such operations would pose a significant and unacceptable risk to the unique ecological resources, esthetic and cultural values, and natural systems of Tennessee's most prestigious park and to the natural systems of the Cane Creek, Falls Creek, Meadow Creek, and lower reaches of the Piney Creek watersheds. I have also determined that such risks and uncertainties are incompatible with the Park's land use plans and programs.

These decisions are based on consideration of the PED/EIS, and of the entire administrative record before me [including all comments received during the period prescribed by regulation before a decision can be made on the final PED/EIS]. That information includes the petition; the draft and final petition evaluation documents/environmental impact statements (PED/EIS); information provided by the petitioners; comments in the form of oral testimony at the public hearing; and written submissions received during the public comment periods which ended April 29, 1999, and the prescribed wait period which ended on May 3, 2000, from Federal agencies, State agencies, local agencies, and members of the public and industry. The public record also includes information from meetings with the petitioners, land owners, lease holders, and intervenors, and comments received during the prescribed period after publication of the final PED/EIS.

1. *Designation of Park.* In the event that the State, as the mineral owner of lands within the Fall Creek Falls State Park successfully asserted valid existing rights (VER) in accordance with 30 CFR 761.11, the State would be able to engage in surface coal mining operations and SMCRA Section 522(e), regarding protection of publicly owned parks would not prohibit these operations. Therefore, I am exercising my discretion to designate Fall Creek Falls State Park as unsuitable for mining in accordance with 30 CFR 762.11(b)(1) and (b)(2) along with Cane Creek, Falls Creek and Meadow Creek watersheds. Although the State has indicated that it has no intent to mine the Park coal reserves, such a statement is not legally binding. And theoretically, there may be circumstances in which the prohibitions of Section 522(e) would not protect all Park lands. Thus, in the vent that VER was demonstrated for surface coal mining operations on Park lands, the State would be able to engage in surface coal mining operations, and SMCRA Section 522(e), regarding protection of publicly owned parks, would not prohibit these operations. I also recognize that it may be theoretically possible that some portion of the Park's boundaries could be modified so as to remove areas from the Park. The conveyance from the United States to Tennessee of the core area of the Park required that the conveyed lands be used exclusively for public park, recreational and conservation purposes. The United States retained a revisionary interest if the State failed to comply with this limitation for more than 3 years. The Department has never addressed whether allowing coal mining on the conveyed lands would violate this condition. Because it might be possible that surface coal mining operations or some aspect of surface coal mining operations could be allowed, or that the mining could be completed in 3 years or less, I am exercising my discretion to designate the Fall Creek Falls State Park as unsuitable for surface coal mining operations.

2. *Designation of Piney Creek watershed allowing remining of upper reaches.* I am designating the upper portions of the Piney Creek watershed unsuitable for surface coal mining operations; *provided, that* a surface coal mining operation may be permitted if a portion of the operation includes previously mined areas and the permit applicant demonstrates that water quality in receiving streams will not be degraded. I have determined that, because of where it enters the Park, Piney Creek has limited influence on the continued preservation of the Park's resources. However, Piney Creek does influence the esthetic values associated with Piney Falls within the Park and does contribute to some degree, to the continued existence of the unique natural values of the Park. Therefore, for the reasons outlined above, designation is appropriate. However, I believe permitting remining in the upper reaches of this watershed can be appropriate, for the following reasons.

Although there are inherent and unavoidable impacts as well as unanticipated events that may occur during surface coal mining and reclamation operations, I have determined that potential remining of the headwaters of the Piney Creek watershed, which would include the reclamation of pre–SMCRA mined lands, could provide benefits that outweigh the risks.

Most of the upper portions of the Piney Creek watershed contain pre–SMCRA abandoned mine sites. Allowing surface coal mining operations only in those areas in which the water quality could improve as a result of

remining operations would potentially benefit the Park as a fragile land. Due to the distance of any potential surface coal mining operations from the Park borders or the Park entrances, there would be no incompatibility with State or local land use plans or programs if remining operations were allowed in the headwaters of the Piney Creek watershed.

The water quality in these headwater reaches has been significantly impacted by the pre-SMCRA mining. Currently, Piney Creek proper and other headwater tributaries flow through pre-SMCRA mine pits and are impacted by acid mine drainage and by increased concentrations of total dissolved solids which result in mineralization to the waters of the receiving stream. Thus, remining of these abandoned mine lands has the potential to improve water quality and therefore, have a beneficial effect on resources both within and outside the Park. The remining could reclaim the pre-SMCRA mine pits and reconstruct the headwatere streams, including riparian habitat. Also, the previously mined and unreclaimed land would be returned to a productive use.

By allowing only remining of previously mined areas in the upper reaches of the Piney Creek watershed, I am minimizing any risk to Park resources. Water quality improves in the lower reaches of Piney Creek as it enters the Park, and should not be compromised by the possibility of a mining failure in the lower reaches. Such failure could potentially impact the Park's natural systems and cultural and esthetic values, and be incompatible with the Park's land use plans and programs.

B. Area Not Designated—Dry Fork Watershed

I am not designating the Dry Fork watershed as unsuitable for surface coal mining operations. I am not designating any lands within the Dry Fork watershed as unsuitable for surface coal mining operations for the following reasons. Dry Fork watershed does not contain the natural, ecologic, scientific or esthetic resources that would make it a fragile land in accordance with 30 CFR 762.5. It is not a valuable habitat for fish or wildlife or for threatened and endangered species of animals or plants as demonstrated by the few documented occurrences within the watershed. Surface coal mining operations conducted in Dry Fork watershed would not affect fragile lands or be incompatible with existing State or local land use plans or programs.

C. Other Criteria

For the reasons discussed above, I have decided that the record does not demonstrate that designation is appropriate for any part or all of the petition area under the criteria of SMCRA Section 522(a)(2) or (3)(C)(D).

VII. Effects of Decision and Future Action

In accordance with 30 CFR 736.15, OSM is responsible for approving or denying applications for proposed surface coal mining operations in Tennessee, including the Fall Creek Falls petition area. In accordance with these regulations, OSM also administers and maintains an enforcement program to assure compliance with SMCRA laws, regulations, policies, and procedures. Thus, OSM's permitting and enforcement programs mitigate any environmental impacts that might be associated with the selection of the preferred alternative. OSM would also require compliance with the restrictions placed on surface coal mining operations in the headwaters of the Piney Creek watershed and would preclude surface coal mining operations in those portions of the petition area designated as unsuitable for surface coal mining operations.

Under this decision, OSM would not accept and process applications for proposed surface coal mining operations in the Park, in the Cane Creek, Meadow Creek and Falls Creek watersheds, and in the lower reaches of Piney Creek watershed within the Fall Creek Falls petition area outside the Park, except as provided in SMCRA Section 522(a)(6). That provision states that:

> The requirements of this section shall not apply to lands on which surface coal mining operations are being conducted on the date of enactment of this Act or under a permit issued pursuant to this Act, or where substantial legal and financial commitments in such operation were in existence prior to January 4, 1977.

Concerning the upper reaches of the Piney Creek watershed within the Fall Creek Falls petition area, OSM would accept and process applications for proposed surface coal mining operations where the proposed mining plan includes areas disturbed by pre-SMCRA coal mining, and the applicant demonstrates that water quality in the receiving streams will not be degraded, and that impacts from the previous mining will be mitigated by the proposed surface coal mining operation. All other surface coal mining operations would be prohibited.

OSM's December 17, 1999, final rule on the applicability of Section 522(e) of SMCRA to subsidence concluded that SMCRA's definition of "surface coal mining operations" at Section 701(28) does not apply to subsidence. The rulemaking preamble discusses OSM's conclusions as to why the definition includes surface activities in connection with a surface coal mine; and surface activities in connection with surface operations and surface impacts incident to an underground mine; and areas affected by such activities. In brief, under this interpretation subsidence is not a surface activity in connection with an underground mine and is not an area affected by such surface activity, and therefore, is not a surface coal mining operation subject to the prohibitions of Section 522(e). OSM expects to act consistent with this interpretation in determining which aspects of an underground coal mine are prohibited under Section 522 as surface coal mining operations.

Consistent with this interpretation, I anticipate that OSM will interpret the definition of surface coal mining operations at SMCRA Section 701(28) to mean: Surface activities in connection with a surface coal mine and surface activities in connection with surface operations and surface impacts incident to an underground coal mine, and areas affected by such surface activities. Under this interpretation, designation would prohibit only surface activities and areas affected by surface activities as discussed above. Because subsidence is not a surface activity, and is not an area affected by such surface activity, subsidence would not be considered a "surface coal mining operation." Thus, subsidence and other aspects of underground coal mining that are not surface activities or areas affected by surface activities would not be prohibited on any land designated unsuitable for surface coal mining operations pursuant to this petition.

OSM would accept and process applications for surface coal mining operations in the Dry Fork watershed of the Fall Creek Falls petition area outside the Park in accordance with OSM's conclusion that this watershed has no effect on the Park's surface resources.

A petitioner may seek termination of this designation with respect to Cane Creek, Falls Creek, Meadow Creek and Piney Creek watersheds, by providing new allegations of fact that support such a termination.

IX. Notification

Pursuant to 30 CFR 942.764.19 and 40 CFR 1506.6, this "Record of Decision and Statement of Reasons" is being sent simultaneously by certified mail to the petitioners and intervenors and by

regular mail to every other party to the petition process, including affected Indian tribe(s), Federal and State agencies, commenters who submitted substantive comments, and all others who have requested it. Notification of the availability of the document will be published in four local or regional newspapers, the Tennessee Administrative Record, and the **Federal Register**, and will be sent by regular mail to landowners in the petition area and to commenters who submitted general comments. The document will also be placed on OSM's web page. My decision becomes final upon the date of signing this statement. Any appeal from this decision must be filed within 60 days from this date in the United States District Court for the Eastern District of Tennessee, as required by Section 526(a)(1) of SMCRA.

Dated: June 17, 2000.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 00–15898 Filed 6–22–00; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Agency Information Collection Actitivities: New Collection, Comment Request

ACTION: Notice of Information Collection Under Review; New Collection: Electronic Access Survey.

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from the OMB by June 21, 2000. If granted, this emergency approval is only valid for 180 days. Comments should be directed to Office of Management and Budget, Office of Information and Regulatory Affairs, Attn: Department of Justice Desk Officer, Washington, DC 20530.

During the first 60 days of this same period a regular review of this collection is also being undertaken. Public comments are encouraged and will be accepted until August 22, 2000. Written comment and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments 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 function of the agency, including whether the information will have practical utility:

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of the 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. 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 Penny Alfred, Program Analyst, Federal Bureau of Investigation, CJIS Division, Module A–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, (304) 625–7387.

Overview of this information collection:

(1) *Type of Information Collection:* New data collection.

(2) *Title of the Form:* Electronic Access Survey.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form: None. Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit (Federally licensed firearms dealers, manufacturers, or importers).

Brief Abstract: The Brady Handgun Violence Prevention Act of 1994, requires the Attorney General to establish a national instant criminal background check system that any Federal Firearm Licensee may contact, by telephone or by the electronic means in addition to the telephone, for information, to be supplied immediately, on whether receipt of a firearm to a prospective purchaser would violate federal or state law.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 38,250 Federal Firearms Licensee at an average of 3 minutes to respond.

(6) *An estimate of the total public burden (in hours) associated with the collection:* Approximately 637.50 burden hours.

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, 1001 G Street NW, Suite 850, Washington, DC 20530.

Dated: June 19, 2000.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 00–15887 Filed 6–22–00; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF JUSTICE

Bureau of Justice Assistance

[OJP(BJA)–1284]

Program Announcement for Financial Crime-Free Communities Support (C–FIC) Anti-Money Laundering Grant Program

AGENCY: Office of Justice Programs, Bureau of Justice Assistance, Justice.

ACTION: Notice of solicitation.

SUMMARY: The U.S. Department of the Treasury and the U.S. Department of Justice are requesting applications for the Financial Crime-Free Communities Support (C–FIC) Anti-Money Laundering Grant Program.

DATES: Applications must be received by 5 p.m. ET on Monday, July 24, 2000.

ADDRESSES: Interested applicants must obtain an application kit from BJA's Web site at www.ojp.usdoj.gov/BJA/html/new1.htm or at www.ncjrs.org/fedgrant.htm#mlgrant. The application kit is also available from the Bureau of Justice Assistance Clearinghouse at 1–800–688–4252 or the DOJ Response Center at 1–800–421–6770. (See "Format" and "Delivery Instructions" later in this announcement for instructions on required standards and the address to which applications must be sent.)

FOR FURTHER INFORMATION CONTACT: Charles M. (Bud) Hollis, Senior Program Advisor, Bureau of Justice Assistance, 202–616–3218. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

Purpose

The purpose of this program is to provide state/local grant assistance to

detect, prevent, and suppress money laundering and related financial crimes.

Background

The Department of the Treasury (Treasury) and the U.S. Department of Justice (Justice) oversee the majority of the Federal Government's anti-money laundering enforcement and regulatory efforts. Together, Treasury and Justice produce the annual *National Money Laundering Strategy*. To strengthen Treasury's partnerships with State and local governments in the fight against money laundering, Congress established the Financial Crime-Free Communities Support (C–FIC) Anti-Money Laundering Grant Program.

The Bureau of Justice Assistance (BJA), a component of the Office of Justice Programs (OJP) within Justice, supports innovative programs that strengthen the Nation's criminal justice system. BJA's primary mission is to provide leadership and a wide range of assistance to local criminal justice agencies to make America's communities safer. To accomplish this mission, BJA provides funding, training, technical assistance, and information to State and community criminal justice programs, emphasizing the coordination of Federal, State, and local efforts.

Treasury and Justice (BJA and OJP) will jointly implement the C–FIC Anti-Money Laundering Grant Program.

Authority

In the Money Laundering and Financial Crimes Strategy Act of 1998, Pub. L. 105–310 (Oct. 30, 1998), Congress directed Treasury to establish a program to provide funds to State and local law enforcement agencies to detect, prevent, and suppress money laundering and related financial crimes whether related to narcotics or other underlying offenses. State and local enforcement officials, including regulatory officials, and State and local prosecutors are aptly suited to identify potential money laundering activity and to adjust enforcement and prosecution efforts to local conditions.

Treasury, OJP, and BJA entered into a Memorandum of Understanding (MOU) to govern the administration of the C–FIC Program. C–FIC grants are to be used as seed money for State and local programs that seek to address money laundering systems within their jurisdictions. C–FIC grants will help State and local communities to marshal information and expertise to build innovative approaches to money laundering enforcement and prosecution. C–FIC can also provide State and local recipients with training and technical assistance to combat these crimes.

Through this competitive solicitation for applications, Treasury and Justice encourage State and local law enforcement agencies and prosecutor's offices to identify emerging or chronic money laundering issues within their jurisdictions and propose innovative strategies for addressing those issues.

Grant Applications

Applications must adhere to the administrative requirements outlined in this document and follow the format prescribed in the Selection Criteria. Applications not adhering to the administrative requirements or the prescribed format will not be considered. Submissions will be reviewed by a panel of expert practitioners (peer review), who will make award recommendations to BJA; BJA in turn will review and forward recommendations to Treasury. Treasury will then select the applications to be awarded. BJA will award the C–FIC grants and monitor the individual projects.

Eligibility Requirements

Applicants are limited by statute to State and local law enforcement agencies or prosecutor's offices. State attorneys general, district attorneys, and law enforcement agencies may apply. Partnerships and interagency collaborations are encouraged; however, a State or local law enforcement agency or State or local prosecutor must be the applicant.

Selection Criteria

Applications must propose strategies to develop or enhance State and local programs that seek to address money laundering systems within their jurisdictions. The following criteria will be considered in the selection of the initial C–FIC grant awardees during FY 2000. Each submission must answer the following questions in the order presented below. List each question by number, followed by your answer. Papers not following this format will be removed from the review process.

1. What specific money laundering-related problem(s) in your jurisdiction does your proposal address? (20 points)

Describe and/or demonstrate that the jurisdiction is focusing on a significant money laundering problem or risk, in a manner consistent with the National Money Laundering Strategy. Each application is required to include a preliminary threat assessment that identifies the most significant money laundering risks to be addressed using C–FIC grant funds. The use of FinCEN's Gateway Program as a vehicle for two-way information exchange is strongly encouraged.

2. Specifically, how will the award of C–FIC grant funds be used to accomplish your proposal's objectives? (25 points)

Provide an overview of your initiative. Make certain that clear and strong links exist between what you are proposing and how it will address the problem(s) you described in Question 1. This criterion is seeking innovative approaches. Are you proposing a method to understand, investigate, disrupt, and prosecute those involved in money laundering systems?

Note: The grant funds should not be used to fund investigative efforts focused primarily on the predicate crimes that generate launderable proceeds.

3. How will you regularly measure outcomes for your program throughout its operation? (10 points)

Each applicant should submit an analysis of how it will target the problem that it seeks to address and how it will measure its success. The application must contain at least three (3) quantitative performance measures and discuss how the applicant (and program auditors) can assess those measures. Effectiveness need not be measured in terms of immediate arrests or cash seizures, although such statistics may be relevant. The applicant must also provide assurances that an entity conducting an evaluation of the applicant's performance under the grant, or from which the applicant receives information, has experience in gathering data related to money laundering and related financial crimes (31 U.S.C. 5352(a)(2)(C)).

Note: Each selected applicant will be required to assess the level of cooperation between it and the Federal, State, and local law enforcement and prosecutorial agencies and regulatory agencies involved in fighting money laundering and related financial crimes.

4. How will agencies collaborate in the project? Include signed copies of all interagency agreements and memoranda of understanding (MOUs). Include a description of proposed or existing partnerships and how State and local prosecutors, law enforcement agencies, and relevant regulatory officials will be incorporated. Also describe how information from appropriate academic or research disciplines will be integrated into your proposal. (25 points)

List your partners, what role they play in your strategy, and whether this is a new or existing collaboration.

Note: Applicants who propose coordinating activities with any relevant

High Risk Money Laundering and Financial Crime Areas (HIFCAs) will be considered favorably for a C–FIC grant award. The National Money Laundering Strategy for 2000 designated three geographic HIFCAs—New York/Northern New Jersey, Los Angles, and San Juan'and one money laundering system for the smuggling of bulk cash across the Texas and Arizona borders. Collaboration is strongly encouraged in the following manner: (a) Coordination with the action team of a designated HIFCA site, including a statement of endorsement by the head(s) of the HIFCA Action Team, and (b) participation with appropriate regulatory agencies.

5. What is the projected budget for the project? Use the appropriate worksheet included in the BJA Application Kit. (20 points)

The budget must describe not only the costs of the program, but the cost-benefits to the jurisdiction.

Note: The applicants should describe how the use of the C–FIC grant funds can result in progress being made against money laundering activity and describe how the grant will impact the money laundering target site after the grant period has concluded.

Format

Applicants must submit 10 copies of their proposal. To be considered for funding, proposals must include the following:

- All forms found in the BJA C–FIC Application Kit (available at www.ojp.usdoj.gov/BJA/html/new1.htm or at www.ncjrs.org/fedgrant.htm#mlgrant, or by calling the Bureau of Justice Assistance Clearinghouse at 1–800–688–4252 or the DOJ Response Center at 1-800–421–6770).
- A detailed narrative describing the proposed project. The narrative must address each of the Selection Criteria described below in the sequence shown. The narrative portion must not exceed 30 pages.
- A budget that reflects the estimated cost of the activities described in the proposal.
- A copy of your State's money laundering statute and any other relevant State or local applicable authorization to investigate and/or prosecute money laundering and related financial crimes. Applicants should include the basis, if any, for their authority to seize and/or forfeit assets.
- A resume of the proposed project director highlighting information that clearly indicates his or her experience in money laundering enforcement and/or prosecution.

Note: Federal law requires that, to the extent that monies are received by the grantee via asset forfeiture as a result of efforts funded by the grant, a C–FIC grant recipient must agree to return C–FIC monies awarded, up to the amount of the award, whether or not the forfeiture occurs during the period of the grant (31 U.S.C. 5352(c)(1)).

The proposal must be submitted on 8½-by 11-inch paper in standard 12-point font. The narrative portions of the proposal must be double-spaced.

Award Period

Up to 10 awards will be made for up to 18 months.

Award Amount

For FY 2000, applicants may request funding of up to $300,000, which is expected to be the maximum Federal contribution available for each award. Recipients of FY 2000 C–FIC grants will be eligible to apply for future C–FIC grants at the appropriate time.

Catalog of Federal Domestic Assistance (CFDA) Number

For this program, the CFDA number, which is required on Standard Form 424, Application for Federal Assistance, is 16.580. This form is included in the BJA C–FIC Application Kit, which can be obtained by accessing the BJA's Web site at www.ojp.usdoj.gov/BJA/html/new1.htm or at www.ncjrs.org/fedgrant.htm#mlgrant. The application kit is also available by calling the Bureau of Justice Assistance Clearinghouse at 1–800–688–4252 or the DOJ Response Center at 1–800–421–6770.

Delivery Instructions

Ten copies of the application must be mailed or delivered to: Bureau of Justice Assistance, Attention: BJA Control Desk, 5640 Nicholson Lane, Suite 300, Rockville, Maryland 20852.

Due Date

The proposal must be RECEIVED at the address above no later than 5 p.m. eastern time, July 24, 2000. Proposals delivered after the deadline will not be considered. BJA will not grant extensions of the deadline or accept faxed submissions.

Contact

For further information, contact Charles M. (Bud) Hollis, Senior Program Advisor, Bureau of Justice Assistance, 202–616–3218, or send an e-mail inquiry to BUD@ojp.usdoj.gov.

Suggested References

The National Money Laundering Strategy for 2000, (March 2000) (U.S. Department of the Treasury, U.S. Department of Justice, available at www.treas.gov/press/releases/docs/ml2000.pdf.

The National Money Laundering Strategy for 1999, (September 1999) (U.S. Department of the Treasury, U.S. Department of Justice), available at *www.treas.gov/press/releases/99report.htm.*

Dated: June 19, 2000.

Nancy E. Gist,

Director, Bureau of Justice Assistance.

[FR Doc. 00–15858 Filed 6–22–00; 8:45 am]

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DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OJP (OJJDP)–1283]

Program Announcement for Hate Crime Prevention: A Comprehensive Approach

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of solicitation.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is requesting applications for Hate Crime Prevention: A Comprehensive Approach. The purpose of the program is to disseminate information on promising approaches to reduce and prevent incidents of hate crimes and hate-related behavior committed by youth and to provide training and technical assistance to help law enforcement, communities, and schools implement effective hate crime prevention programs and activities.

DATES: Applications must be received by August 7, 2000.

ADDRESSES: Interested applicants can obtain the OJJDP Application Kit from the Juvenile Justice Clearinghouse at 800–638–8736. The Application Kit is also available at OJJDP's Web site at www.ojjdp.ncjrs.org/grants/about.html#kit. (See "Format" and "Delivery Instructions" later in this announcement for instructions on required standards and the address to which applications must be sent.)

FOR FURTHER INFORMATION CONTACT: Frank Porpotage, Deputy Director, Training and Technical Assistance Division, at 202–616–3634. [This is not a toll-free number].

SUPPLEMENTARY INFORMATION:

Purpose

To disseminate information and provide training and technical assistance on promising approaches to prevent and reduce incidents of hate crimes and hate-related behavior committed by youth.

Background

Hate crime is a serious problem in the United States, not only because of the number of individual victims but also because of the devastating impact hate violence has on families, communities, and institutions. Over the past few years, the Nation has witnessed an alarming number of violent hate crimes motivated by the perpetrators' bias toward their victims' perceived racial or

ethnic identity, religion, nationality, sexual orientation, gender, or disability.

Since the enactment of the 1990 Hate Crime Statistics Act (HCSA), the Federal Government has worked to establish national statistics on hate crimes. In response to the 1990 law, the Attorney General directed the Federal Bureau of Investigation (FBI) to add hate crime as a category in the Uniform Crime Reporting (UCR) Program. Although hate crime reporting by law enforcement agencies is voluntary under Federal law, the Justice Department has provided extensive training to State and local law enforcement agencies, resulting in increased reporting and improved programs for responding to hate crimes.

The 1990 HCSA defined hate crimes as "crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity." The Violent Crime and Law Enforcement Act of 1994 amended the HCSA to include crimes motivated by bias against persons with disabilities in the definition of hate crimes.

Analysts in the field have noted that reporting under the HCSA has increased public awareness of, and improved local law enforcement's response to, hate crime violence; however, the reporting records remain incomplete. Because hate crime reporting by law enforcement agencies is voluntary under Federal law, experts believe the data do not completely describe the number and nature of hate crimes that occur nationally. In spite of these irregularities, the Hate Crime Statistics data for 1998 indicated that 9,235 hate crimes were reported in that year.

To increase hate crime awareness and support hate crime prevention efforts, the 1992 reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (Pub. L. 93–415, 42 U.S.C. 5601 *et seq.*), authorized the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to fund research, training, and program efforts in support of hate crime awareness, education, and prevention. Congress directed OJJDP to establish and/or support model educational programs designed to prevent or reduce incidents of hate crimes by juveniles, including (1) programs that address prejudicial attitudes of juveniles, develop awareness of the effect of hate crime on the victim, and educate the offender about the importance of tolerance in our society and (2) sentencing programs for juveniles who commit hate crimes (42 U.S.C. 5665 (a)(9)).

In 1994, the Safe and Drug-Free Schools and Communities Act was reauthorized as part of the Improving America's Schools Act (Pub. L. 103–382). One of the most significant changes was the authorization of school violence prevention activities. The focus on school safety was based on a recognition that schools needed to expand the types of prevention and early intervention activities they were developing to ensure safe, healthy, disciplined, and drug-free students. In response to this broadened program authority, Congress authorized the U.S. Department of Education (ED) to develop education and training programs, curriculums, instructional materials, and professional training to prevent and reduce the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes (20 U.S.C. 7131).

In general, hate crimes are "message" crimes intended to provoke fear, marginalize members of society, and disrupt the social order. In recent years, these crimes have incited fear and intimidation in many communities throughout the Nation. No community is immune. Hate crimes have been reported in all regions of the country. These crimes have a wrenching impact on their victims, who are often terrorized and tormented. They also have a devastating impact on all members of groups that are the target of hate crime and a corrosive impact on community and civil rights.

Although existing hate crime data do not present a complete picture, they are useful in providing important information about the extent of hate crime, its victims, and its perpetrators. Examination of such data enables policymakers and professionals to identify the groups that are most likely to be victimized or become perpetrators and provide support and guidance for programs, resources, and services.

While schools report that they have few, if any, hate crimes, educators agree that on a daily basis they deal with various forms of unacceptable bias-/hate-motivated and related behaviors that disrupt the learning environment. *For the purpose of this program announcement, hate-related behaviors are defined to include (but are not limited to) the following: harassment, intimidation, bullying, taunting, graffiti, name calling, and fighting, when the victim of any of these behaviors is intentionally selected because of his or her race, color, religion, national origin, gender, disability, sexual orientation, and/or physical appearance.*

Until recently, scant information has been available on juvenile involvement as either perpetrators or victims of hate crime. However, current national, State, and local information sources document an increasing involvement of juveniles in hate crimes or hate-related behavior:

- According to hate crime data in Massachusetts for the years 1996 and 1997, nearly 63 percent of perpetrators were under the age of 21 (Department of Public Safety, 1998).
- A 1990 study of New York City police data showed that the median age for bias offenders was 18 and that 56 percent were under the age of 21 (Southern Poverty Law Center, 1995).

Additional studies (cited below) have examined the incidence of hate crimes and the role of juveniles as either the victims or perpetrators of such crimes. Student surveys also support the view that hate crime prevention efforts need to be focused on youth.

In a sample of 1,865 high school students attending 10th, 11th, and 12th grades in public, parochial, and private schools across the country, more than half of the students interviewed claimed that they had witnessed racial confrontations either "very often" or "once in a while." One in four students said that they were prepared to intervene in, or even condemn, a confrontation based on racial hatred. However, almost half of the students interviewed either admitted that they would join in an attack or agreed that the group under attack was "getting what it deserved" (Harris, 1990).

A study of 1,570 elementary, middle, and secondary schools in Los Angeles County also supports the view that hatred among youth is a critical problem. Thirty-seven percent of these schools reported incidents of hate-motivated violence during a school year. Students in middle and high schools were particularly likely to have experienced hate violence, with a response rate of 47 percent and 42 percent, respectively. Thirty-four percent of the elementary schools also reported hate incidents (Los Angeles Commission on Human Relations, 1990).

A poll conducted by Penn, Schoen & Berland Associates (1999) revealed that more than 90 percent of young people surveyed thought that hate crimes were a serious problem. Eighty-nine percent of the youth believed that the problem of hate crime affects all areas of the country, and 33 percent indicated that the problem of hate crime has become more severe.

Although most hate crimes are perpetrated by individuals acting on their own (Levin and McDevitt, 1993), there is a long history of organized hatred in the United States. Hate groups contribute to community unrest and the escalation of community violence. Developmentally, adolescents may also

be more susceptible to hate ideology and propaganda. Some hate propaganda is particularly emotionally charged and can resonate with angry, alienated, and isolated teens who seek someone to blame for their unhappiness (Stanton, 1992). The individual juvenile who commits hate crimes, whether or not he or she is affiliated with an organized hate group, continues to pose a major challenge to youth-serving professionals. Another significant challenge is to conceptualize, fashion, and implement interventions that will modify a juvenile hate crime offender's prejudice, belief system, and violent behavior. These challenges require the collaboration of many disciplines to address the problem comprehensively.

In 1997, the Leadership Conference on Civil Rights (LCCR) and the Leadership Conference Education Fund published a report entitled *Cause for Concern: Hate Crimes in America,* which noted an increasing trend in hate crime violence and the use of the Internet to spread messages of hate. This report also indicated that a large number of hate crime "perpetrators are youthful thrill-seekers, rather than hardcore haters," suggesting that hate crime prevention and education programs could be effective in reducing hate crime violence committed by juveniles.

In the same year, the Anti-Defamation League's publication *High Tech Hate: Extremist Use of the Internet* discussed the impact of the Internet on individuals and groups of all ages, especially students from elementary to college levels. The growth of hate crimes through this medium challenges all persons working with youth to develop programs that will provide critical thinking skills and media literacy to teach youth to resist hate propaganda messages and affiliations that may be found on the Internet.

OJJDP and the Department of Education's Safe and Drug-Free Schools (SDFS) Program have recognized the need to provide assistance to help prevent the commission of hate crimes by juveniles. Since 1997, this assistance has taken the form of joint funding to support training programs for policymakers working with communities and youth and technical assistance to several sites implementing innovative hate crime prevention initiatives.

In response to the growing demand by communities, law enforcement, and schools for additional hate crime and hate-related behavior information, training, and technical assistance, OJJDP and SDFS are pleased to announce a new competitive program: Hate Crime Prevention: A Comprehensive Approach. This jointly funded information and training and technical assistance program is designed to address the problem of juvenile hate crime and identify effective components of hate crime prevention programs. The program will focus on (1) disseminating information about promising practices and available resources; (2) providing training and technical assistance on effective school-based hate-related behavior prevention programs; and (3) promoting national and local level collaboration among youth and professionals from different disciplines who work with young people (e.g., educators, law enforcement officers, judges, representatives of community agencies and organizations, clergy) to support institutional change to prevent and reduce the incidence of hate crime.

Goals

The goals of this project are twofold:

- To enhance awareness of promising approaches to reduce and prevent incidents of hate crimes committed by youth.
- To assist communities, law enforcement, and schools in providing effective hate crime prevention programs and activities that prevent and reduce incidents of hate crime and promote greater tolerance among youth.

Objectives

To accomplish these goals, the Hate Crime Prevention initiative will:

- Improve the knowledge of hate crimes and related issues among law enforcement, youth-serving professionals, and educators.
- Provide training and technical assistance to local youth-serving agencies, schools, and law enforcement in implementing promising hate crime and hate-related behavior prevention activities and programs.
- Disseminate information about emerging hate crime and hate-related behavior prevention issues, programs, and strategies.
- Promote collaboration among multidisciplinary organizations and agencies to prevent, reduce, and respond to hate crimes and hate-related behavior.
- Develop resource materials, publications, and guides to inform and assist practitioners, policymakers, and communities to address the problem of hate crimes and hate-related behavior.

Target Population

The major clients to be served with the implementation of the Hate Crime Prevention: A Comprehensive Approach initiative include youth and professionals working in:

- Juvenile justice, including law enforcement, prosecutors, and the judiciary.
- Education.
- Youth-serving organizations representing both education-related and justice-related audiences.
- Criminal justice (as in the juvenile justice category, the criminal justice audience includes law enforcement, prosecutors, and the judiciary).
- Community agencies and organizations.

Program Strategy

OJJDP will competitively select a single organization to implement the hate crime prevention training and technical assistance program, for an initial 12-month budget period, within a 3-year project period. Partnerships are encouraged, and when they are utilized, a single agency or organization must be identified as having lead responsibility for the project.

Applicants must clearly demonstrate experience in the delivery and management of national multifaceted training and technical assistance programs, expertise on the topic of hate crimes, and an understanding of the challenges that exist in the field of hate crime prevention programming. Applicants are encouraged to be creative in their approach to designing and delivering technical assistance and training, reflecting an understanding of the resources and constraints of the various disciplines involved in implementing a juvenile hate crime prevention and reduction program.

Applications must include detailed plans for implementing training and technical assistance, including measurable goals and objectives. Applicants should indicate how they will incorporate electronic mediums for providing training and technical assistance via teleconferencing and other Internet based modalities. Applicants must also provide timelines and a description of how the program will provide technical assistance and training, on the specific hate crime and hate-related behavior prevention program areas listed below, across diverse disciplines and jurisdictions.

Hate crime prevention topics to be addressed through training and technical assistance include the following:

- Youth hate crime and hate-related behavior prevention principles.
- Hate crime definitions.
- Hate crime and hate-related behavior identification and the scope of the problem.
- Hate crime and hate-related behavior impact and its relationship to prevention programs.
- Tools and materials designed to reduce prejudice and prevent hate crime and hate-related behavior in communities.

- The legislative and legal issues pertaining to Federal criminal statutes, the Hate Crime Statistics Act, and State hate crime legislation, including model hate crime legislation.
- Diversion and sentencing innovations for juvenile offenders.
- Effective law enforcement, school, and community hate crime collaborations.
- Strategies for mobilizing communities and schools to prevent hate crimes and hate-related behavior.

Applicants' training and technical assistance design must reflect recent research on effective hate crime and hate-related behavior prevention programming; explain how the delivery and development of materials will occur, with consideration given to the diverse needs of the various disciplines involved in implementing hate crime and hate-related behavior prevention efforts; and provide a plan for producing program deliverables.

Deliverables

In addition to developing a training and technical assistance strategy based on the areas described above, the selected applicant will provide the following deliverables over the 36-month project period:

- Develop a program guide outlining promising, age-appropriate hate crime and hate-related behavior prevention activities that can be used in a variety of settings and providing guidance to those working with elementary school age children. This guide would also discuss policies that should be developed to support hate crime and hate-related behavior prevention and provide suggestions on how to work with children who engage in this behavior.
- Develop a manual for parents, school personnel, and community members working with youth to provide guidance for helping school-age youth recognize and make critical choices regarding messages of racism, prejudice, bigotry, and other hateful material on the Internet.
- Design and deliver two training of trainers (TOT) courses per year, using existing OJJDP and Department of Education materials for middle school students to develop a cadre of trainers capable of training others to develop and implement effective and innovative hate crime prevention programs and activities in schools and communities.
- Organize and conduct one multidisciplinary regional training per year for practitioners with the goal of presenting current knowledge and emerging practices in the area of hate crime and hate-related behavior prevention and response. This training must be held in a specific region of the country having a high incidence of reported hate crime activity and one or more active public/private hate crime prevention collaborations or programs.
- Develop a strategy using existing OJJDP and Department of Education materials to recruit, train, and include senior high and middle school students as peer leaders in supporting hate crime and hate-related behavior prevention activities and develop program guides to work with middle school and senior high school students.
- Develop a plan and deliver one national/State hate crime and hate-related behavior prevention training per year targeted to policymakers in the fields of juvenile justice, criminal justice, and education and in youth-serving organizations.
- Develop a plan and provide onsite technical assistance to three new sites per year. Selection criteria for these sites should include evidence of multidisciplinary hate crime community collaboration and an action plan documenting need for assistance to implement a hate crime and hate-related behavior prevention effort.
- Design and implement a plan to promote hate crime prevention and project activities, including training and technical assistance activities, to a national audience.
- Design and implement appropriate evaluation measures to assess the training and technical assistance services provided.
- Prepare a report summarizing participant training and technical assistance evaluations to be used for the purpose of improving future training and technical assistance delivery and providing insight into existing hate crime and hate-related behavior prevention needs.
- Develop and maintain a hate crime and hate-related behavior prevention Web site to disseminate information and update the field about hate crime prevention programs, information, events, resources, training and technical assistance services, and strategies for effective alternatives to incarceration for juvenile hate crime offenders.
- Disseminate information through the Web site and other networks.
- Develop three technical assistance bulletins/guides (one of which will be directed to Federal, State, and local law enforcement and policymakers, one to teachers and parents, and the other one to youth) to provide critical information on hate crime and six technical assistance briefs (two per year) based on case studies of specific sites that have received training and technical assistance and are implementing effective or promising hate crime prevention efforts.
- Create and foster active partnerships with other national public/private organizations involved in promoting tolerance and hate crime prevention for the purpose of improving services, providing outreach, avoiding duplication of efforts, and promoting linkages to facilitate information exchange.
- Organize an advisory group of professionals representative of the broad range of constituencies involved in hate crime and hate-related behavior prevention issues to provide guidance on project activities during the grant period. The advisory group must include educators, parents, and juvenile justice and criminal justice professionals, among others.
- Convene two advisory group meetings each project year.

Applicants should be realistic in setting the cost of deliverables and in outlining the implementation schedule. Applicants are also encouraged to be innovative in their approach as OJJDP and ED will consider nontraditional training and technical assistance delivery approaches so long as the goals and objectives of the program are met. In addition, the principles listed below must be incorporated.

Guiding Principles

Technical assistance and training will be provided in a manner consistent with the following principles:

- Address legislative requirements of Federal and State hate crime laws.
- Be designed and delivered in a manner that supports the empowerment of local communities and jurisdictions to implement appropriate strategies.
- Be proactive and comprehensive.
- Be user-friendly and consumer driven.
- Use uniform protocols for needs assessment, delivery of training and technical assistance, evaluation, tracking, and followup.
- Base curriculum development on adult learning theory and deliver the curriculum within the context of an interactive structure.
- Be coordinated to effectively and efficiently use the expertise of a range of recognized public and private experts in the hate crime prevention field.
- Be sensitive to diverse cultural and ethnic needs and religious affiliations.
- Take into consideration local needs and resources.

Selection Criteria

Applicants will be rated by a peer review panel on the extent to which they meet the criteria outlined below.

Problem(s) To Be Addressed (15 points)

Applicants must clearly demonstrate an understanding of the problem(s) addressed by the project and the issues relevant to hate crime practices and their relation to the concept of a comprehensive hate crime prevention program.

Goals and Objectives (5 points)

Applicants must provide succinct statements that demonstrate how the goals and objectives associated with the project will be addressed. Technical assistance and training relating to the objectives must be clearly stated and measurable.

Project Design (40 points)

Applicants must present a project design that is specific and constitutes an effective approach to meeting the goals and objectives of this program. The design must include a detailed work plan with timelines that link the training and technical assistance deliverables to the hate crime program areas to be addressed. Applicants must

demonstrate how these activities can be expected to achieve the program's overall goals. The design must provide protocols for assessment of technical assistance and training needs, as well as the protocols that will be used in the actual delivery of technical assistance. It must also describe the process and structure that will be used for curriculum development with demonstration of how adult learning theory will be employed in its design. The design must indicate how project objectives will be met. Proposals should include a cohesive, well-developed plan for meeting project objectives and translating research on promising hate crime prevention programs into practice.

Competitiveness will be enhanced by applicants who clearly discuss how the required training and technical assistance tasks will be delivered in a number of different community settings to persons of diverse cultural, ethnic, religious, and socioeconomic backgrounds.

Competitiveness also will be enhanced by applicants whose program strategy clearly demonstrates broad outreach and collaboration with various constituency groups, including professional associations representing the education and juvenile justice fields and other organizations working to prevent, reduce, and respond to hate crimes. Demonstrable knowledge of current research on hate crime prevention and age-appropriate educational prevention strategies is essential. Applicants should show how these will support the implementation of the program, development of program materials, and delivery of services.

Project Management and Organizational Capability (30 points)

The application must include a discussion of how the grantee will coordinate and manage this program to achieve product development and meet training and technical assistance needs.

Key staff should have significant experience with the delivery of training and technical assistance, experience with hate crime prevention, and knowledge of development, education, diversity, prevention issues, and victim service programs.

Applicants must demonstrate production and computer capabilities or describe how they will meet the requirements for producing the required publications and materials.

Applicants must include resumès of key staff and identify how and for what percentage of time they will be used with respect to specific tasks. Applicants must demonstrate how they will manage onsite and offsite training and technical assistance delivery and describe their experience in planning conferences of varying sizes.

Budget (10 points)

Applicants must provide a proposed budget that is detailed, reasonable, and cost effective for the activities undertaken and all of the deliverables to be produced.

Applicants should include the cost of hotel and meal expenses of participants in the training of trainers courses, technical assistance programs, and regional training and technical assistance program. Trainees will not be charged any fee for attendance or materials at any training conference sponsored by the grantee or for other training and technical assistance deliverables.

Eligibility Requirements

OJJDP invites applications from public and private agencies, organizations, institutions, or individuals. Private, for-profit organizations must agree to waive any profit or fees.

Format

The narrative portion of the proposal must not exceed 50 pages in length. The narrative portion includes the abstract; problem statement; work plan/timelines; narrative; project goals, objectives, design, and staffing; detailed budget worksheets and budget narrative; description of products developed under this grant, if applicable; and proposed evaluation methods and strategy. The application should be submitted on 8½ by 11-inch paper, double spaced on one side of the paper, in a standard 12-point font and with pages numbered sequentially. Appendixes combined may not exceed 30 pages in length. Appendixes must include letter(s) of commitment, résumés/job descriptions, and project evaluation, if the project has been evaluated. These requirements will ensure fair and uniform standards among all applicants. If the narrative does not conform to these standards, OJJDP will deem the application ineligible for consideration.

Award Period

The project will be for a 3-year project period, funded in three 1-year budget periods. Funding after the first budget period depends on performance of the grantee, availability of funds, and other criteria established at the time of award.

Award Amount

Up to $1 million is available for the initial 1-year budget period.

Catalog of Federal Domestic Assistance (CFDA) Number

For this program, the CFDA number, which is required on Standard Form 424, Application for Federal Assistance, is 16.542. This form is included in the *OJJDP Application Kit*, which can be obtained by calling the Juvenile Justice Clearinghouse at 800–638–8736 or sending an e-mail request to puborder@ncjrs.org. The *Application Kit* is also available online at www.ojjdp.ncjrs.org./grants/about.html#kit.

Coordination of Federal Efforts

To encourage better coordination among Federal agencies in addressing State and local needs, the U.S. Department of Justice (DOJ) is requesting applicants to provide information on the following: (1) Active Federal grant award(s) supporting this or related efforts, including awards from DOJ; (2) any pending application(s) for Federal funds for this or related efforts; and (3) plans for coordinating any funds described in items (1) or (2) with the funding sought by this application. For each Federal award, applicants must include the program or project title, the Federal grantor agency, the amount of the award, and a brief description of its purpose.

The term "related efforts" is defined for these purposes as one of the following:

1. Efforts for the same purpose (*i.e.*, the proposed award would supplement, expand, complement, or continue activities funded with other Federal grants).
2. Another phase or component of the same program or project (*e.g.*, to implement a planning effort funded by other Federal funds or to provide a substance abuse treatment or education component within a criminal justice project).
3. Services of some kind (*e.g.*, technical assistance, research, or evaluation) to the program or project described in the application.

Delivery Instructions

All application packages should be mailed or delivered to the Office of Juvenile Justice and Delinquency Prevention, c/o Juvenile Justice Resource Center, 2277 Research Boulevard, Mail Stop 2K, Rockville, MD 20850; 301–519–5535. Faxed or e-mailed applications will not be accepted. **Note:** *In the lower left-hand corner of the envelope, you must clearly write "Hate Crime Prevention: A Comprehensive Approach."*

Due Date

Applicants are responsible for ensuring that the original and five copies of the application are received no later than 5 p.m. ET on August 7, 2000.

Contact

For further information, call Frank Porpotage, Deputy Director, Training and Technical Assistance Division, at 202–616–3634, or send an e-mail inquiry to Frank@ojp.usdoj.gov.

References

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Useful Web Sites

These Websites include outstanding resources on hate crimes laws, antibias and prevention programs, and links to other related sites:

- www.ADL.org [Anti-Defamation League]
- www.civilrights.org [Leadership Conference on Civil Rights/Leadership Conference Ed. Fund]
- *www.usdoj.gov/kidspage/* [Department of Justice Anti-Bias Kidspage]
- www.whitehouse.gov/Initiatives/OneAmerica/america.html [President Clinton's Race Initiative]
- www.ojp.usdoj.gov/BJA/html/hatecrms.htm [Hate Crime Initiatives]
- www.ed.gov/offices/OESE/SDFS/safeschools.html [Keeping Schools and Communities Safe]

Dated: June 20, 2000.

John J. Wilson,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

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BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OJP (OJJDP)–1269]

Program Announcement for Information Sharing To Prevent Juvenile Delinquency: A Training and Technical Assistance Approach

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of solicitation.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is requesting applications to provide training and technical assistance on information sharing to juvenile justice, education, health, child welfare, and other youth-serving systems or organizations that foster multidisciplinary, multiagency solutions to the problems of delinquent and at-risk youth. Instructional focus will include the legal, ethical, technical, and structural knowledge and skills necessary to ensure effective development and management of information-sharing systems within the context of integrated information architectures being developed in the justice, education, and health and human services communities. Training and technical assistance support is expected to facilitate cross-agency cooperation and improve systemic responses to children at risk and juveniles in the juvenile justice system.

DATES: Applications must be received by 5 p.m. ET on July 24, 2000.

ADDRESSES: Interested applicants must obtain an application kit from the Juvenile Justice Clearinghouse at 800–638–8736. The application kit is also available at OJJDP's Web site at www.ojjdp.ncjrs.org/grants/about.html#kit. (See "Format" and "Delivery Instructions" later in this announcement for instructions on required standards and the address to which applications must be sent).

FOR FURTHER INFORMATION CONTACT: Gwendolyn Dilworth, Program Manager, Office of Juvenile Justice and Delinquency Prevention, 202–514–4822. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

Purpose

The purpose of this program is to advance more effective and pro-active responses to at-risk and juvenile-justice-system-involved juveniles and to support solutions to juvenile delinquency by providing training and technical assistance on information sharing to juvenile justice, education, health, child welfare, and other youth-serving systems or organizations that foster multidisciplinary, multiagency solutions. Instructional focus will include the legal, ethical, technical, and structural knowledge and skills necessary to ensure effective development and management of juvenile information-sharing systems within the context of integrated information architectures being developed in the justice, education, and health and human services communities.

Background

Information sharing is recognized as an essential tool for effectively providing justice, education, and health services by Federal, State, local, and tribal governments. In the past 5 years, advances in information technology have made electronic multidisciplinary and multiagency information sharing a possibility for large and small jurisdictions alike. Since 1997, the Office of Justice Programs (OJP) and its Bureaus (the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime) have been supporting the development of integrated justice information sharing systems in State, local, and tribal jurisdictions. This effort, the OJP Integrated Justice Information Initiative, is striving to increase information sharing among justice agencies and between justice agencies and affiliated government agencies, such as education, health, welfare, transportation, and emergency management, through coordinated grant funding, award notice requirements, and training and technical assistance.

Since the early 1990's, public bodies, professional organizations, and business groups have been calling for greater interagency coordination to achieve a more comprehensive approach to providing services for children and families at risk (Soler, Shotton, and Bell, 1993). This call for increased coordination fueled a growing belief that sharing pertinent "need to know" information among service providers strengthens the ability to provide comprehensive services to children and families. Integrated information sharing can also promote effective coordination of multiple services to foster better informed decisionmaking regarding juveniles, whether in the justice, education, or health and welfare contexts.

Implementing integrated information sharing systems, however, is often impeded by barriers identified in juvenile justice and affiliated agencies. The barriers to effective juvenile information sharing are often attributed to concerns of confidentiality and privacy, blurred lines of authority, gaps in data integration, service fragmentation, and distrust and hostility among different agencies. Each of these barriers raises valid issues that must be carefully addressed in designing and implementing information-sharing systems.

To better respond to a heightened concern over violent juvenile crime and delinquency in schools and communities, many justice, education, health, and other youth-serving agencies are seeking to integrate information-sharing capabilities. To assist these agencies in achieving integrated information sharing, OJJDP, the U.S. Department of Education, and the U.S. Department of Health and Human Services are working collaboratively to provide coordinated juvenile information technology resources through a grant for technical assistance and training. Previous collaborative efforts funded by the Federal Government demonstrate the pivotal role of Federal agencies in facilitation a formal information-sharing process between State and local agencies. For example, Federal Government facilitation of information-sharing capabilities is demonstrated through the following initiatives:

- Through Safe Kids/Safe Streets, OJJDP and several other OJP components (Violence Against Women Office, Executive Office of Weed and Seed, Bureau of Justice Assistance, Bureau of Justice Statistics, and Office for Victims of Crime) are supporting the reform of public and community systems that respond to child maltreatment. Cross-agency information sharing is a core component of the project. Five communities are exploring ways to improve communication across the juvenile justice, child welfare, health, and education systems in their jurisdiction to strengthen child abuse and neglect prevention and treatment efforts through multidisciplinary teams and cross-agency management information systems.
- In 1994, the Safe and Drug-Free Schools and Communities Act (SDFS) was reauthorized as part of the Elementary and Secondary Schools Act (ESEA). The most significant change was the authorization of violence prevention activities. This focus on school safety was based on a growing recognition that schools needed to expand the types of prevention and early intervention activities they were developing to ensure safe, healthy, disciplined, and drug-free students. Since many of the issues pertaining to drug and violence prevention are interrelated, the amended SDFS encourages school districts to develop integrated programs that address student "risk factors" such as alcohol and other drug use and violent behavior. In response to this broadened programmatic authority, school districts have expanded the scope of their efforts by promoting various aspects of safety including drug prevention, violence prevention, hate crime prevention, counseling, mentoring programs, afterschool activities, truancy programs, conflict resolution, antibullying programs, gang prevention, family and community involvement, school security personnel, and installation of metal detectors.
- OJJDP's School Administrators for Effective Police, Prosecution, Probation Operations Leading to Improved Children and Youth Services (SAFE POLICY) Program stresses improved use of information by developing interagency agreements that call for information sharing and coordination of juvenile services. An intensive session for local executives of public and private agencies emphasizes information sharing as a method for improving the juvenile justice system.
- In the wake of tragic multiple shootings in Arkansas, Colorado, Kentucky, Mississippi, and Oregon, last fall President Clinton convened the first-ever White House Conference on School Safety to exchange knowledge and ideas on ways to improve safety for students, schools, and communities. On April 1, 1999, the U.S. Departments of Education, Health and Human Services, and Justice announced an unprecedented collaborative effort, the Safe Schools/Healthy Students Initiative, to promote healthy childhood development and prevent violent behaviors. The intent of the initiative is to provide fully linked educational, mental health, law enforcement, juvenile justice, and social services.

As these examples illustrate, youth-serving agencies and organizations are creating mechanisms for improving service delivery to children, their

families, and their caregivers while raising awareness for broader "need to know" information access and sharing capability across disciplinary and organizational sectors. Central to this theme is determining a process for planning, designing, and implementing integrated juvenile justice information-sharing systems within the legal, policy, and technology frameworks of the overall justice, education, and health communities. Developing this capability is essential to ensuring a seamless continuum of services for juveniles and their families, while minimizing gaps or service duplication.

To develop this capability, practitioners require sufficient knowledge and skills to plan for, implement, and maintain multiagency, multijurisdictional information management systems. These skills include the ability to build partnerships between a variety of government agencies and service providers, comprehend and implement Federal, State, local, or tribal statutes and policies relating to juvenile information sharing, and understand integrated technology architecture design.

Protecting children, providing needed health and mental health care, preventing delinquency, maintaining safe schools and communities, and ensuring accountability for juvenile offenders require effective information-sharing mechanisms across the spectrum of agencies responsible for influencing these outcomes. OJJDP and its Federal partners are uniquely positioned to assist in the coordination, development, and management of multidisciplinary, multiagency information-sharing systems through the design and delivery of select instructional training and technical assistance strategies. For these reasons, OJJDP, the U.S. Department of Education, and the U.S. Department of Health and Human Services have embarked on this collaborative project.

Goal

To increase the capacity of State and local collaboratives to establish and manage effective multidisciplinary, multiagency information-sharing systems for the purpose of improving coordination, decisionmaking, and services to children at risk and their families.

Objectives

- Promote and support coordination among partnering agencies and organizations such as juvenile courts, probation, attorneys, and juvenile detention and corrections; education; health, mental health, and social services; law enforcement; child protective services; youth advocacy and service agencies; the field of management systems; and faith-based institutions interested in starting or enhancing an information-sharing system.
- Develop and administer needs assessment instruments to determine skill, knowledge, and information deficiencies for each level of training to be conducted.
- Design an appropriate two-prong instructional approach based on findings from the assessments: Level one for jurisdictions interested in creating a multidisciplinary information-sharing system and Level two for jurisdictions interested in advancing existing systems.
- Design assessment tools to assist training team members in determining the following:
- Information needs of collaborating agencies and organizations.
- Feasibility of establishing a multidisciplinary information-sharing system.
- Purpose of the project.
- Level of information to be shared.
- Partners to be involved in the sharing.
- Juvenile population to be the focus of information sharing.
- Methods for securing information that comply with confidentiality mandates.
- Examine and develop solutions to the legal, ethical, technical, structural, and political challenges to sharing information, with special emphasis on medical/mental health information.
- Explore the role of formal agreements and protocols in fostering integrated information-sharing structures.
- Promote integrated information sharing among agencies and organizations to reduce the duplication of services provided by multiple systems and enhance the continuum of services for juveniles and their families.
- Design and conduct a series of 1- to 2-day trainings and followup assistance tailored to meet the specific needs of training participants.
- Construct training modules that can be adapted for use in other related training programs supported by the Federal partners, as appropriate.
- Provide uniform protocols for requesting training and technical assistance services.

Program Strategy

OJJDP proposes to award a cooperative agreement of up to $500,000 for a 2-year period to improve responses to at-risk juveniles and child/adolescent victims through administering centralized, national-scope training and technical assistance. (Additional funding may be available in year 2). This training and technical assistance will focus on the legal, ethical, technical, and operational methodologies for advancing multidisciplinary, multiagency information-sharing efforts, while protecting individual rights. Regional trainings and technical assistance will explore methodologies that promote integrated information-sharing systems, while adhering to confidentiality and privacy law and policy.

The Information Sharing Training/Technical Assistance (IS) grantee is expected to optimize training/technical assistance delivery by linking programmatic objectives and training coordination efforts with the instructional needs of participants. The grantee is expected to manage a two-prong team training approach, based on an assessment of needs, that will focus on (1) teams with marginal knowledge of how to design and implement integrated multidisciplinary, multiagency information-sharing systems, and (2) teams with experience in formal IS networks that are seeking ways to improve the efficacy and accuracy of their efforts. The grantee is expected to present a strategic design that incorporates these elements, fosters innovation, and clearly delineates the work to be accomplished during the project. The approach should also identify those areas of programmatic expertise that will be required to deliver training/technical assistance support and the process for recruiting and managing consultants who will provide this expertise.

Requisites for the IS grantee are a demonstrated ability to develop, staff, and manage a national-scope training/technical assistance effort with multiple dimensions within a short time frame; a capability to produce a range of general and tailored resource materials, curriculums, tools, and onsite interventions; and the ability to identify, recruit, utilize, and oversee a diverse consultant pool of content experts and trainers. These consultants should have expertise in areas such as the following:

- Federal and State statutes, policies, and provisions related to sharing information on juveniles, *e.g.*, the Family Educational Rights and Privacy Act (1974), Youth Corrections Act (1977), Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act (1970), Drug Abuse and Treatment Act (1972), mental health confidentiality requirements, Computer Matching and Privacy Protection Act

(1988), Child Abuse Prevention and Treatment and Adoption Reform Act (1977), and the Freedom of Information Act (1966).

- Conditions under which various government agencies and youth-serving organizations are legally allowed to share information and the legal barriers that prohibit the sharing of information.
- Exceptions to statutory requirements.
- Confidentiality and privacy issues.
- Multidisciplinary, multiagency information-sharing system development policy.
- Assessment and strategic planning.
- Team building.
- Problem solving.
- Technology-based solutions for serving children and families at risk.
- Development, maintenance, and cost-effective upgrades for information systems.
- Database management systems.
- Creation, implementation, and monitoring of formal information-sharing agreements/protocols.

Scope of Work

The following delineates the work to be conducted under a cooperative agreement for purposes of designing and managing the IS project.

The grantee is responsible for developing a workplan, based on the elements set forth below, that describes how the training/technical assistance project will be structured to implement the IS project. It is anticipated that the IS project will commence on or about September 15, 2000.

Task One

Assess training needs to determine the specific skills, knowledge, information, and experiential levels of potential training/technical assistance recipients. Analysis of assessment data will inform the content, approach, and level of instructional delivery. Develop training curriculums and supporting materials.

Task Two

Develop a marketing plan and schedule/timeline for the design and delivery of 12 to 15 regional trainings and onsite technical assistance support.

Task Three

Use the training and technical assistance protocols established by the Training and Technical Assistance Division of OJJDP to tailor the provision of training and technical assistance to adult learners. This will include providing a common set of protocols to assist trainees in conducting an information-sharing needs assessment in their community/jurisdiction, developing technical assistance plans, establishing evaluation tools to assess the relevancy and learning transferability of the lessons provided, and developing a common structure for reporting the purpose and effectiveness of onsite technical assistance.

Task Four

Develop and implement a procedure for delivering and reporting on assistance delivered by consultants.

Task Five

Determine appropriate procedures to facilitate and expedite utilization of the consultant exchange database and other infrastructure elements to support the provision of training and technical assistance.

Task Six

Develop a protocol for recording and reporting to OJJDP and its Federal partners major milestones of the project for the purpose of maintaining a current and focused training and technical assistance plan.

Task Seven

Manage onsite and off-site technical assistance.

Task Eight

Promote public awareness of training and technical assistance support for developing integrated juvenile information-sharing systems within the context of the OJP Integrated Justice Initiative and other initiatives under way at the Department of Education and the Department of Health and Human Services.

Deliverables

In addition to elements identified in the strategy section of this document, the following describes additional deliverables required over the 24-month project period.

- A system that uses uniform protocols to assist trainees in assessing their information requirements, resources, potential partners, and liabilities.
- A consultant pool of trainers with diverse expertise on subject matters such as those listed previously in the "Program Strategy" section. The U.S. Department of Education's Family Compliance Office will direct the design and delivery of sessions that focus specifically on the Family Educational Rights and Privacy Act of 1974. In other areas, peer mentoring (jurisdictions that have had some success in implementing multidisciplinary team IS systems) is encouraged.
- A minimum of 6–8 multidisciplinary, cross-sectoral team (3–4 persons) training workshops for designated representatives from State and local collaboratives that plan to initiate IS efforts and a minimum of 6–8 advanced workshops for IS collaboratives planning to enhance efforts currently under way. These regional team trainings will address the skills and knowledge deficiencies based on adult learning principles.
- A regularly updated training schedule that offers a range of site-specific training activities or events that will be announced throughout the country.
- A reporting system that provides summaries to the OJJDP Training and Technical Assistance Division (TTAD) program manager and Federal partners as part of each training and technical assistance activity through the project period.
- Curriculums that use a modular approach and are based on adult learning principles. One curriculum will focus on the provision of knowledge, skills, and information for collaboratives interested in initiating an IS effort. A second curriculum will focus on learners who are seeking ways to advance their information-sharing efforts already under way. Learners must be active in the process if learning is to be effective. Practice units that include scenarios, case studies, simulations, role-plays, and/or discussion forums will facilitate the application of the lessons in trainees' community/jurisdiction.
- A camera-ready monograph that outlines and reviews promising practices in multidisciplinary, multiagency information-sharing policy development.
- Participant and trainer manuals for each training and technical assistance intervention and resource packets or other training aids, as appropriate.
- A task plan that recommends either an onsite or specialized technical assistance response.
- Semiannual accomplishment reports, describing major activities, milestones, schedules, areas of training and technical assistance provided and/or anticipated, constraints, program modifications, and lessons learned from the project and implications for the further advancement of program activities as required by OJJDP. These reports will be used to provide information about program progress and accomplishments to OJJDP and its Federal partners.
- Uniform protocols for assessing problems to be addressed through

technical assistance and for evaluating the utility of the services provided.

• Marketing strategies to ensure national awareness and proper use of information-sharing resource materials Modifications may be proposed regarding the deliverables as assessments reveal new or different areas of skill deficiencies or if any are determined not to meet the objectives previously outlined as effectively and efficiently as an alternative approach would. Sufficient explanation should be provided to permit assessment of the merits of the proposed change. The project budget must realistically reflect costs associated with conducting the IS project.

Eligibility Requirements

OJJDP invites applications from public and private agencies, organizations, institutions, or individuals. Private, for-profit organizations must agree to waive any profit or fee. Applicants must have strong, demonstrated experience in designing and administering national-scope training and technical assistance in areas that include legal, ethical, technical, and operational methodologies for advancing multidisciplinary, multiagency systems of information sharing.

Selection Criteria

Applications will be rated by a peer review panel according to the criteria outlined below. A site visit may be conducted to confirm information provided in the application.

Problems(s) To Be Addressed (10 points)

The applicant conveys a clear understanding of the purpose, work requirements, juvenile information-sharing efforts under way, and related issues addressed in this program announcement. In particular, the applicant presents a clear conceptualization of a training and technical assistance (TTA) approach that facilitates jurisdictional systems integration improvement, regional trainings, and product development. The applicant must, therefore, further demonstrate knowledge of both the leading systems-change and information integration methodologies and the problems they are designed to address and must convey an understanding of the expected results of these efforts and of possible barriers to their achievement.

Goals and Objectives (10 points)

The goals and objectives for the project are clearly defined, measurable, and related directly to achieving this grant's stated goals.

Project Design (25 points)

Applications must include a project design, indicating a workplan with specific tasks and procedures to be completed, projected performance schedules, expected accomplishments, and products. The performance schedule should include a chart that specifies each milestone, related tasks, lead staff responsible, and a time line with interim benchmark dates and dates for task completion. The design should correspond with the project's goals and objectives, the conceptualization of need, and product achievement identified in this program announcement. Project design elements should directly link to the achievement of specific objectives and must include protocols for assessment of technical assistance training needs, as well as the protocols that will be used in the actual delivery of technical assistance. It must also describe the process and structure that will be used for curriculum development with demonstration of how adult learning theory will be employed in its design. The project design should use information protocols for needs assessment, delivery of training and technical assistance, evaluation, tracking, and follow-up and should provide for curriculum development based on adult learning theory and delivery of the curriculum within the context of an interactive structure. Obstacles for achieving expected results should be identified with alternative plans and rationales included.

OJJDP and its Federal partners will consider recommendations for modification and enhancement of the products to be delivered to accommodate cost considerations. Where such recommendations are made, justification and alternatives should be proposed. The competitiveness of applications will be enhanced when such modifications and/or enhancements reflect the concept and are sound and innovative.

Management and Organizational Capability

Project Management (25 points)

The project's management structure and staffing are appropriate for the successful implementation and management of the grant. Areas to be considered include reasonableness of the staffing plan. Additionally, the applicant is expected to identify, recruit, and oversee a diverse consultant pool of content experts and trainers with expertise in areas such as statutes, policies, and provisions related to sharing information on juveniles; conditions under which partners are legally allowed to share information and the legal barriers that prohibit the sharing of information; exceptions to statutory requirements; confidentiality issues; multidisciplinary, multiagency information-sharing systems development policy; assessment and strategic planning; team building; problem-solving; integrated technological systems; protection of confidential information; and creation, implementation, and monitoring of formal information-sharing agreements/protocols. In addition to expertise in systems improvement, key project staff must also demonstrate at least 5 years of experience in program management, training design and delivery, technical assistance and consultation, and production development. Résumés of known staff must be included in the appendix. For proposed staff, the applicant must include résumés and letters of commitment in the appendix. For positions that are not designated for identified staff, job descriptions and staff qualifications must be included.

Organizational Capability (20 points)

Organizational ability to administer the project successfully should be demonstrated in the application. The documentation should include organizational experience in the subject areas described under the program strategy and with projects of the type and scope described.

Applicants must also describe and demonstrate an organizational infrastructure that would support the technological and resource requirements of this project. Applicants may find it more cost effective to establish contractual relationships for technical or specialized functions required under the grant.

Budget (10 points)

Applicants must provide a proposed budget and budget narrative that are complete, detailed, reasonable, allowable, and cost effective in relation to the activities to be undertaken. For budget purposes, applicants should plan to conduct at least four technical assistance interventions.

Format

The narrative must not exceed 35 pages in length (excluding forms, assurances, and appendixes) and must be submitted on 8½- by 11-inch paper, double spaced on one side of the paper in a standard 12-point font. This is necessary to maintain fair and uniform

standards among all applicants. If the narrative does not conform to these standards, OJJDP will deem the application ineligible for consideration.

Award Period

This project will be funded for a 2-year budget and project period.

Award Amount

Up to $500,000 is available for this 2-year budget and project period.

Catalog of Federal Domestic Assistance (CFDA) Number

For this program, the CFDA number, which is required on Standard Form 424, Application for Federal Assistance, is 16.542. This form is included in the OJJDP Application Kit, which can be obtained by calling the Juvenile Justice Clearinghouse at 800–638–8736 or sending an e-mail request to puborder@ncjrs.org. The Application Kit is also available online at www.ojjdp.ncjrs.org./grants/about.html#kit.

Coordination of Federal Efforts

To encourage better coordination among Federal agencies in addressing State and local needs, the U.S. Department of Justice (DOJ) is requesting applicants to provide information on the following: (1) Active Federal grant award(s) supporting this or related efforts, including awards from DOJ; (2) any pending application(s) for Federal funds for this or related efforts; and (3) plans for coordinating any funds described in items (1) or (2) with the funding sought by this application. For each Federal award, applicants must include the program or project title, the Federal grantor agency, the amount of the award, and a brief description of its purpose.

"Related efforts" is defined for these purposes as one of the following:

1. Efforts for the same purpose (*i.e.*, the proposed award would supplement, expand, complement, or continue activities funded with other Federal grants).

2. Another phase or component of the same program or project (*e.g.*, to implement a planning effort funded by other Federal funds or to provide a substance abuse treatment or education component within a criminal justice project).

3. Services of some kind (*e.g.*, technical assistance, research, or evaluation) to the program or project described in the application.

Delivery Instructions

All application packages must be mailed or delivered to the Office of Juvenile Justice and Delinquency Prevention, c/o Juvenile Justice Resource Center, 2277 Research Boulevard, Mail Stop 2K, Rockville, MD 20850; 301–519–5535. Faxed or e-mailed applications will not be accepted. *Note: In the lower left-hand corner of the envelope, you must clearly write "Information Sharing To Prevent Juvenile Delinquency: A Training and Technical Assistance Approach."*

Due Date

Applicants are responsible for ensuring that the original and five copies of the application package are received by 5 p.m. ET on July 24, 2000.

Contact

For further information, contact Gwendolyn Dilworth, Program Manager, Training and Technical Assistance Division, 202–514–4822, or send an e-mail inquiry to dilwortg@ojp.usdoj.gov.

References

Caliber Associates. 1999. *1998 Report to Congress: Title V Incentive Grants for Local Delinquency Prevention Programs.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Dobbin, S., and Gatowski, S. 1998. *Information Management: A Critical Component of Good Practice in Child Abuse and Neglect Cases.* Reno, NV: National Council of Juvenile and Family Court Judges.

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Oldenettel, D., and Wordes, M. 1999. *Community Assessment Centers.* Washington, DC: U.S. Department, of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

SEARCH, The National Consortium for Justice Information and Statistics. 1996. *System Integration: Issues Surrounding Integration of County-level Justice Information Systems.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

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Dated: June 20, 2000.

John J. Wilson,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

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BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statute as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the David-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register,** or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used

in accordance with the provisions of 290 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data maybe obtained by writing to the U.S. Department of Labor, Employment Standards Administration Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Withdrawn General Wage Determination Decisions

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, the following General Wage Determinations:

GA00041—See GA000036
GA00049—See GA000036
GA00050—See GA000036
GA00055—See GA000036
GA00060—See GA000036
GA00065—See GA000036
GA00074—See GA000036
GA00078—See GA000036
NE000007—See NE000004 and NE000058
NE000015—See NE000004
NE000017—See NE000004
NE000023—See NE000004
NE000027—See NE000004 and NE000059
NE000032—See NE000004
NE000034—See NE000059
NE000036—See NE000004
NE000038—See NE000004 and NE000059
NE000039—See NE000004
NE000041—See NE000004
NE000047—See NE000004
NE000051—See NE000059
NE000053—See NE000004
NE000055—See NE000059
ND000028—See ND000026
ND000050—See ND000026
ND000053—See ND000026

Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" are listed by Volume and States:

Volume III

Georgia:
GA000096 (JUN. 23, 2000)

Volume VI

North Dakota:
ND000055 (Jun. 23, 2000)

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled 'General Wage Determinations Issued Under the Davis-Bacon and related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut:
CT000001 (Feb. 11, 2000)
CT000002 (Feb. 11, 2000)
CT000003 (Feb. 11, 2000)
CT000004 (Feb. 11, 2000)
Massachusetts:
MA000002 (Feb. 11, 2000)

Volume II

Maryland:
MD000001 (Feb. 11, 2000)
MD000007 (Feb. 11, 2000)
MD000011 (Feb. 11, 2000)
MD000012 (Feb. 11, 2000)
MD000035 (Feb. 11, 2000)
MD000042 (Feb. 11, 2000)
MD000058 (Feb. 11, 2000)
Pennsylvania:
PA000005 (Feb. 11, 2000)
PA000023 (Feb. 11, 2000)
PA000024 (Feb. 11, 2000)
PA000025 (Feb. 11, 2000)
PA000026 (Feb. 11, 2000)
PA000030 (Feb. 11, 2000)
PA000031 (Feb. 11, 2000)
PA000052 (Feb. 11, 2000)
PA000060 (Feb. 11, 2000)

Volume III

Georgia:
GA000005 (Feb. 11, 2000)
GA000006 (Feb. 11, 2000)
GA000034 (Feb. 11, 2000)
GA000036 (Feb. 11, 2000)
GA000037 (Feb. 11, 2000)
GA000040 (Feb. 11, 2000)
GA000043 (Feb. 11, 2000)
GA000048 (Feb. 11, 2000)
GA000062 (Feb. 11, 2000)
GA000064 (Feb. 11, 2000)

Volume IV

None

Volume V

Louisiana:
LA000005 (Feb. 11, 2000)
LA000009 (Feb. 11, 2000)
LA000015 (Feb. 11, 2000)
LA000018 (Feb. 11, 2000)
Missouri:
MO000001 (Feb. 11, 2000)
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MO000009 (Feb. 11, 2000)
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Volume VII

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts." This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of

the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 15th day of June 2000.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 00–15634 Filed 6–22–00; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL INSTITUTE FOR LITERACY

[CFDA No. 84.257S]

NIFL Content Development Partners (Special Collections); Notice Inviting Applications for New Awards for Fiscal Year 2000

AGENCY: The National Institute for Literacy (NIFL).

ACTION: Notice; correction.

SUMMARY: The National Institute for Literacy published an announcement in the **Federal Register** of June 9, 2000, Notice of Awards being offered. The document contained an incorrect deadline submission date.

FOR FURTHER INFORMATION CONTACT: William Hawk; National Institute for Literacy; 1775 I Street, NW., Suite 730; Washington, DC 20006; Telephone: 202–233–2042; FAX: 202–233–2050; E-mail: *whawk@nifl.gov*

Correction

In the **Federal Register** of June 9, 2000, in FR Doc. 00–14547, on page 36729, in the second column, correct the submission "date" caption to read:

Public and private nonprofit organizations with knowledge of and expertise in adult literacy and the subject matter of the Special Collection, or consortia of such organizations.

Deadline for Applications: July 17, 2000.

Dated: July 20, 2000.

Sharyn Abbott,

Executive Officer.

[FR Doc. 00–15971 Filed 6–22–00; 8:45 am]

BILLING CODE 6055–01–M

NATIONAL INSTITUTE FOR LITERACY

[CFDA No. 84.257T]

NIFL Regional Technology Centers Project; Notice Inviting Applications for New Awards for Fiscal Year 2000

AGENCY: The National Institute for Literacy (NIFL).

ACTION: Notice; correction.

SUMMARY: The National Institute for Literacy published an announcement in the **Federal Register** of June 9, 2000, Notice of Awards being offered. The document contained an incorrect deadline submission date.

FOR FURTHER INFORMATION CONTACT: Jaleh Behroozi Soroui; LINCS Director; National Institute for Literacy; 1775 I Street, NW., Suite 730; Washington, DC 20006; Telephone: 202–233–2039; FAX: 202–233–2050; E-mail: *jbehroozi@nifl.gov*

Correction

In the **Federal Register** of June 9, 2000, in FR Doc. 00–14548, on page 36733, in the third column, correct the submission "date" caption to read:

7. Take advantage of the strengths and unique capabilities of each region, the regional training centers will work with each other and the NIFL to coordinate their activities, and whenever possible carryout joint activities, in order to maximize the total mount of resources available to LINCS and allow them to have the greatest impact possible.

Deadline for Applications: July 17, 2000.

Dated: July 20, 2000.

Sharyn Abbott,

Executive Officer.

[FR Doc. 00–15972 Filed 6–22–00; 8:45 am]

BILLING CODE 6055–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Request for Taxpayer Identification Number.

2. *Current OMB approval number:* OMB: NO. 3150–0188.

3. *How often the collection is required:* One time from each applicant or individual to enable the Department of the Treasury to process electronic payments or collect debts owed to the government.

4. *Who is required or asked to report:* All individuals doing business with the U.S. Nuclear Regulatory Commission, including contractors and recipients of credit, licenses, permits, and benefits.

5. *The number of annual respondents:* 300

6. *The number of hours needed annually to complete the requirement or request:* 25 (5 minutes per response.)

7. *Abstract:* The Debt Collection Improvement Act of 1996 requires that agencies collect taxpayer identification numbers (TINs) from individuals who do business with the Government, including contractors and recipients of credit, licenses, permits, and benefits. The TIN will be used to process all electronic payments (refunds) made to licensees by electronic funds transfer by the Department of the Treasury. The Department of the Treasury will use the TIN to determine whether the refund can be used to administratively offset any delinquent debts reported to the Treasury by other government agencies. In addition, the TIN will be used to collect and report to the Department of the Treasury any delinquent indebtedness arising out of the licensee's or applicant's relationship with the NRC.

Submit, by August 22, 2000, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge

at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 19th day of June 2000.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–15931 Filed 6–22–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* "Nuclear Material Events Database (NMED)" for the Collection of Event Report, Response, Analyses, and Follow-up Data on Events Involving the Use of Atomic Energy Act (AEA) Radioactive Byproduct Material.

3. *The form number if applicable:* N/A.

4. *How often the collection is required:* Agreement States are requested to provide copies of licensee event reports electronically or by hard copy to NRC on a monthly basis or within 30 days of receipt from their licensee. This schedule provides the Agreement States 30 days to assess the licensee information prior to providing the information to NRC. Reportable events involve industrial, commercial, medical use, and/or academic use of radioactive byproduct materials. In addition, Agreement States are requested to report events that may pose a significant health and safety hazard to the NRC Headquarters Operations Officer within the next working day of notification by an Agreement State licensee.

5. *Who will be required or asked to report:* Current Agreement States and any State receiving Agreement State status in the future.

6. *An estimate of the number of responses:* 900.

7. *The estimated number of annual respondents:* 31.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 945 hours (an average of approximately 1.0 hour per response) for all existing Agreement States reporting; any new Agreement State would and approximately 29 event reports (including follow-up reports) per year or 29 burden hours.

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* Not applicable.

10. *Abstract:* NRC regulations require NRC licensees to report incidents and events involving the use of radioactive byproduct material, and source material, such as those involving the radiation overexposures, leaking or contaminated field source(s), release of excessive contamination of radioactive material, lost or stolen radioactive material, equipment failures, and abandoned well logging sources. Medical misadministrations are required to be reported in accordance with 10 CFR 35.33. Agreement State licenses are also required to report these events and medical misadministrations to their individual Agreement State and regulatory authorities under compatible Agreement State regulations. NRC is requesting that the Agreement States provide information on the initial notification, response actions, and follow-up investigations on events and medical misadministrations involving the use of nuclear materials regulated pursuant to the Atomic Energy Act. The event information should be provided in a uniform electronic format, for assessment and identification of any facilities/site specific or generic safety concerns that could have the potential to impact public health and safety. The identification and review of safety concerns may result in lessons learned, and may also identify generic issues for further study which could result in proposals for changes or revisions to technical or regulatory designs, processes or standards.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by July 24, 2000. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date, Erik Godwin, Office of Information and Regulatory Affairs (3150–0178), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 19th day of June 2000.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–15932 Filed 6–22–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

BUREAU OF INDIAN AFFAIRS

BUREAU OF LAND MANAGEMENT

Surface Transportation Board

[Docket No. 72–22]

Notice of Availability of Draft Environmental Impact Statement and Notice of Public Meetings for the Proposed Private Fuel Storage, L.L.C.; Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, UT

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability of draft environmental impact statement and notice of public meetings.

SUMMARY: Notice is hearby given that the U.S. Nuclear Regulatory Commission (NRC), in cooperation with the U.S. Bureau of Indian Affairs (BIA), the U.S. Bureau of Land Management (BLM), and the Surface Transportation Board (STB), has published a Draft Environmental Impact Statement (DEIS), "Draft Environmental Impact Statement for the Construction and Operation of an Independent Spent Nuclear Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah" NUREG–1714, June 2000, regarding the proposal of Private Fuel Storage, L.L.C. (PFS) to construct and operate an independent spent fuel storage installation (ISFSI) on the Reservation of the Skull Valley Band of Goshute Indians.

The Reservation is located approximately 44 km (27 miles) west-southwest of Tooele, Utah. PFS intends to transport spent nuclear fuel (SNF) by rail from commercial power reactor sites to an existing rail line north of Skull Valley. To transport the SNF from the existing rail line to the proposed facility, PFS proposes the construction and operation of a rail siding and rail line from Skunk Ridge (near Low, Utah) to the site of the ISFSI on the Reservation. This DEIS discusses the purpose and need for the PFS proposal and describes the proposed action and its reasonable alternatives, including the no-action alternative. The DEIS also discusses the environment potentially affected by the proposal, presents and compares the potential environmental impacts resulting from the proposed action and its alternatives, and identifies mitigation measures that could eliminate or lessen the potential environmental impacts.

The PFS proposal requires approval from four federal agencies: NRC, BIA, BLM, and STB. The environmental issues that each of these agencies must evaluate pursuant to the National Environmental Policy Act of 1969 (NEPA) are interrelated; therefore, the agencies have cooperated in the preparation of this DEIS, and this document serves to satisfy each agency's statutory responsibilities under NEPA.

Based on the evaluation in this DEIS, the NRC, BIA, BLM, and STB environmental review staffs have concluded that (1) Measures required by Federal and State permitting authorities other than the cooperating agencies and (2) mitigation measures that the cooperating agencies recommend be required would reduce any short-or long-term adverse environmental impacts associated with the proposed action (i.e., construction and operation of the proposed ISFSI and rail line) to acceptable levels. This DEIS is a preliminary analysis of the environmental impacts of the PFS proposal and its alternatives. The Final EIS and any decision documentation regarding the proposed action will not be issued until public comments on the DEIS have been received and evaluated. Notice of the availability of the Final EIS will be published in the **Federal Register**.

Public Availability: The DEIS is available for public inspection and duplication at the NRC's Public Document Room at the Gelman Building, 2120 L Street, NW, Washington, DC. The DEIS will be available for review on the NRC Web site, and a comment form will be available for those who wish to submit comments. Upon written request and to the extent supplies are available, a single copy of the draft report can be obtained for free by writing to the Office of the Chief Information Officer, Reproduction and Distribution Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; by e-mail (*Distribution@NRC.gov*); or by fax at (301) 415–2289.

Public Comment: The cooperating Federal agencies are offering an opportunity for public review and comment on the DEIS in accordance with applicable regulations, including NRC requirements in 10 CFR 51.73, 51.74 and 51.117. Any interested party may submit written comments on the proposed action and on the DEIS for consideration by the staffs of the four cooperating agencies. To be certain of consideration, comments must be received by September 21, 2000. Comments received after the due date will be considered if it is practical to do so, but the staffs of the cooperating agencies are able to assure consideration only for comments received on or before this date.

ADDRESSES: Written comments on the DEIS should be sent to: David L. Meyer, Chief, Rules and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, Mailstop T–6D–59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Comments may also be hand-delivered to the NRC at 11545 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

All comments received by the NRC, including those made by Federal, State, and local agencies, Indian tribes, or other interested persons, will be made available for public inspection at the NRC's Public Document Room in Washington, DC (address is listed above).

Public Meetings: The cooperating agencies will hold two public meetings to present an overview of the DEIS and to accept oral public comments. The public meetings will be held on July 27, 2000, from 7 p.m. to 10 p.m. at the Arizona Room of the Little America Inn, 500 South Main Street, Salt Lake City, Utah 84101 and July 28, 2000, from 7 p.m. to 10 p.m. at the Grantsville Middle School, 318 South Hale Street, Grantsville, UT 84029. Both meetings will be transcribed and will include (1) A presentation summarizing the contents of the DEIS and (2) an opportunity for interested government agencies, organizations, and individuals to provide comments on the DEIS. Persons may register to present oral comments at the public meeting by contacting either Scott Flanders, Sr. Environmental Project Manager, or Mark Delligatti, Sr. Project Manager, at Licensing and Inspection Directorate, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001 no later than July 14, 2000. Persons can also register by telephone (to Mr. Flanders at (301) 415–1172 or Mr. Delligatti at (301) 415–8518) no later than July 21, 2000. Information concerning this DEIS may also be obtained from these individuals. Persons may also register within 15 minutes of the start of each meeting to provide oral comments. Individual oral comments may have to be limited by the time available, depending upon the number of persons who register.

If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Flanders' attention no later than July 14, 2000, to provide NRC staff with adequate notice to determine whether the request can be accommodated.

FOR FURTHER INFORMATION CONTACT: Scott C. Flanders, Sr. Environmental Project Manager, Licensing and Inspection Directorate, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415–1172.

SUPPLEMENTARY INFORMATION: The proposed action involves the construction and operation of the proposed SNF storage facility at a site (known as Site A) located in the

northwest corner of the Reservation and transporting SNF from the existing railroad to the site by building a new rail siding and rail line to connect the proposed facility at Site A to the existing Union Pacific main line at Skunk Ridge, Utah. NRC published a notice of intent to prepare an EIS and conduct a scoping process in the **Federal Register** on May 1, 1998 (63 FR 24197). As a part of the scoping process, a public scoping meeting was conducted to obtain comments on the intended scope of the EIS on June 2, 1998, in Salt Lake City, Utah. Two additional scoping meetings were held on April 29, 1999 (64 FR 18451) in Salt Lake City and Tooele, Utah, to address the PFS proposal to construct and operate the proposed rail line and to address any environmental impacts associated with the lease agreement that might not have been discussed at the previous scoping meeting.

This DEIS has been prepared in compliance with NEPA, NRC regulations for implementing NEPA (10 CFR Part 51), guidance provided by the Council on Environmental Quality (CEQ) regulations implementing the procedural provisions of NEPA (40 CFR Part 1500), STB regulations for implementing NEPA (49 CFR Part 1105), and BLM and BIA policy procedures and guidance documents.

Federal agencies' actions are considered in this DEIS. NRC's action is to grant or deny a 20-year license to PFS to receive, transfer, and possess SNF on the Reservation. BIA's action is to either approve or disapprove a 25-year lease between PFS and the Skull Valley Band for use of Reservation land to construct and operate the proposed facility. Both the license and the lease may be renewed. BLM's action is to either grant or deny one of two requests for rights-of-way through BLM land for transporting SNF from the existing rail line to the proposed facility site, including amending its resource management plan if necessary. STB's action is to grant or deny PFS's application for a license to construct and operate a new rail line to the proposed facility site.

This DEIS not only evaluates the proposed action (Alternative 1) described above, but also the environmental impacts of the alternative actions. Alternatives involving the Skull Valley site include an alternative site location on the Reservation (known as Site B), and an alternative transportation method (*i.e.*, heavy-haul vehicles). Consideration of an alternative site location on the Reservation and an alternative transportation method resulted in evaluating the following alternatives:

- Alternative 2—the construction and operation of the proposed facility at Site B on the Reservation with a rail siding and a rail line similar to that described above.
- Alternative 3—construction and operation of the proposed facility at Site A, construction and operation of a new Intermodal Transfer Facility (ITF) near Timpie, Utah, and use of heavy-haul vehicles to transport SNF down Skull Valley Road.
- Alternative 4—the construction and operation of the proposed facility at Site B with the same ITF and SNF transport described in Alternative 3 above.

Additionally, the DEIS compares the construction and operation of a SNF storage facility in Wyoming in lieu of the Skull Valley site. This comparison was made to determine if an identified alternative site is obviously superior to the proposed site. Lastly, the DEIS evaluates the no-action alternative, *i.e,* not to build the proposed facility in Skull Valley. Under the no-action alternative, the potential impacts of constructing and operating the proposed facility and associated SNF transportation facilities in Skull Valley would not occur.

This DEIS assesses the impacts of the proposed action and its alternatives for minerals, soils, water resources, air quality, ecological resources, socioeconomics and community resources, cultural resources, human health impact, noise, scenic qualities, recreation, and environmental justice. Additionally, an analysis and comparison of the costs and benefits of the proposed action has been performed.

Based on the evaluation in the DEIS, the NRC's preferred alternative is the proposed action with implementation of the mitigation measures recommended by the cooperating agencies.

A BLM decision to grant a right-of-way to PFS would be dependent upon the decisions made by the NRC and BIA. If the NRC issues a license to PFS for the proposed facility and BIA approves the lease, then BLM's preferred alternative would be to amend the Pony Express Resource Management Plan and issue a right-of-way for the Skunk Ridge rail siding and rail line. Absent such findings by the NRC and BIA, BLM would not grant either of PFS' rights-of-way requests.

Based on the information and analysis to date, the STB environmental review staff's preliminary conclusion is that the proposed project, with the implementation of the cooperating agencies recommended mitigation measures, would not result in significant adverse impacts to the environment; therefore, its preferred alternative would be to recommend approval of the construction and operation of the proposed rail line.

BIA does not have a preferred alternative but will choose one in the Final EIS based upon its trust responsibility to the Skull Valley Band, including consideration of environmental impacts and mitigation measures identified in the DEIS and public comments on the DEIS.

This DEIS is a preliminary analysis of the environmental impacts of the PFS proposal. The cooperating Federal agencies will review the comments, conduct any necessary analyses, and make appropriate revisions in developing the Final EIS.

Participation in the public process does not entitle participants to become parties to the adjudicatory proceeding associated with the proposed NRC licensing action. Participation in the adjudicatory proceeding is governed by the procedures specified in 10 CFR 2.714 and 2.715 and in the aforementioned **Federal Register** Notice (62 FR 41099).

Dated at Rockville, Maryland, this 16th day of June 2000.

For the Nuclear Regulatory Commission.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

Dated at Washington, D.C., this 15th day of June 2000.

For the Surface Transportation Board.

Victoria J. Rutson,

Acting Chief, Section of Environmental Analysis.

Dated at Salt Lake City, Utah, this 13th day of June 2000.

For the Bureau of Land Management.

Glenn A. Carpenter,

Field Manager, Salt Lake Field Office.

Dated at Fort Duchesne, Utah, this 13th day of June 2000.

For the U.S. Bureau of Indian Affairs.

David Allison,

Superintendent, Unitah and Ouray Agency.

[FR Doc. 00–15933 Filed 6–22–00; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Qualified Domestic Relations Orders Submitted to the PBGC

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of the collection of information (OMB control number 1212–0054; expires July 31, 2000) relating to model forms contained in the PBGC booklet, *Divorce Orders & PBGC*. The booklet provides guidance on how to submit a proper qualified domestic relations order (a "QDRO") to the PBGC. This notice informs the public of the PBGC's request and solicits public comment on the collection of information.

DATES: Comments should be submitted by July 24, 2000.

ADDRESSES: Comments should be mailed to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. Copies of the request for extension (including the collection of information) may be obtained by writing the Communications and Public Affairs Department, suite 240, 1200 K Street, NW., Washington, DC 20005–4026, or visiting that office between 9 a.m. and 4 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: James L. Beller, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY and TDD, call the Federal relay service toll-free at 1–800–877–8339 and request connection to 202–326–4024.)

SUPPLEMENTARY INFORMATION: A defined benefit pension plan that does not have enough money to pay benefits may be terminated if the employer responsible for the plan faces severe financial difficulty, such as bankruptcy, and is unable to maintain the plan. In such an event, the PBGC becomes trustee of the plan and pays benefits, subject to legal limits, to plan participants and beneficiaries.

The benefits of a pension plan participant generally may not be assigned or alienated. Title I of ERISA provides an exception for domestic relations orders that relate to child support, alimony payments, or marital property rights of an alternate payee (a spouse, former spouse, child, or other dependent of a plan participant). The exception applies only if the domestic relations order meets specific legal requirements that make it a qualified domestic relations order.

When the PBGC is trustee of a plan, it reviews submitted domestic relations orders to determine whether the order is qualified before paying benefits to an alternate payee. For several years the PBGC has provided the public with model QDROs (and accompanying guidance) in the booklet, *Divorce Orders & PBGC*, that attorneys and other professionals who are preparing QDROs for plans trusteed by the PBGC may submit to the PBGC after receiving court approval. The models and the guidance assist parties by making it easier to comply with ERISA's QDRO requirements in plans trusteed by the PBGC.

Before providing the model forms and the QDRO booklet, the PBGC received many inquiries on the requirements for QDROs. Furthermore, many domestic relations orders, both in draft and final form, did not meet the applicable requirements. The PBGC worked with practitioners on a case-by-case basis to ensure that their orders were amended to meet applicable requirements. This process was time-consuming for practitioners and for the PBGC.

Since making the booklet and the model forms available, the PBGC has experienced a decrease in (1) the number of inquiries about QDRO requirements, (2) the number of orders that do not meet the applicable requirements, and (3) the amount of time practitioners and the PBGC need to spend to ensure that the orders meet the applicable requirements.

The requirements for submitting a QDRO are established by statute. The model QDROs and accompanying guidance do not create any additional requirements and will result in a reduction of the statutory burden. The PBGC estimates that it will receive 300 QDROs each year from prospective alternate payees; that the average burden of preparing a QDRO with the assistance of the guidance and model QDROs in PBGC's booklet will be ¼ hour of the alternate payee's time and $400 in professional fees if the alternate payee hires an attorney or other professional to prepare the QDRO, or 10 hours of the alternate payee's time if the alternate payee prepares the QDRO without hiring an attorney or other professional; and that the total annual burden will be 104.25 hours and $118,800.

The PBGC is requesting a three-year extension of the paperwork approval relating to model forms contained in the PBGC booklet, *Divorce Orders & PBGC*. The collection of information has been approved through July 31, 2000, by OMB under control number 1212–0054. 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.

Issued in Washington, D.C., this 20th day of June, 2000.

Stuart Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 00–15921 Filed 6–22–00; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 26, 2000.

An open meeting will be held on Tuesday, June 27, 2000 at 10 a.m. in Room 1C30.

Commissioner Hunt, as duty officer, determined that no earlier notice thereof was possible.

The subject matter of the open meeting scheduled for Tuesday, June 27, 2000 will be:

The Commission will consider whether to propose rule amendments to its auditor independence requirements. The proposals are intended to modernize the Commission's regulations regarding:

(1) Investments by auditors or their family members in audit clients;

(2) Employment relationships between auditors or their family members and audit clients; and

(3) The scope of services provided by audit firms to their audit clients.

In addition, the rules would require companies to disclose in their annual proxy statements certain information about non-audit services provided by their auditors during the last fiscal year.

For further information, please contact John Morrissey or W. Scott Bayless at (202) 942–4400.

A closed meeting will be held on Wednesday, June 28, 2000 at 11 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(A) and

(10), permit consideration for the scheduled matters at the closed meeting.

The subject matters of the closed meeting scheduled for Wednesday, June 28, 2000 will be:

Institution and settlement of injunctive actions; and

Institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: June 21, 2000.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–16057 Filed 6–21–00; 12:25 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42952; File No. SR–Amex–00–25]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change by American Stock Exchange LLC Relating to the Amendment of Exchange Rule 170

June 16, 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 May 3, 2000, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the order on an accelerated basis.[3]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to add new Commentary .10 to Exchange Rule 170 to require Floor Official approval for the deactivation of Quote Assist enhancement to the Amex Display Book by specialists on the equities floor. Proposed new language is italicized.

* * * * *

.10 Each specialist shall keep active at all times the quotation processing facilities (known as "Quote Assist") provided by the Exchange. A specialist may deactivate the quotation processing facilities as to a stock or a group of stocks provided that Floor Official approval is obtained. Such approval to deactivate Quote Assist must be obtained no later than three minutes from the time of deactivation.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Amex 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

In January 1997, Commission Rule 11Ac1–4 under the Act ("Display Rule")[4] became effective. The Display Rule requires specialists to display immediately, *i.e.*, as soon as practicable, which under normal market conditions means no later than 30 seconds from the time of receipt, the price and full size of customer limit orders that would improve the bid or offer in a security. Subsequently, the Exchange implemented an Amex Display Book[5] enhancement to compute and disseminate a quote within the 30 second time frame. This enhancement, known as "Quote Assist," is designed to help equities-floor specialists comply with the Display Rule.

Quote Assist monitors the limit order book for new orders and compares them to the published quotation. When a new order could improve the quote or increase the size at a quoted price, Quote Assist publishes a new quote 28 seconds after the order arrives if the specialist has not already done so. Quote Assist is always active at the beginning of the trading day. A specialist has the ability to deactivate Quote Assist as to a particular stock or stocks.

The Exchange proposes to add Commentary .10 to Rule 170 to provide that deactivation of Quote Assist will require that the specialist review that decision with a Floor Official. Floor official approval would only be granted in instances when there is an influx of orders resulting in gap pricing, when the specialist deactivates Quote Assist in connection with an outgoing commitment on the Intermarket Trading System ("ITS"), or other unusual circumstances.[6] Approval by a Floor Official to deactivate Quote Assist must be obtained as soon as practicable and must be obtained no later than three minutes from the time of deactivation. Floor Official approvals will be documented on a Floor Official approval form. If approval is not obtained within three minutes from the time of deactivation, the matter will be reviewed as a market surveillance issue by the Exchange.

The requirement to keep Quote Assist active is not meant to serve as a substitute for the actual posting of quotes by equity specialists. The Exchange represents that it will remind its equity specialists that they are not to rely solely on Quote Assist to generate quotes, since this would not comply with the Commission's requirements for limit order display. Rather, equity

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 19b–4.

[3] Amex clarified the proposed rule change's purpose in a discussion between Bill Floyd-Jones, Assistant General Counsel, Laurence McDonald, Managing Director, Arne Michelson, Senior Vice President, Amex, and Joshua Kans, Special Counsel, Division of Market Regulation ("Division"), Commission, on June 9, 2000.

[4] 17 CFR 240.11Ac1–4.

[5] The Amex Display Book ("ADB") is an electronic workstation at the trading post that keeps track of limit orders and incoming market orders. Various window-like screen applications allow the specialist to view one or more issues at a time at various levels of detail. Incoming limit orders automatically enter the ADB. When a floor broker gives the specialist a limit order, the specialist's clerk can enter the order into the ADB using the keyborad. The ADB sorts the limit orders and displays them in price/time priority.

[6] In a gap pricing situation, an influx of orders may cause a specialist to move the price of a security to a new level. In that situation, immediate display of a customer limit order could cause the order to be filled at the limit price, and would prevent the customer from obtaining the benefit of the new price. Conversation between Bill Floyd-Jones, Laurence McDonald, Arne Michelson, Amex, and Joshua Kans, Division, Ccmmission, June 9, 2000.

In cases where a customer limit order leads a specialist to use ITS to send a commitment to trade to another market center, immediate display of the customer limit order in the specialist's quote may lead to the risk of a double execution and may cause a locked market. In any event, according to the Amex, an Amex specialist would not send a commitment over ITS if the order could be filled on the floor of Amex. *Id.*

specialists should always attempt to reflect a limit order by manually quoting the stock as soon as practicable even though the Quote Assist feature is active.

The Exchange believes that Quote Assist provides valuable help to enable equity specialists to comply with their responsibilities under the Commission's Display Rule. The requirement that Quote Assist generally remain active throughout the day will ensure that equity specialists avail themselves of the tools provided for managing order flow and updating quotes.

(2) Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [7] in general, and furthers the objectives of Section 6(b)(5) [8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and national market system, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the 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 in Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the File No. SR–Amex–00–25 and should be submitted by July 14, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission has reviewed carefully the Exchange's proposed rule change [9] and believes, for the reasons set forth below, that the proposal is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission believes the proposal is consistent with Sections 6(b)(5) and 11A(a)(1)(C)(iii) and (iv) of the Act.[10] Section 6(b)(5) requires that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices and to remove impediments to and perfect the mechanism of a free and open market and a national market system. In enacting Section 11A, Congress found that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities, and to assure the practicability of brokers executing investors' orders in the best market.

The Commission finds that the proposed rule change will promote the quality of quotation information and promote the proper handling of customer limit orders by limiting the ability of specialists to deactivate Quote Assist. In approving the proposed rule change, however, the Commission notes that Quote Assist does not relieve specialists of their responsibility to reflect limit orders by manually quoting the stock as soon as practicable.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice thereof in the **Federal Register,** because the proposal facilitates compliance with the Display Rule. The Commission believes, therefore, that granting accelerated approval of the proposed rule change is appropriate and consistent with Section 6 of the Act.[11]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change (SR–Amex–00–25) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–15877 Filed 6–22–00; 8:45 am]

BILLING CODE 8010–01–M

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation, 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f(b)(5), 78k–1(a)(1)(C)(iii) and (iv).

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78s(b)(2)

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42947; File No. SR–AMEX–99–37]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment Nos. 1, 2, 3, 4, 5 and 6 by the American Stock Exchange LLC Relating to the Trading of Options on Trust Issued Receipts

June 15, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 13, 1999, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. Amendment Nos. 1, 2, 3, 4, 5 and 6 were filed on October 22, 1999,[3] December 20, 1999,[4] January 5, 2000,[5] April 28,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange clarified the proposed rule change with respect to opening transactions and made several changes to the text of the proposed rule change. *See* Letter to Nancy Sanow, Assistant Director, Division of Market Regulation ("Division"), SEC, from Scott G. Van Hatten, Legal Counsel Derivative Securities, Amex, dated October 21, 1999.

[4] In Amendment No. 2, the Exchange revised the proposed surveillance agreement requirements. *See* Letter to Nancy Sanow, Assistant Director, Division, SEC, from Scott G. Van Hatten, Legal Counsel Derivative Securities, Amex, dated December 16, 1999.

[5] In Amendment No. 3, the Exchange amended the text of proposed Amex Rule 916 to make it

Continued

2000,[6] May 4, 2000,[7] and May 12, 2000,[8] respectively. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change, as amended.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to trade standardized equity options on trust issued receipts. The text of the proposed rule change follows. [Bracketing] indicates text to be deleted and *italics* indicate text to be added.

Rule 915 Criteria for Underlying Securities

(a) through (b)—No change.

* * * Commentary

.01 through .06—No change.

.07 Securities deemed appropriate for options trading shall include shares or other securities ("Trust Issued Receipts") that are principally traded on a national securities exchange or through the facilities of a national securities association and reported as a national market security, and that represent ownership of the specific deposited securities held by a trust, provided:

(a)(i) the Trust Issued Receipts meet the criteria and guidelines for underlying securities set forth in Commentary .01 to this Rule 915; or

(ii) the Trust Issued Receipts must be available for issuance or cancellation each business day from the trust in exchange for the underlying deposited securities; and

(b) any ADRs in the portfolio on which the Trust is based for which the securities underlying the ADRs' primary markets are in countries that are not subject to comprehensive surveillance agreements, do not in the aggregate represent more than 20% of the weight of the portfolio.

Rule 916 Withdrawal of Approval of Underlying Securities

No change.

* * * Commentary

.01–.08 No change.

.09 Absent exceptional circumstances, securities initially approved for options trading pursuant to Commentary .07 under Rule 915 (such securities are defined and referred to in that Commentary as "Trust Issued Receipts") shall not be deemed to meet the Exchange's requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering such Trust Issued Receipts, whenever the Trust Issued Receipts are delisted and trading in the Receipts is suspended on a national securities exchange, or the Trust Issued Receipts are no longer traded as national market securities through the facilities of a national securities association. In addition, the Exchange shall consider the suspension of opening transactions in any series of options of class covering Trust Issued Receipts in any of the following circumstances:

(1) In accordance with the terms of paragraphs 1 through 7 of Commentary .01 of this Rule 916 in the case of options covering Trust Issued Receipts when such options were approved pursuant to paragraph (a)(i) of Commentary .07 of Rule 915;

(2) The trust has more than 60 days remaining until termination and there are fewer than 50 record and/or beneficial holders of Trust Issued Receipts for 30 or more consecutive trading days;[9]

(3) The trust has fewer than 50,000 receipts issued and outstanding;

(4) The market value of all receipts issued an outstanding is less than $1,000,000; or

(5) Such other event shall occur or condition exist that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable.

.10 For Holding Company Depositary Receipts (HOLDRs), the Exchange will not open additional series of options overlying HOLDRs (without prior Commission approval) if: (1) the proportion of securities underlying standardized equity options to all securities held in a HOLDRs trust is less than 80% (as measured by their relative weightings in the HOLDRs trust); or (2) less than 80% of the total number of securities held in a HOLDRs trust underlie standardized equity options.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide for the trading of options and FLEX[10] equity options on exchange-listed trust issued receipts.[11] Trust issued receipts are exchange-listed securities representing beneficial ownership of the specific deposited securities represented by the receipts. They are negotiable receipts issued by a trust representing securities of issuers that have been deposited and are held on behalf of the holders of the trust issued receipts. Trust issued receipts, which trade in round lots of 100, and multiples thereof, may be issued after their initial offering through a deposit with the trustee of the required number of shares of common stock of the underlying issuers. This characteristic

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consistent with the purpose section of the proposed rule change. *See* Letter to Nancy Sanow, Assistant Director, Division, SEC, from Scott G. Van Hatten, Legal Counsel Derivative Securities, Amex, dated January 4, 2000.

[8] In Amendment No. 4, the Exchange added an additional maintenance requirement for options on HOLDRs, a kind of trust issued receipt, requiring that the market capitalization of the securities underlying the options and composing the HOLDR must constitute at least 80 percent of the market capitalization of the HOLDR. The Exchange further noted that the prospectus and product description delivery requirements applicable to HOLDRs, will apply to an exercise or assignment of options on HOLDRs. The Exchange also represented that it has the necessary capacity to trade the new series of options generated by options on HOLDRs. *See* Letter to Nancy Sanow, Assistant Director, Division, SEC, from Scott G. Van Hatten, Legal Counsel Derivative Securities, Amex, dated April 27, 2000.

[7] In Amendment No. 5, the Exchange added an additional maintenance requirement for options on HOLDRs, requiring that at least 80 percent of the number of securities held by a HOLDR trust underlie standardized options. *See* Letter to Nancy Sanow, Assistant Director, Division, SEC, from Scott G. Van Hatten, Legal Counsel Derivative Securities, Amex, dated May 3, 2000.

[8] In Amendment No. 6, the Exchange clarified the maintenance criterion added in Amendment No. 4, that the Exchange will not open additional series of options on any HOLDR should the weight of all those securities that are options eligible be less than 80 percent. *See* Letter to Nancy Sanow, Assistant Director, Division, SEC, from Scott G. Van Hatten, Legal Counsel Derivative Securities, Amex, dated May 11, 2000.

[9] The Exchange has confirmed that "Trust Issued Receipts" should be capitalized in the proposed rule text. Telephone conversation between Heather Traeger, Attorney, Division, SEC, and Scott G. Van Hatten, Legal Counsel Derivative Securities, Amex, on June 14, 2000.

[10] FLEX equity options provide investors with the ability to customize basic option features including size, expiration date, exercise style, and certain exercise prices.

[11] The Exchange's proposal to list and trade Trust Issued Receipts was approved by the Commission on September 21, 1999. *See* Securities Exchange Act Release No. 41892, (September 21, 1999), 64 FR 52559 (September 29, 1999).

of trust issued receipts is similar to that of exchange-traded fund shares which also may be created on any business day upon deposit of the requisite securities comprising a creation unit.[12] The trust will only issue receipts upon the deposit of the shares of underlying securities that are represented by a round-lot of 100 receipts. Likewise, the trust will cancel, and an investor may obtain, hold, trade or surrender trust issued receipts in a round-lot and round lot multiples of 100 receipts. Following their initial issuance, trust issued receipts will be traded on the Exchange like other equity securities, subject to equity trading rules.

Generally, options on trust issued receipts are proposed to be traded on the Exchange pursuant to the same rules and procedures that apply to trading in options on equity securities or indexes of equity securities. However, the Exchange is also proposing to list FLEX Equity options on trust issues receipts. The Exchange will list option contracts covering 100 trust issued receipts, the minimum required round lot trading size for the underlying receipts. Strike prices for the contracts will be set to bracket the trust issued receipts at the same intervals that apply to standardized equity options (*i.e.*, 2½ point intervals for underlying equity values up to $25; 5 point intervals for underlying equity values greater than $25 up to $200; and 10 point intervals for underlying equity values greater than $200). The proposed position and exercise limits for options on trust issued receipts would be the same as those established for stock options, as set forth in Amex Rules 904 and 905. The Amex anticipates that most options on trust issued receipts will initially qualify for the lowest position limit. However, as with standardized equity options, applicable position limits will be increased for options if the volume of trading in the trust issued receipts increases to meet the requirements of a higher limit. As is currently the case for all FLEX Equity options, no position and exercise limits will be applicable to FLEX Equity options overlying trust issued receipts.

The listing and maintenance standards proposed for options on trust issued receipts are set forth in proposed Commentary .07 under Amex Rule 915 and in proposed Commentary .09 under Amex Rule 916, respectively. Pursuant to the proposed initial listing standards, Amex will list only trust issued receipts that are principally traded on a national securities exchange or through the facilities of a national securities association and reported as national market securities. In addition, the initial listing standards require that either: (i) The trust issued receipts meet the uniform options listing standards in Commentary .01 to Amex Rule 915, which include criteria covering the minimum public float, trading volume, and share price of the underlying security in order to list the option; [13] or (ii) the trust issued receipts must be available for issuance or cancellation each business day from the trust in exchange for the underlying deposited securities.

In addition, listing standards for options on trust issued receipts will require that any American Depositary Receipts (ADRs) in the portfolio on which the Trust is based for which the securities underlying the ADRs' primary markets are in countries that are not subject to comprehensive surveillance agreements will not in the aggregate represent more than 20 percent of the weight of the portfolio.

The Exchange's proposed maintenance standards provide that if a particular series of trust issued receipts should cease to trade on an exchange or as national market securities in the over-the-counter market, there will be no opening transactions in the options on the trust issued receipts, and all such options will trade on a liquidation-only basis (*i.e.*, only closing transactions to permit the closing of outstanding open options will be permitted). In addition, the Amex will consider the suspension of opening transactions in any series of options of the class covering trust issued receipts if: (i) The options fail to meet the uniform equity option maintenance standards in Commentary .01 to Amex Rule 916,[14] when the options were listed pursuant to the equity option listing standards of Commentary .01 to Amex Rule 915; [15] (ii) the trust has more than 60 days remaining until termination and there are fewer than 50 record and/or beneficial holders of trust issued receipts for 30 or more consecutive trading days; (iii) the trust has fewer than 50,000 receipts issued and outstanding; (iv) the market value of all receipts issued and outstanding is less than $1,000,000; or (v) such other event shall occur or condition exists that in the opinion of the Exchange, makes further dealing in such options on the Exchange inadvisable. Furthermore, the Exchange will not open additional series of options on any HOLDR, without prior Commission approval, if: (1) The proportion of securities underlying standardized equity options to all securities held in a HOLDRs trust is less than 80 percent (as measured by their relative weightings in the HOLDRs trust); [16] or (2) less than 80 percent of the number of securities held by a HOLDR trust underlie standardized options.

Options on trust issued receipts will be physically-settled and will have the American-style exercise feature used on all standardized equity options, and not the European-style feature. The Exchange, however, also proposes to trade FLEX Equity options which will be available with both the American-style and European-style exercise feature, as well as other FLEX Equity features.[17]

The proposed margin requirements for options on trust issued receipts are at the same levels that apply to options generally under Amex Rule 462, except, with respect to trust issued receipts based on a broad-based portfolio, minimum margin must be deposited and maintained equal to 10 percent of the current market value of the option plus 15 percent of the market value of

[12] The Exchange received approval to trade options on fund shares on July 1, 1998. *See* Securities Exchange Act Release No. 40157 (July 1, 1998), 63 FR 37426 (July 10, 1998).

[13] Specifically, Commentary .01 to Amex Rule 915 requires the underlying security to have a public float of 7,000,000 shares, 2,000 holders, trading volume of 2,400,000 shares in the preceding 12 months, a share price of $7.50 for the majority of the business days during the three calendar months preceding the date of the selection, and that the issuer of the underlying security is in compliance with the Act.

[14] Specifically, Commentary .01 to Amex Rule 916 provides that an underlying security will not meet the Exchange's requirements for continued listing when, among other things: (i) There are fewer than 6,300,000 publicly-held shares; (ii) there are fewer than 1,600 holders; (iii) trading volume was less than 1,800,000 shares in the preceding twelve months; and (iv) the share price of the underlying security closed below $5 on a majority of the business days during the preceding 6 months.

[15] The Exchange notes that even if options on trust issued receipts were not listed under the uniform equity option listing standards, Amex Rules 1200 *et seq.* require a minimum number of trust issued receipts to be outstanding before trading in a series of trust issued receipts may commence. In addition, the Amex has represented that although there is no comparable public float maintenance standard for the underlying trust issued receipt, as a practical matter there can never be trading in a series of trust issued receipts in which there is less than one round-lot outstanding, since trust issued receipts may only be issued and cancelled in round lots, and if the last outstanding round lot should ever be cancelled, the series (and the options on that series) will cease to trade.

[16] The Exchange represents that the weight of each security in a HOLDR trust will be determined by calculating the summation of the number of shares of each security (represented in a single HOLDR) and underlying options multiplied by its respective share price divided by the summation of the number of shares of all securities (represented in a single HOLDR) multiplied by their respective share prices. *See* Amendment No. 6, supra note 8.

[17] An American-style option may be exercised at any time prior to its expiration. A European-style option, however, may be exercised only on its expiration date.

equivalent units of the underlying security value. Trust issued receipts that hold securities based upon a narrow-based portfolio must have options margin that equals at least 100 percent of the current market value of the contract plus 20 percent of the market value of equivalent units of the underlying security value. In this respect, the margin requirements proposed for options on trust issued receipts are comparable to margin requirements that currently apply to broad-based and narrow-based index options.

The Exchange believes it has the necessary systems capacity to support the additional series of options that would result from the introduction of options on HOLDRs, and it has been advised that the Options Price Reporting Authority ("OPRA") also will have the capacity to support these additional series in light of the capacity allocation in place at the OPRA processor.[18]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act[19] in general and furthers the objectives of Section 6(b)(5)[20] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statements on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–AMEX–99–37 and should be submitted by [July 14, 2000].

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of Section 6(b)(5) of the Act[21] and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission finds that providing for the listing and trading of options and FLEX Equity options on Exchange-traded trust issued receipts should give investors a better means to hedge their positions in the underlying trust issued receipts. Further, the Commission believes that pricing of the underlying trust issued receipts may become more efficient and market makers in these shares, by virtue of enhanced hedging opportunities, may be able to provide deeper and more liquid markets. In sum, the Commission believes that options on trust issued receipts likely will engender the same benefits to investors and the marketplace that exist with respect to options on common stock, thereby serving to promote the public interest, remove impediments to a free and open securities market, and promote efficiency, competition, and capital formation.[22]

As a general matter, the Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as options on trust issued receipts, can commence trading on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. With regard to position and exercise limits, the Commission finds that it is appropriate to adopt the tiered approach used in setting position and exercise limits for standardized stock options. This approach should serve to minimize potential manipulation and market impact concerns. In addition, the Commission believes that the rationale for allowing FLEX Equity options generally to trade without position and exercise limits is equally applicable in the context of FLEX Equity options on trust issued receipts. Accordingly, because options and Flex Equity options of trust issued receipts will be subject to the same regulatory regime as the other options and FLEX Equity options currently traded on the Amex, the Commission believes that adequate safeguards are in place to ensure the protection of investors in options and Flex Equity options on trust issued receipts.

The Commission also believes that it is appropriate to permit the Amex to list and trade options, including FLEX Equity options, on exchange-traded trust issued receipts given that these options must meet specific requirements related to the protection of investors.[23] First, the Exchange's listing and delisting criteria for options on trust issued receipts are adequate. With regard to initial listing, the proposal requires that either: (1) The underlying trust issued receipts meet the Amex's uniform options listing standards; or (2) the trust issued receipts must be available for issuance or cancellation each business day from the trust in exchange for the underlying deposited securities. This listing requirement should ensure that there exists sufficient supply of the underlying trust issued receipts so that a short call writer, for example, will have the ability to secure delivery of the trust issued receipts upon exercise of the option.

With respect to continued listing, options listed pursuant to the uniform

[18] *See* Amendment No. 4, supra note 6, and letter from Joseph P. Corrigan, Executive Director, OPRA, to Nancy Sanow, Assistant Director, Division, SEC, dated April 26, 2000.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78f(b)(5).

[22] In approving this rule, the Commission notes that it has also considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[23] The Commission notes, and Amex has verified, that holders of options on trust issued receipts who exercise and receive the underlying trust issued receipts must receive, like any purchaser of trust issued receipts, a product description or prospectus, as appropriate. *See* Amendment No. 4, *supra* note 6.

options listing standards will have to meet the options maintenance listing standards. The maintenance criteria provide that an underlying security will not meet the Exchange's requirements for continued listing when, among other things: (1) The trust has more than 60 days remaining until termination and there are fewer than 50 record and/or beneficial holders of trust issued receipts for 30 or more consecutive trading days; (2) the trust has fewer than 50,000 receipts issued and outstanding; or (3) the market value of all receipts issued and outstanding is less than $1,000,000. The Commission believes these criteria will help to ensure than a minimum level of liquidity will exist for options on trust issued receipts to control against manipulation and allow for the maintenance of fair and orderly markets. Furthermore, the Exchange will not open additional series or options on any HOLDR, without prior Commission approval, if: (1) The proportion of securities underlying standardized equity options to all securities held in a HOLDRs trust is less than 80 percent (as measured by their relative weightings in the HOLDRs trust); or (2) less than 80 percent of the number of securities held by a HOLDR trust underlie standardized options. The Commission believes that these additional criteria will ensure that a very significant portion of the individual component securities of the HOLRDs trust will be options eligible (either by market capitalization weighting or by total number of component securities), thereby assuring that the component securities for the most part will satisfy minimum thresholds previously approved by the Commission.

The Commission also believes that the surveillance standard developed by the Amex for options on trust issued receipts is adequate to address the concerns associated with the listing and grading of such securities. Specifically, the Amex has proposed to limit to 20 percent of the weight of the portfolio any component securities that are ADRs when the primary market for the securities underlying those ADRs' are in countries that are not subject to comprehensive surveillance agreements.

As a general matter, the Commission believes that comprehensive surveillance agreements provide an important deterrent to manipulation because they facilitate the availability of information needed to fully investigate a potential manipulation, if it were to occur. These agreements are especially important in the context of derivative products based on foreign securities because they facilitate the collection of necessary regulatory, surveillance and other information from foreign jurisdictions. In evaluating the current proposal, the Commission believes that requiring comprehensive surveillance agreements to be in place between the Amex and the primary markets for ADRs that comprise 20 percent or more of the weight of the underlying portfolio upon which trust issued receipts are based provides an adequate mechanism for the exchange of surveillance sharing information necessary to detect and deter possible market manipulations. Further, as to the domestically-traded trust issued receipts themselves and the domestic stocks in the underlying portfolio upon which trust issued receipts are based, the Intermarket Surveillance Group ("ISG") Agreement [24] will be applicable to the trading of options on trust issued receipts.

Finally, the Commission believes that it is appropriate to require minimum margin of 100 percent of the current market value of the option plus 15 percent of the market value of the underlying security value for options on trust issued receipts based on a broad-based portfolio. Moreover, the Commission believes that requiring minimum margin of 100 percent of the current market value of the option plus 20 percent of the market value of the underlying security value for options on trust issued receipts based on a narrow-based portfolio is appropriate. The Commission notes that these margin requirements for options on trust issued receipts are comparable to margin requirements that currently apply to broad-based and narrow-based index options.

Amex has requested that the Commission find good cause for approving the proposed rule change, as amended, prior to the thirtieth day after the day of publication of notice in the **Federal Register**. The Commission believes the proposal is similar to the proposal to list and trade options on exchange-traded fund shares previously reviewed and approved by the Commission.[25] The Commission also notes that there were no comment letters on the initial trust issued receipts filing. Furthermore, the Commission finds that the proposal raises no new regulatory issues and should benefit holders of trust issued receipts by permitting them to use options to manage the risks of their positions in the receipts. Accordingly, the Commission finds good cause to accelerate approval of the proposed rule change, as amended.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[26] that the proposed rule change (SR–AMEX–99–37), as amended, is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[27]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–15903 Filed 6–22–00; 8:45 am]

BILLING CODE 8010–01–M

[24] ISG was formed on July 14, 1983, to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. *See* Intermarket Surveillance Group Agreement, July 14, 1983.

[25] *See* Securities Exchange Act Release No. 40157 (July 1, 1998), 63 FR 37426 (July 10, 1998).

[26] 15 U.S.C. 78s(b)(2).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42951; File No. SR–BSE–99–07]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Boston Stock Exchange, Inc. Amending its Minor Rule Violation Plan

June 16, 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 1, 1999, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On March 24, 2000, the BSE submitted Amendment No. 1 to the proposed rule change.[3] On May 30, 2000, the BSE submitted Amendment No. 2 to the proposed rule change.[4] The Commission is publishing this notice to solicit

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the BSE proposes to incorporate the BSE's Minor Rule Violation Plan into the Boston Stock Exchange Guide, which is its rulebook. *See* letter with enclosures from William P. Cummings, Manager of Legal and Regulation, BSE, to Richard Strasser, Assistant Director, Division of Market Regulation ("Division"), Commission, dated March 12, 2000 ("Amendment No. 1").

[4] In Amendment No. 2, the BSE seeks to amend the Summary Fine Schedule of the Minor Rule Violation Plan to prohibit all forms of tobacco use. *See* letter with enclosures from John A. Boese, Assistant Vice President, Rule Development and Market Structure, BSE, to Richard Strasser, Assistant Director, Division, Commission, dated May 26, 2000 ("Amendment No. 2").

comments on the proposed rule change form interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The BSE seeks to amend the Summary Fine Schedule of the Minor Rule Violation Plan by adding the violation of "Failure to Attend Mandatory BEACON Training Sessions" and amending the prohibition titled "Violation of the Exchange Smoking Policy" to prohibit all forms of tobacco use. In addition, the Exchange proposes to incorporate the BSE's Minor Rule Violation Plan into the Boston Stock Exchange Guide, which is its rulebook.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the BSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The BSE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The BSE proposes to amend the Exchange's Minor Rule Violation Plan to include the failure to attend Market Performance Committee BEACON training sessions and to change the prohibition titled "Violation of the Exchange Smoking Policy" to prohibit all forms of tobacco use. The proposed addition to the Summary Fine Schedule will enable the Exchange to ensure that all floor members are fully trained on the BEACON system following enhancements for the handling of orders or the release of new versions of BEACON software. The Exchange believes that this will ensure that all customer orders are accorded the same professional attention by all specialists. The Exchange proposes a written warning for an initial offense, a $50 fine for the second offense, and a $100 fine for subsequent offenses. In addition, the Exchange proposes to prohibit all forms of tobacco use on the Equity Trading Floor. Currently, only smoking is prohibited.

The Exchange also proposes to incorporate the BSE's Minor Rule Violation Plan into the Boston Stock Exchange Guide, which is its rulebook. The Plan provides an alternative method for the Exchange to use to discipline members who commit minor rule violations.

2. Statutory Basis

The BSE believes the proposed rule change is consistent with Section 6(b)(5)[5] of the Act in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers. In addition, the Exchange believes that the proposal is consistent with Section 6(b)(6)[6] of the Act, which requires that its members and persons associated with its members be appropriately disciplined for violations of the rules of the exchange.[7]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78f(b)(6).

[7] The Exchange added this statutory basis for the proposed rule change on June 5, 2000. Telephone conversation between John A. Boese, Assistant Vice President, Rule Development and Market Structure, BSE, and Joseph Corcoran, Attorney, Division, Commission, on June 5, 2000.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR–BSE–99–07 and should be submitted by July 14, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–15902 Filed 6–22–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42948; File No. SR–NYSE–00–20]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Listed Company Fees for Closed-end Funds

June 15, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 3, 2000, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change from interested persons.

Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Paragraph 902.02 of the Exchange's Listed Company Manual (the "Manual"). Paragraph 902.02 of the Manual contains the schedule of current listing fees for companies listing securities on the Exchange. The text of the proposed rule change is as follows. New text is *italicized.*

902.02 Schedule of Current Listing Fees

* * * * *

A. Original Listing Fee

A special charge of $36,800 in addition to initial fees (described below) is payable in connection with the original listing of a company's stock. In any event, each issuer (excluding closed-end funds) is subject to a minimum original listing fee of $150,000 inclusive of the special charge referenced in the proceeding sentence. *Closed-end funds are subject to a minimum original listing fee based upon the number of shares outstanding as follows:*

Up to 10 million shares—$100,000

Up to 24 million shares—125,000

Over 24 milllion shares—150,000

Minimum fees include the one time special charge of $36,800.

The special charge is also applicable to an application which in the opinion of the Exchange is a "back-door listing". See Para. 703.08 (F) for definition.

* * * * *

Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries set forth in Sections A, B, and C below of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change amends the listed company fee schedule, set forth in Paragraph 902.02 of the Manual, as it applies to original listing fees. The Exchange seeks to adopt a minimum original listing fee for each new closed-end funding depending upon the number of shares offered. As proposed, closed-end funds would be subject to a minimum oringial listing fee based upon the number of shares outstanding as follows: up to 10 million shares—$100,000; up to 24 million shares—$125,000; and over 24 million shares—$150,000. This minimum would included the Exchange's one-time special charge of $36,800.

The Exchange recently received approval for a minimum fee that specifically excluded closed-end funds in anticipation of this filing because such funds, unlike corporations, do not issue additional shares of securities.[3] Thus, the Exchange felt it would be inappropriate to apply the same criteria to closed-end funds.

2. Statutory Basis

For these reasons, the Exchange believes that the propsoed rule change is consistent with Section 6 of the Act,[4] in general, and with Section 6(b)(4),[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities.

Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Self-Regulatory Organization's Statement on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–00–20 and should be submitted by July 24, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–15878 Filed 6–22–00; 8:45 am]

BILLING CODE 8010–01–M

[3] *See* Securities Exchange Act Release No. 42606 (March 31, 2000), 65 FR 18415 (April 7, 2000) (SR–NYSE–00–10).

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

[6] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before July 24, 2000. If you intend to comment

but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: *Agency Clearance Officer*, Jacqueline White, Small Business Administration, 409 3rd Street, SW, 5th Floor, Washington, DC 20416; and *OMB Reviewer*, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Pre-Disaster Mitigation Small Business Loan Application.

No: 5M.

Frequency: On Occasion.

Description of Respondents: Business Applicants for the pre-disaster mitigation loan program.

Annual Responses: 2,500.

Annual Burden: 5,000.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 00–15922 Filed 6–22–00; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

This statement amends part S of the Statement of the Organization, Functions and Delegations of Authority which covers the Social Security Administration (SSA). Chapter S9 covers the Office of the General Counsel (OGC). Notice is given that the current divisions are being elevated to office-level components. There also will be minor organizational and functional changes within OGC. The changes are as follows:

Section S9.00 *The Office of the General Counsel*—(Mission):

Amend to read as follows:

The General Counsel, as special advisor to the Commissioner on legal matters, is responsible for providing all legal services and advice to the Commissioner, Deputy Commissioner and all subordinate organizational components (except OIG) of SSA in connection with the operation and administration of SSA.

Section S9.10 *The Office of the General Counsel*—(Organization)

Retitle:

C. The Immediate Office of the General Counsel (S9A)

1. The Deputy General Counsel (Regional Operations) (S9A–1) to The Deputy General Counsel (S9A–1).

Delete:

2. The Inspector General Staff (S9A–2).

Add:

2. The Executive Operations Staff (S9A–3).

Retitle:

D. The Division of General Law (S9B) to The Office of General Law (S9B).

E. The Division of Litigation (S9C) to The Office of Program Litigation (S9C).

F. The Division of Policy and Legislation (S9E) to The Office of Program Law (S9E).

Section S9.20 *The Office of the General Counsel*—(Functions):

Retitle:

C. The Immediate Office of the General Counsel (S9A)

1. The Deputy General Counsel (Regional Operations) (S9A–1) to The Deputy General Counsel (S9A–1).

Amend as follows:

C. The Immediate Office of the General Counsel (S9A) includes the Deputy General Counsel (S9A–1) and the Executive Operations Staff (S9A–3).

1. The Deputy General Counsel (S9A–1) assists the General Counsel and the Principal Deputy General Counsel in carrying out their responsibilities and performs other duties as the General Counsel may prescribe. In the event of the absence or disability of both the General Counsel and the Principal Deputy General Counsel, the Deputy General Counsel acts for the General Counsel unless the Commissioner directs otherwise.

Delete in its entirety:

2. The Inspector General Staff (S9A–2).

Add:

2. The Executive Operations Staff (S9A–3) provides internal organizational planning, management analysis and review, staff support and assistance to the General Counsel, Principal Deputy General Counsel, Deputy General Counsel, OGC Executive Staff, OGC Executive Officer and other OGC managers. Plans, develops and coordinates OGC's financial, personnel and administrative management activities and programs for OGC headquarters and regional offices. Plans, directs and provides day-to-day operational support services on all areas of administrative, budget, space and facilities, communications, and systems management. Identifies, coordinates and implements OGC's training program. Formulates, justifies, and presents annual and multi year budget submissions. Controls the collection, recording and reporting of all financial, personnel, and administrative data in connection with budget and staffing formulation and executive functions.

Retitle and amend as follows:

D. The Division of General Law (S9B) to The Office of General Law (S9B).

1. Provides legal services on business management activities and administrative operations throughout SSA, including procurement, contracting, patents, copyrights, budget, appropriations, personnel, adverse employment actions, employment discrimination, compensation, travel, personnel and tort claims by and against SSA, electronic service delivery, labor-management relations and Touhy requests.

2. Provides legal services and advice regarding SSA's civil defense, civil rights and security programs as well as for SSA's administration of the Freedom of Information and Privacy Acts and Computer Matching Agreements. Provides liaison with the Department of Justice on administering the Freedom of Information and Privacy Acts. Liaisons with the Comptroller General.

4. Assists SSA components with the development and implementation of ethics training, provides liaison with the White House Office of Counsel and the Office of Government Ethics on ethics matters.

E. The Division of Litigation (S9C) to The Office of Program Litigation (S9C).

1. Furnishes legal support and litigation related advice in both administrative and court litigation in connection with the operations and administration by SSA of the various programs administered by SSA under the Social Security Act and of other programs which do not fall within the jurisdiction of the Office of General Law.

F. The Division of Policy and Legislation (S9E) to The Office of Program Law (S9E).

1. Furnishes nonlitigation legal services and advice in connection with the operations and administration of the various programs administered by SSA under the Social Security Act and of other programs and areas which do not fall within the jurisdiction of the Office of General Law.

3. Drafts or reviews proposed testimony of SSA officials before

Congress relating to any area within the jurisdiction of the Office of Program Law.

4. Drafts or reviews all SSA regulatory materials and legal instruments relating to areas within the jurisdiction of the Office of Program Law.

Amend as follows:

G. The Offices of Regional Chief Counsels (S9G–F1—S9G–FX).

2. Provide litigation support and legal services and advice to the SSA Regional Commissioners in the various areas set out above regarding OGC offices.

Dated: May 22, 2000.

Kenneth S. Apfel,

Commissioner of Social Security.

[FR Doc. 00–15862 Filed 6–22–00; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 3340]

Bureau of Nonproliferation; Determination Under the Foreign Assistance Act

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Pursuant to section 654(c) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2378), notice is hereby given that the Acting Assistant Secretary of State for Nonproliferation has made a determination pursuant to section 620H of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2378), and section 549 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (enacted by reference in P.L. 106–113), and analogous provisions in previous year Foreign Operations, Export Financing, and related Programs Appropriations Acts, and has concluded that publication of the determination would be harmful to the national security of the United States.

Dated: June 14, 2000.

John P. Barker,

Acting Assistant Secretary of State for Nonproliferation.

[FR Doc. 00–15960 Filed 6–22–00; 8:45 am]

BILLING CODE 4710–25–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2000–7541]

Merchant Marine Personnel Advisory Committee; Vacancies

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The Coast Guard is seeking applications for appointment to membership on the Merchant Marine Personnel Advisory Committee (MERPAC). MERPAC provides advice and makes recommendations to the Coast Guard on matters related to the training, qualification, licensing, certification, and fitness of seamen serving in the U.S. merchant marine.

DATES: Applications should reach us on or before August 15, 2000.

ADDRESSES: You may request an application form by writing to Commandant (G–MSO–1), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001; by calling 202–267–0229; by e-mailing mgould@comdt.uscg.mil; or by faxing 202–267–4570. Submit application forms to the same address. This notice and the application form are available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Luke B. Harden, Acting Executive Director of MERPAC, or Mr. Mark C. Gould, Assistant to the Executive Director, telephone 202–267–0229, fax 202–267–4570.

SUPPLEMENTARY INFORMATION: MERPAC is chartered under the Federal Advisory Committee Act, 5 U.S.C. App. 2. It provides advice and makes recommendations to the Assistant Commander for marine Safety and Environmental Protection, on matters for concern to merchant-marine personnel such as implementation of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), and activities of regional examination centers.

MERPAC meets at least twice a year, once at Coast Guard Headquarters, Washington, DC, and once elsewhere in the country. Its subcommittees and working groups may also meet to consider specific problems as required.

The Coast Guard will consider applications for six positions that expire or become vacant in January 2001. It needs applicants with one or more of the following backgrounds to fill the positions:

(a) Licensed Deck officer.

(b) Unlicensed member of the Engineering Department.

(c) Two Marine Educators associated with State maritime academies.

(d) Marine Educator associated with a training institution other than a Federal or State maritime academy.

(e) Public (no maritime experience necessary).

Each member serves for a term of 3 years. No member may hold more than two consecutive 3-year terms. MERPAC members serve without compensation from the Federal Government; however, they do receive travel reimbursement and per diem.

In support of the policy of the Department of Transportation on gender and ethnic diversity, the Coast Guard encourages applications from qualified women and members of minority groups.

If you are selected as a member who represents the general public, we will require you to complete a Confidential Financial Disclosure Report (OGE Form 450). Neither the report nor the information it contains may be released to the public, except under an order issued by a Federal court or as otherwise provided under the Privacy Act [5 U.S.C. 552a].

Dated: June 13, 2000.

Peter A. Richardson,

Acting, Director of Standards.

[FR Doc. 00–15943 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2000–20]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before August 7, 2000.

Petitions for Exemption

Docket No.: 30052
Petitioner: Airbus Industrie

Section of the FAR Affected: 14 CFR 21.183(f), 25.2(b), 25.807(f)(4), and 121.310(m)

Description of Relief Sought: To permit a distance between exit door pairs 2 and 3 in excess of 60 feet for the A340–600 airplane.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. ____, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address 9-NPRM-cmts@faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rule Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271, Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence, Avenue, SW., Wahsington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC on June 15, 2000.

Anthony F. Fazio,

Director, Office of Rulemaking.

[FR Doc. 00–15952 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 30086]

Report to Congress on Effects of Nonmilitary Helicopter Noise on Individuals in Densely Populated Areas in the Continental United States

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice, request for comments.

SUMMARY: This notice requests comments and information to help fulfill a requirement for the Federal Aviation Administration (FAA) to conduct a study in identifying recommendations for reduction of the effects of nonmilitary helicopter noise that otherwise impacts individuals of densely populated areas in the continental United States. This notice solicits information and comment on specific issues; the FAA will consider all responses in preparing its report to Congress on effects of nonmilitary helicopter noise on individuals in densely populated areas.

DATES: Comments must be received on or before July 24, 2000.

ADDRESSES: Comments on this notice should be mailed, in triplicate to the Federal Aviation Administration, Office of Chief Counsel, Attn: Rules Docket, Docket No. 30086, 800 Independence Avenue, SW., Room 915H, Washington, DC 20591. Comments may be inspected in Room 915G between 8:30 a.m. and 5:00 p.m., weekpdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Sandy R. Liu, Noise Division (AEE–100), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Ave, SW., Washington, DC 20591; telephone (202) 493–4864; fax (202) 267–5594.

SUPPLEMENTARY INFORMATION:

Background

Section 747 of the Federal Aviation Administration Authorization Act of 2000 requires the FAA to conduct a noise study on the effects of nonmilitary helicopter noise on individuals in densely populated areas in the continental United States and report associated noise reduction recommendations to Congress. This study shall focus on air traffic control procedures to address the helicopter noise problems and take into account the needs of law enforcement. The major goal of the study is to identify the type of helicopter operations (either law enforcement, electronic news gathering (ENG), sightseeing tour, emergency medical services (EMS), or corporate executive commute) that elicit negative response by individuals for typical densely populated areas and understand whether air traffic control procedures are applicable to addressing helicopter noise reduction in ways which are not unduly restrictive on operations.

The FAA has developed a plan for conducting the required study and completing the report to Congress. The plan's primary elements include: (1) a nonmilitary helicopter operations assessment for a densely populated area (*i.e.,* New York City), (2) a public call for information from people concerned with nonmiliary helicopter noise, (3) a call for input from the helicopter industry, (4) a publicly held focus workshop to review inputs and findings with interest groups, and (5) helicopter noise impact analysis. Recommendations shall be prepared and provided in the report to Congress.

Participation of Federal agencies is encouraged through the Federal Interagency Committee on Aviation (FICAN).

Request for Information

In supplementing the study findings, the FAA is seeking comment and information regarding the following four questions. A discussion of each will be incorporated into the FAA report to Congress. Additional comments regarding any of the issues raised by Congress under Section 747 of the Authorization Act are also invited. The FAA will review and consider all responses in preparing its report to Congress.

1. What are the types of helicopter operations (law enforcement, electronic news gathering, sightseeing tours, etc.) that elicit the negative response by individuals in densely populated areas?

2. What air traffic control procedures are applicable in addressing helicopter noise reduction? Why?

3. What impacts could restrictive air traffic control procedures have on operations of:

Law enforcement helicopters?

Electronic news gathering (ENG) helicopters?

Sightseeing tour helicopters?

Emergency medical services (EMS) helicopters?

Corporate executive helicopters?

4. What are the recommended solutions for reduction of the effects of nonmilitary helicopter noise?

The FAA encourages public participation in this initiative. The data received will be considered in preparing the report to Congress. Comments responding to these questions should be mailed to the office designated in the **ADDRESSES** heading and include the docket number. Commenters who wish the FAA to acknowledge the receipt of their comments must submit with their comments a pre-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 30086." The postcard will be date-stamped by the FAA and returned to the commenter.

Issued in Washington DC on June 16, 2000.

James D. Erickson,

Director of Environment and Energy.

[FR Doc. 00–15951 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–7524]

Notice of Receipt of Petition for Decision That Nonconforming 1978–1987 Honda CMX250C Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1978–1987 Honda CMX250C motorcycles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1978–1987 Honda CMX250C motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is July 24, 2000.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register.**

G&K Automotive Conversion, Inc. of Santa Ana, California ("G&K") (Registered Importer 90–007) has petitioned NHTSA to decide whether non-U.S. certified 1978–1987 Honda CMX250C motorcycles are eligible for importation into the United States. The vehicles which G&K believes are substantially similar are 1978–1987 Honda CMX250C motorcycles that were manufactured for importation into, and sale in, the United States and certified by their manufacturer, Honda Motor Corporation, as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1978–1987 Honda CMX250C motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

G&K submitted information with its petition intended to demonstrate that non-U.S. certified 1978–1987 Honda CMX250C motorcycles, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1978–1987 Honda CMX250C motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses*, 111 *Rearview Mirrors*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, and 122 *Motorcycle Brake Systems*.

Petitioner additionally contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: inspection of all vehicles and replacement of all lamps, reflective devices, and associated equipment with U.S.-model components on vehicles that are not already so equipped.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars*: (a) inspection of all vehicles for required U.S. rim markings and replacement of rims or addition of markings on vehicles on which they are lacking; (b) installation of a tire information label with the recommended tire size, rim size, and cold inflation pressure.

Standard No. 123 *Motorcycle Controls and Displays*: recalibration of the speedometer/odometer to measure distance in miles and speed in miles per hour or replacement of the speedometer/odometer with a U.S. model component that is so calibrated.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 19, 2000.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 00–15928 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub No. 5) (2000–3)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the third quarter 2000 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The third quarter 2000 RCAF (Unadjusted) is 1.050. The third quarter 2000 RCAF (Adjusted) is 0.588. The third quarter 2000 RCAF–5 is 0.569.

EFFECTIVE DATE: July 1, 2000.

FOR FURTHER INFORMATION CONTACT: H. Jeff Warren, (202) 565–1533. TDD for the hearing impaired: (202)565–1695.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DA• TO• DA OFFICE SOLUTIONS, Suite 210, 1925 K Street, NW, Washington, DC 20423–0001, telephone (202) 289–4357. [Assistance for the hearing impaired is

available through TDD services (202) 565–1695.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: June 19, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

Vernon A. Williams,

Secretary.

[FR Doc. 00–15968 Filed 6–22–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33838]

Metro Regional Transit Authority—Acquisition Exemption—CSX Transportation, Inc.

Metro Regional Transit Authority (METRO) has filed a notice of exemption under 49 CFR 1150.31 to acquire from CSX Transportation, Inc. (CSXT) certain railroad assets between approximately milepost 16.38 in Canton, OH, and approximately milepost 40.42 in Akron, OH, a distance of approximately 24.58 rail miles in Stark and Summit Counties, OH.[1]

The transaction is scheduled to take place as soon as possible after the May 31, 2000 effective date of the exemption.[2]

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding 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. 33838, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Oppenheimer Wolff & Donnelly LLP, 1350 Eye Street, NW., Suite 200, Washington, DC 20005.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: June 16, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–15980 Filed 6–22–00; 8:45 am]

BILLING CODE 4915–00–P

[1] METRO will not acquire the right or obligation to conduct any rail freight operations on the subject line. CSXT will retain a freight easement on the line, pursuant to which it will conduct rail operations between Akron and Krumroy, OH. The southern portion of the line, between Valuation Station 2637+1± at Aultman, OH, and Valuation Station 3120+64.5 near Canton, OH, is subject to a lease and operated by The Wheeling & Lake Erie Railway Company (W&LE). In a letter filed on June 8, 2000, W&LE indicates that it intends to file in the near future for discontinuance authority over the southern segment.

[2] METRO simultaneously filed a motion to dismiss this notice of exemption. The Board will address the jurisdictional issue raised by the motion to dismiss in a subsequent decision.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33888]

Tri-City Railroad Company, L.L.C.—Lease and Operation Exemption—Rail Line of the Port of Benton in Richland, WA

Tri-City Railroad Company, L.L.C. (Tri-City), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from the Port of Benton (POB) and operate approximately 17 miles of rail line currently owned by the POB,[1] known as the Hanford Site Rail System, Southern Connection extending from milepost 46.6 at the junction with the Union Pacific rail line in Richland, WA, to milepost 28.3 at the border to the U.S. Department of Energy's Hanford Site, connecting with the Hanford Site Rail System, Northern Connection (north of the City of Richland). Tri-City will become a Class III rail carrier.[2]

Tri-City indicates that it has entered into a maintenance and operation contract with the POB, which provides for Tri-City's operation of the rail line on behalf of the POB.

The transaction is scheduled to be consummated on or after June 21, 2000.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33888, 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 John Hawkenson, 2579 Stevens Drive, Building 1171, P.O. Box 1700, Richland, WA 99352.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: June 16, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–15981 Filed 6–22–00; 8:45 am]

BILLING CODE 4915–00–P

[1] *See Port of Benton—Acquisition and Operation Exemption—U.S. Department of Energy Rail Line in Richland, WA,* STB Finance Docket No. 33653 (STB served Oct. 6, 1998).

[2] Tri-City states that its projected revenues will not exceed those that would qualify it as a Class III carrier.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33879 (Sub-No. 1)]

Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

AGENCY: Surface Transportation Board.

ACTION: Notice of Exemption.

SUMMARY: The Board, under 49 U.S.C. 10502, exempts the trackage rights described in STB Finance Docket No. 33879 [1] to permit the trackage rights to expire on June 25, 2000, in accordance with the agreement of the parties.

DATES: This exemption will be effective on June 25, 2000.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 33879 (Sub-No. 1) must be filed with the Office of the Secretary, Surface Transportation Board, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of all pleadings must be

[1] On June 2, 2000, UP filed a notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by The Burlington Northern and Santa Fe Railway Company (BNSF) to grant temporary overhead trackage rights to UP over 143.1 miles of BNSF's rail line between BNSF milepost 117.4 near Shawnee, Junction, WY, and BNSF milepost 0.0 near Northport, NE. *See Union Pacific Railrood Company—Trackoge Rights Exemption—The Burlington Northern ond Sonto Fe Roilwoy Compony,* STB Finance Docket No. 33879 (STB served June 14, 2000). The trackage rights agreement is scheduled to expire June 25, 2000. The trackage rights operations under the exemption were scheduled to be consummated on June 10, 2000.

served on petitioner's representative, Robert T. Opal, 1416 Dodge Street, Room 830, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565–1600. [TDD for the hearing impaired 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dā-To-Dā Office Solutions, Suite 210, 1925 K Street, NW, Washington, DC 20006. Telephone: (202) 289–4357. [Assistance for the hearing impaired is available through TDD services 1–800–877–8339.]

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: June 19, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

Vernon A. Williams,

Secretary.

[FR Doc. 00–15969 Filed 6–22–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket No. BTS–99–6375]

Motor Carrier Financial and Operating Information; Requests for Exemption 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. On October 25, 1999, BTS invited comments on several requests submitted by carriers (64 FR 57512). BTS has issued its decisions and these are available through the DOT Dockets Management System. Please follow the instructions listed below.

ADDRESSES: You can read BTS's decision on the exemption requests using 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 a.m. to 5 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. The exemption requests and public comments on them are also available through this system.

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.

Ashish Sen,

Director.

[FR Doc. 00–15846 Filed 6–22–00; 8:45 am]

BILLING CODE 4910–FE–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 16, 2000.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 24, 2000 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0771.

Regulation Project Number: EE–63–88 Final and Temporary; IA–140–86 Temporary; and REG–209785–95 Final.

Type of Review: Extension.

Title: Taxation of Fringe Benefits and Exclusions from Gross Income for Certain Fringe Benefits (EE–63–88); Fringe Benefits; Listed Property (IA–140–86); and Substantiation of Business Expenses (REG–209785–95).

Description: EE–63–88: This regulation provides guidance on the tax treatment of taxable and nontaxable fringe benefits and general and specific rules for the valuation of taxable fringe benefits in accordance with Code sections 61 and 132. The regulation also provides guidance on exclusions from gross income for certain fringe benefits.

IA–140–86: This regulation provides guidance relating to the requirement that any deduction or credit with respect to business travel, entertainment, and gift expenses be substantiated with adequate records in accordance with Code section 274(d). The regulation also provides guidance on the taxation of fringe benefits and clarifies the types of records that are generally necessary to substantiate any deduction or credit for listed property.

REG–209785–95: This regulation provides that taxpayers who deduct, or reimburse employees for, business expenses for travel, entertainment, gifts, or listed property are required to maintain certain records, including receipts, for expenses of $75 or more. The regulation amends existing regulations by raising the receipt threshold from $25 to $75.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeepers: 28,582,150.

Estimated Burden Hours Per Respondent/Recordkeeper: 1 hr., 18 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 37,922,688 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports Management Officer.

[FR Doc. 00–15879 Filed 6–22–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 16, 2000.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 24, 2000 to be assured of consideration.

U.S. Customs Service (CUS)

OMB Number: 1515–0042.
Form Number: CF 4455 and CF 4457.
Type of Review: Extension.
Title: Certificate of Registration.
Description: The Certificate of Registration is used to expedite free entry or entry at a reduced rate on foreign made personal articles which are taken abroad. These articles are dutiable each time they are brought into the United States unless there is acceptable proof of prior possession.
Respondents: Individuals or households, Business or other for-profit, Not-for-profit institutions.
Estimated Number of Respondents: 200,000.
Estimated Burden Hours Per Respondent: 3 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 10,000 hours.
OMB Number: 1515–0056.
Form Number: CF 19.
Type of Review: Extension.
Title: Protest.
Description: This collection is used by an importer, filer, or any party at interest to petition the Customs Service, or Protest, any action or charge, made by the port director on or against any; imported merchandise, merchandise excluded from entry, or merchandise entered into or withdrawn from a Customs bonded warehouse.
Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions.
Estimated Number of Respondents: 3,750.
Estimated Burden Hours Per Respondent: 1 hour, 30 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 67,995 hours.
OMB Number: 1515–0063.
Form Number: CF 5129.
Type of Review: Extension.
Title: Crew Members Declaration.
Description: This document is used to accept and record importations of merchandise by crew members, and to enforce agricultural quarantines, the currency reporting laws, and the revenue collection laws.
Respondents: Individuals or households, Business or other for-profit, Not-for-profit institutions.
Estimated Number of Respondents: 5,968,351.
Estimated Burden Hours Per Respondent: 3 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 298,418 hours.
Clearance Officer: J. Edgar Nichols (202) 927–1426, U.S. Customs Service, Printing and Records Management Branch, Ronald Reagan Building, 1300 Pennsylvania Avenue, N.W., Room 3.2.C, Washington, DC 20229.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Mary A. Able,
Departmental Reports Management Officer.
[FR Doc. 00–15880 Filed 6–22–00; 8:45 am]
BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 16, 2000.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 24, 2000 to be assured of consideration.

U.S. Customs Service (CUS)

OMB Number: 1515–0130.
Form Number: None.
Type of Review: Extension.
Title: Free Admittance Under Conditions of Emergency.
Description: This collection of information will be used in the event of emergency or catastrophic event to monitor goods temporarily admitted for the purpose of rescue or relief.
Respondents: Business or other for-profit.
Estimated Number of Respondents/Recordkeepers: 1.
Estimated Burden Hours Per Respondent/Recordkeeper: 1 hour.
Frequency of Response: On occasion.
Estimated Total Reporting/Recordkeeping Burden: 1 hour.
OMB Number: 1515–0158.
Form Number: CF 349 and CF 350.
Type of Review: Extension.
Title: Harbor Maintenance Fee.
Description: The Harbor Maintenance Fee established by the Water Resources Development Act of 1986 (Act) (26 U.S.C. 4461, *et seq.*), is collected by Customs and used to contribute to the operation and maintenance by the Army Corps of Engineers of certain United States channels and harbors.
Respondents: Business or other for-profit.
Estimated Number of Respondents: 625,900.
Estimated Burden Hours Per Respondent: 26 minutes.
Frequency of Response: Annually.
Estimated Total Reporting Burden: 1,250,000 hours.
OMB Number: 1515–0200.
Form Number: None.
Type of Review: Extension.
Title: Importers Declaration/Shippers Declaration.
Description: These declarations are related to the legal requirements and procedures which must be followed in order to obtain duty-free treatment on articles imported into the Customs territory of the United States from the insular possession.
Respondents: Business or other for-profit, Not-for-profit institutions.
Estimated Number of Respondents: 10.
Estimated Burden Hours Per Respondent: 6 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 31 hours.
Clearance Officer: J. Edgar Nichols (202) 927–1426, U.S. Customs Service, Printing and Records Management Branch, Ronald Reagan Building, 1300 Pennsylvania Avenue, N.W., Room 3.2.C, Washington, DC 20229.
OMB Reviewer: Alexander T. Hunt (202) 395–7860,Office of Management and Budget, Room 10202, New Executive Office Building,Washington, DC 20503.

Mary A. Able,
Departmental Reports Management Officer.
[FR Doc. 00–15924 Filed 6–22–00; 8:45 am]
BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Implementation of Electronic Filing and Status of Protests

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This document advises the public that following completion of test procedures under the National Customs Automation Program, the electronic filing and status of protests is now

operational in all service ports of Customs. The document also sets forth the results of the concluded test, describes the current operation of the electronic protest program, and invites the public to provide comments on an ongoing basis regarding the program.

FOR FURTHER INFORMATION CONTACT:

For operational or policy issues: Millie Gleason, Office of Field Operations (202–927–0625).

For protest system or automation issues: Steve Linnemann, Office of Information and Technology (202–927–0436.

SUPPLEMENTARY INFORMATION:

Background

Statutory and Regulatory Test Procedures

The National Customs Automation Program (NCAP) is contained in sections 411–414 of the Tariff Act of 1930, as amended (19 U.S.C. 1411–1414). The NCAP is described in section 411(a) as an automated and electronic system for processing commercial importations that includes, as one of its planned components, the electronic filing and status of protests. The NCAP in section 413(b) requires the development of an implementation plan for each planned component, the testing of each planned component to assess its viability, the evaluation of each planned component to assess its contribution to the goals of the NCAP, and the transmission of the implementation plan, the testing results, and an evaluation report to the House Committee on Ways and Means and the Senate Committee on Finance. Section 413(b) further provides that a planned NCAP component may be implemented on a permanent basis if at least 30 days have passed after transmission of the implementation plan, testing results and evaluation report to the two Congressional committees.

Regulatory standards regarding NCAP testing are set forth in § 101.9(b) of the Customs Regulations (19 CFR 101.9(b)) and include a requirement of publication of notices in the **Federal Register** and in the Customs Bulletin both prior to implementation of a test (for purposes of inviting public comments on any aspect of the test and informing the public of the eligibility criteria for voluntary participation in the test and the basis for selecting participants) and after completion of a test (to describe the results of the test).

On January 30, 1996, Customs published in the **Federal Register** (61 FR 3086) a notice announcing a plan to conduct a test regarding the electronic filing of protests, involving the use of transaction sets within the Automated Broker Interface (ABI) portion of the Customs Automated Commercial System (ACS). The test would allow the electronic filing of, and the electronic tracking of the status of, the following:

- Protests against decisions of Customs under 19 U.S.C. 1514;
- Petitions or claims for refunds of customs duties or corrections of errors requiring reliquidation pursuant to 19 U.S.C. 1520(c) and (d); and
- Interventions in an importer's protest by an exporter or producer of merchandise from a country that is a party to the North American Free Trade Agreement under § 181.115 of the Customs Regulations.

That January 30, 1996, notice stated that the test would be implemented at selected ports, outlined the eligibility criteria for voluntary participation in the test, including test participation application procedures and the basis for participation selection, and stated that the final results of the test would be published as provided in § 101.9(b) of the Customs Regulations. The notice further provided that the test would run for approximately six months commencing no earlier than May 1, 1996, and prescribed a deadline of February 29, 1996, for the submission of public comments concerning any aspect of the test and for contacting Customs for the purpose of participating in the test.

On December 31, 1996, Customs published in the **Federal Register** (61 FR 69133) a notice announcing an extension of the electronic protest filing test through April 1997. This notice stated that the test was currently operational with regard to 6 of the 17 entities (importers, customs brokers, legal firms and sureties) that volunteered to participate in the test and that 8 ports were originally selected for the test. The notice further stated that while the test would not be opened to new participants at that time, Customs was considering expanding the test to include up to 7 additional ports. The notice also invited comments from the public concerning any aspect of the test.

On September 24, 1997, Customs published in the **Federal Register** (62 FR 50053) a notice announcing both an extension of the electronic protest filing test through December 1997 and an expansion of the test to encourage new participants. This notice stated that Customs anticipated that this NCAP component would be available to all interested parties by January 1998. The notice also solicited public comments concerning any aspect of the test.

Test Results

Following conclusion of the test, Customs on December 17, 1999, submitted an evaluation report, entitled "Electronic Filing and Query of Protest Test," to the House Committee on Ways and Means and the Senate Committee on Finance as required by 19 U.S.C. 1413(b). The test results reflected in that report are described below.

As of February 12, 1999, a total of 3,861 filings were made during the test, involving 15,277 associated entries. Of those 3,861 filings, 860 involved protests under 19 U.S.C. 1514, 103 involved petitions under 19 U.S.C. 1520(c), and 2,898 involved claims under 19 U.S.C. 1520(d). Again, as of February 12, 1999, among the 3,861 filings, 478 had been approved, 614 had been denied in full, 29 had been denied in part, 230 had been denied as untimely, 2,156 remained open, 235 were in suspended status pending the outcome of requests for internal advice or applications for further review or court action, and 119 had been withdrawn.

For purposes of satisfying the test evaluation requirement of 19 U.S.C. 1413(b), a user satisfaction survey was conducted. To this end, the external group of trade community users participated in a Structured Group Interview (SGI) and the internal group of Customs users participated in a questionnaire.

A. External Group

On October 1,1997, the Protest Team (which consisted of personnel from various Customs offices and a representative of the National Customs Brokers and Forwarders Association of America) conducted the SGI with the test participants in Washington, DC. A representative of the Office of Planning and Evaluation, experienced in the SGI technique, acted as moderator/facilitator. The group compiled random lists of positive and negative factors and then, by polling, eliminated some and prioritized those remaining:

1. Positives:

- No need to physically deliver paper; more efficient.
- Easier to get status of protest.
- Easier to file when time is short.
- Better standardization of filing:

—Fewer errors, and

—Edits provide check of information submitted.

2. Negatives:

- Recap status query report is non-informational.
- Cannot file 520(a) electronically.
- Attorneys have no electronic access to liquidation information.

• Electronic format does not include a filer's contact person.

• Filer has to retype narrative when multiple protests are filed on the same issue.

3. Resolution:

It was decided that the recap query could not be made more informational without causing it to take on the character of the full file query.

The Protest Team has recommended that the Office of Field Operations and the Office of Information and Technology review the ABI query capabilities now available to other filers to determine which might be made available to law firms. It has also informed the Office of Field Operations that interest was expressed in filing other actions electronically.

Those filers who deem it desirable to identify a contact will include the contact person's name and telephone number within the narrative portion of the electronic filing.

The narrative portion, containing the statement of the nature and justification for the objection to the protested Customs decision, is a required element of a protest (see 19 CFR 174.13, contents of protest) and therefore cannot be waived. However, the task of duplicating it for use in multiple protests or petitions can be accomplished efficiently by using word processing software, such as Word Perfect or MS Word, to compose and edit it and then cut and paste it into the protest for transmission to Customs.

B. Internal Group

During the month of December 1998, the Protest Team conducted a survey of Customs users. A representative of the Office of Planning and Evaluation acted as consultant on development of the survey. Prior to issuing the survey to all users, it was administered to a group of twelve import and entry specialists at six of the test ports as an assessment group. Results from the assessment group were used to make the final version of the survey. Administration of the survey was facilitated by electronic protest coordinators at the service ports. Completed surveys were returned to the Protest Team for evaluation.

Two hundred and seven persons, or about 77 percent of the survey recipients, responded. Of those, 63 percent participated in processing 19 U.S.C. 1514 protests, 22 percent took part in 19 U.S.C. 1520(c) petitions, and 12 percent took part in 19 U.S.C. 1520(d) claims.

Prior to the electronic protest procedure, Customs entry specialists were the primary users of, and had the most knowledge of, the ACS protest system. That system was merely a tracking device for paper protests and letters of petition. Import specialist involvement amounted to no more than changing team assignments. The electronic protest system is both a tracking system and an electronic equivalent of the protest form (Customs Form 19) and of letters of petition or claim. Implementation took entry and import specialists to a new level of use and involvement. Fifty percent of those surveyed indicated that electronic protest had some impact on their job. While electronic protest requires them to perform new tasks using ACS functions, 62 percent of those responding indicated that those new tasks were no more difficult than those performed using other ACS systems, and 10.6 percent indicated that the tasks were actually easier.

Concomitant to the development of electronic filing and query of protests, the Office of Field Operations included in its requirements a number of new elements to be used in processing both paper and electronic protests, petitions, claims, and interventions. Therefore, several survey questions asked about specific new system data fields and new regulatory procedures. For example, it was asked whether or not the user knew that a record could be flagged as NAFTA-related, that it could be indicated whether or not samples and hardcopy materials were associated with the filing, and that test summons and internal advice case numbers could be cited. Further, it was asked whether or not the user knew about three other related procedures whereby the protestant can challenge a denial of an application for further review and request that a denial of a protest be voided and whereby an exporter or producer from a country which is a signatory of NAFTA can intervene in an importer's 19 U.S.C. 1514 protest. A majority of entry and import specialists responded affirmatively, indicating that a good working knowledge of the system is shared across all disciplines. The concept least familiar to them was that of the foreign exporter or producer of goods from Canada or Mexico intervening in the importer's protest under 19 CFR 181.115.

Some survey questions compared and contrasted electronic protests to non-electronic protests and elicited responses regarding possible benefits of the electronic protest system. Forty-one percent of those responding judged the content and quality of the narrative submitted via electronic protest or petition or claim to be as good as those received on a Customs Form 19, and an additional 6.8 percent indicated that the narrative is actually better than in the case of non-electronic protests. Twenty-five percent indicated that the narrative was worse and another 25 percent were uncertain.

A combined total of 48.8 percent of those surveyed either merely agreed or strongly agreed with the statement that Customs saves staff-hours at the front end of protest processing because it is not necessary to date and time-stamp the Customs Form 19 and return a copy to the protestant or his agent, and because all of the required information normally entered into ACS by the entry specialist is input by the protestant or his agent electronically via ABI. A combined total of 70 percent either merely agreed or strongly agreed with the statement that Customs saves additional staff-hours and money at the back end of protest processing because it is not necessary to complete and mail the final copy of the Customs Form 19 for the 19 U.S.C. 1514 protest, or the final letter of approval or denial of the 19 U.S.C. 1520 petition or claim, to the protestant or his agent.

To support the implementation of this NCAP component, the Office of Information and Technology developed, and made available to Customs personnel, a computer-based training course. Various other means of training made available to users included classroom/computer lab training (either by local port officers or Headquarters personnel), local one-on-one training, and a revised ACS handbook. Ninety-two percent of the users surveyed had experience with one or more of these types of training. Additionally, each port was asked to name an electronic protest coordinator. In response to the question, "When you encounter a problem with the ACS electronic protest system * * * [whom do you contact?]," 57.9 percent said they check with local port personnel, 17 percent said they call ACS User Assistance, 9 percent said they call the Headquarters ACS officer, and 4 percent said they call the Office of Field Operations. No comments were received expressing an inability to receive assistance with questions or problems regarding the electronic protest system.

Current Status of the Electronic Protest Program

The electronic filing of protests is now operational in all service ports of Customs, and participation is open to any party in interest who qualifies under the program requirements. Accordingly, using the ABI system to send records to ACS, any qualified party at interest now can file the following electronically:

- Protests against decisions of the Customs Service under 19 U.S.C. 1514;
- Petitions for refunds of Customs duties or corrections of errors requiring reliquidation pursuant to 19 U.S.C. 1520(c);
- Claims for refunds of Customs duties when duty-free treatment was not claimed at the time of entry under NAFTA pursuant to 19 U.S.C. 1520(d); and
- Interventions in an importer's protest by an exporter or producer of merchandise from a country that is a party to the North American Free Trade Agreement under § 181.115 of the Customs Regulations.

In addition, the system allows amendments and addenda after the initial filing to:

- Apply for further review of a protest (if not requested at time of initial filing);
- Assert additional claims or challenge an additional decision;
- Submit alternative claims and additional grounds or arguments;
- Request review of denial of further review of a protest;
- Request accelerated disposition of a protest;
- Request that the denial of a protest be voided; and
- Withdraw the protest or petition or claim or intervention.

All of the above actions may be transmitted to Customs from a remote location anywhere in the United States. Filers receive notification of all review events, including the final decision, electronically. Additionally, filers may query their submissions at any time and share access to those records with designated third parties. The query function provides the filer the option of receiving either an abbreviated status report (recap) on the protest, petition, claim or intervention, or a complete copy (full file) of the protest, petition, claim or intervention record. The shared access feature allows third parties to query protest records and to submit amendments and addenda.

The Client Representative Branch of the Office of Information and Technology will continue to market electronic protest to all interested parties. The Commercial Systems Branch of the Office of Information and Technology will continue to work with vendors and filers in development, test and implementation of their software for electronic protest. The Commercial Compliance Division of the Office of Field Operations will continue to respond to operational and procedural questions and issues. Customs remains open to comments and suggestions from the international trade community regarding the design, conduct, and procedures of the electronic protest program.

Dated: June 19, 2000.

John H. Heinrich,

Acting Assistant Commissioner, Office of Field Operations.

[FR Doc. 00–15875 Filed 6–22–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request For Form 8853

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 8853, Medical Savings Accounts and Long-Term Care Insurance Contracts.

DATES: Written comments should be received on or before August 22, 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: Medical Savings Accounts and Long-Term Care Insurance Contracts.

OMB Number: 1545–1561.

Form Number: 8853.

Abstract: This form is used by individuals to report general information about their medical savings accounts (MSAs), to figure their MSA deductions, and to figure their taxable distributions from MSAs. The form is also used to report taxable payments from long-term care (LTC) contracts.

Current Actions: Part I of Section A, General Information, was deleted because it is no longer needed. Section 301(k) of the Health Insurance Portability and Accountability Act of 1996 required collection of the information requested in Part I only from returns filed before 2001. On page 5 of the instructions, a worksheet was added to figure the amount of any additional 50% tax on distributions from a Medicare+Choice MSA. I.R.C. § 138(c)(2) provides that the amount of any additional tax is affected by the value of the MSA on December 31 of the prior year. Because 1999 was the first year for making contributions to Medicare+Choice MSAs, 2000 is the first year in which the I.R.C. § 138(c)(2) limitation applies.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 36,000.

Estimated Time Per Respondent: 1 hour, 44 minutes.

Estimated Total Annual Burden Hours: 62,605.

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 of 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 16, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15868 Filed 6–22–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[FI–255–82]

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 notice of proposed rulemaking and temporary regulations, FI–255-82 (TD 7852), Registration Requirements With Respect to Debt Obligations (§ 1.149–1(c)(4)).

DATES: Written comments should be received on or before August 22, 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 Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Registration Requirements With Respect to Debt Obligations.

OMB Number: 1545–0945.

Regulation Project Number: FI–255–82.

Abstract: These regulations require an issuer of a registration-required obligation and any person holding the obligation as a nominee or custodian on behalf of another to maintain ownership records in a manner which will permit examination by the Internal Revenue Service in connection with enforcement of the Internal Revenue laws.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations and, state, local or tribal governments.

Estimated Number of Recordkeepers: 50,000.

Estimated Time Per Recordkeeper: 1 hour.

Estimated Total Annual Burden Hours: 50,000.

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 16, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15869 Filed 6–22–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1099–MISC

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 1099–MISC, Miscellaneous Income.

DATES: Written comments should be received on or before August 22, 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 Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Miscellaneous Income.

OMB Number: 1545–0115.

Form Number: 1099–MISC.

Abstract: Form 1099–MISC is used by payers to report payments of $600 or more of rents, prizes and awards, medical and health care payments, nonemployee compensation, and crop insurance proceeds, $10 or more of royalties, any amount of fishing boat proceeds, certain substitute payments, golden parachute payments, and an indication of direct sales of $5,000 or more.

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, individuals or households, not-for-profit institutions, farms, Federal government, and state, local or tribal governments.

Estimated Number of Respondents: 77,317,951.

Estimated Time Per Respondent: 14 min.

Estimated Total Annual Burden Hours: 17,783,128.

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 15, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15870 Filed 6–22–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1045

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 1045, Application for Tentative Refund.

DATES: Written comments should be received on or before August 22, 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 Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for Tentative Refund.

OMB Number: 1545–0098.

Regulation Project Number: 1045.

Abstract: Form 1045 is used by individuals, estates, and trusts to apply for a quick refund of taxes due to carryback of a net operating loss, unused general business credit, or claim of right adjustment under Internal Revenue Code section 1341(b). The information obtained is used to determine the validity of the application.

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: 65,220.

Estimated Time Per Respondent: 10 hr., 10 min.

Estimated Total Annual Burden Hours: 663,287.

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 14, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15871 Filed 6–22–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request For Form 1120, Schedule D, Schedule H, Schedule N, and Schedule PH

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, U.S. Corporation Income Tax Return, Schedule D, Capital Gains and Losses, Schedule H, Section 280H Limitations for a Personal Service Corporation (PSC), Schedule N, Foreign Operations of U.S. Corporations, and Schedule PH, U.S. Personal Holding Company (PHC) Tax.

DATES: Written comments should be received on or before August 22, 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 1120, U.S. Corporation Income Tax Return, Schedule D, Capital

Gains and Losses, Schedule H, Section 280H Limitations for a Personal Service Corporation (PSC), Schedule N, Foreign Operations of U.S. Corporations, and Schedule PH, U.S. Personal Holding Company (PHC) Tax.

OMB Number: 1545–0123.

Form Number: 1120, Schedule D, Schedule H, Schedule N, and Schedule PH.

Abstract: Form 1120 is used by corporations to compute their taxable income and tax liability. Schedule D (Form 1120) is used by corporations to report gains and losses from the sale of capital assets. Schedule H (Form 1120) is used by personal service corporations to determine if they have met the minimum distribution requirements of Internal Revenue Code section 280H. Schedule N (Form 1120) is used by corporations that have assets or business operations in a foreign country or a U.S. possession to provide international tax and passthrough entity information. Schedule PH (Form 1120) is used by personal holding companies to compute their tax liability.

Current Actions: The following changes are being considered:

As a result of changes made to the alternative minimum tax (AMT) lines on the individual tax forms due to section 501 of the Tax Relief Extension Act of 1999, the business credit forms are being revised to relocate their AMT lines. For consistency of presentation, on Schedule J of Form 1120 the AMT line (line 9) and the subtotal line (line 10) are similarly being relocated to lines 4 and 5, respectively. Also, the qualified zone academy bond credit is moved from line 11 to new line 6f. On Schedule K, questions 7, 8, and 9 are being deleted and are part of new Schedule N. Schedule N is a new schedule that will be completed by corporations that have assets or business operations in a foreign country or a U.S. possession to provide international tax and passthrough entity information. On Schedule D, new line 10 is added to the form to report capital gain distributions. Previously, corporations entered their capital gain distributions as a long-term capital gain on line 6.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations and farms.

Estimated Number of Respondents: 2,835,248.

Estimated Time Per Respondent: 169 hours, 31 minutes.

Estimated Total Annual Burden Hours: 480,611,258.

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 16, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–15872 Filed 6–22–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1120–FSC and Schedule P (Form 1120–FSC)

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–FSC, U.S. Income Tax Return of a Foreign Sales Corporation, and Schedule P (Form 1120–FSC), Transfer Price or Commission.

DATES: Written comments should be received on or before August 22, 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: Form 1120–FSC, U.S. Income Tax Return of a Foreign Sales Corporation, and Schedule P (Form 1120–FSC), Transfer Price or Commission.

OMB Number: 1545–0935.

Form Number: 1120–FSC and Schedule P (Form 1120–FSC).

Abstract: Form 1120–FSC is filed by foreign corporations that have elected to be FSCs or small FSCs. The FSC uses Form 1120–FSC to report income and expenses and to figure its tax liability. IRS uses Form 1120–FSC and Schedule P (Form 1120–FSC) to determine whether the FSC has correctly reported its income and expenses and figured its tax liability correctly.

Current Actions: The following changes are being considered: On page 2 of Form 1120–FSC in the section, Additional Information, new questions 5 and 6 are added. Question 5 asks whether, during the FSC's tax year, the FSC owned any foreign entities that are disregarded as entities separate from their owners under Regulations sections 301.7701–2 and 301.7701–3. Question 6 asks whether, during the FSC's tax year, the FSC owned at least a 10% interest, directly or indirectly, in any foreign partnerships. As a result of changes made to the alternative minimum tax (AMT) lines on the individual tax forms due to section 501 of the Tax Relief Extension Act of 1999, the business credit forms are being revised to relocate their AMT lines. For consistency of presentation, on Schedule J of Form 1120–FSC the AMT line (line 7) is similarly being relocated to line 4 and a new subtotal line (line 5) is added. On Schedule P of Form 1120–FSC a new checkbox (checkbox 1b) is added for reporting on the transaction-by-transaction basis. The new checkbox indicates that the FSC is choosing to aggregate its transactions on a tabular

schedule rather than reporting on Schedule P.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Time Per Respondent: 214 hours, 53 minutes.

Estimated Total Annual Burden Hours: 1,074,400.

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 16, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer

[FR Doc. 00–15873 Filed 6–22–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0386]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to request guaranty on an interest rate reduction refinancing loan.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 22, 2000.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0386" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Interest Rate Reduction Refinancing Loan Worksheet, VA Form 26–8923.

OMB Control Number: 2900–0386.

Type of Review: Extension of a currently approved collection.

Abstract: Lenders are required to submit VA Form 26–8923 when requesting guaranty on an interest rate reduction refinancing loan. VA loan examiners must assure that the requirements of the Deficit Reduction Act of 1984 and applicable VA regulations have been met before the issuance of guaranty. The form ensures that lenders correctly compute the funding fee and the maximum permissible loan amount for interest rate reduction refinancing loans.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 8,333 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 50,000.

Dated: June 8, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–15895 Filed 6–22–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0358]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 24, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise

McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to "OMB Control No. 2900–0358."

SUPPLEMENTARY INFORMATION:

Title: Supplemental Information for Change of Program or Reenrollment After Unsatisfactory Attendance, Conduct or Progress, VA Form 22–8873.

OMB Control Number: 2900–0358.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans and other eligible persons may change their program of education under conditions prescribed by Title 38 U.S.C., Section 3691. Before VA may approve benefits for a second or subsequent change of program, VA must first determine that the new program is suitable to the claimant's aptitudes, interests, and abilities. VA Form 22–8873 is used to gather the necessary information only if the suitability of the proposed training program cannot be established from information already available in the claimant's VA file. Without the information, VA could not determine further entitlement to education benefits.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 30, 2000 at pages 17005–17006.

Affected Public: Individuals or households.

Estimated Annual Burden: 8,250 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 16,500.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to "OMB Control No. 2900–0358" in any correspondence.

Dated: June 8, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–15896 Filed 6–22–00; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Friday,
June 23, 2000

Part II

Department of Health and Human Services

Administration for Children and Families

45 CFR Part 284

Methodology for Determining Whether an Increase in a State or Territory's Child Poverty Rate Is the Result of the TANF Program; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 284

RIN 0970–AB65

Methodology for Determining Whether an Increase in a State or Territory's Child Poverty Rate Is the Result of the TANF Program

AGENCY: Administration for Children and Families, HHS.

ACTION: Final rule.

SUMMARY: This final rule establishes the methodology the Administration for Children and Families will use to determine the child poverty rate in each State and Territory. If any jurisdiction experiences an increase in its child poverty rate of five percent or more as a result of the Temporary Assistance for Needy Families (TANF) program, the State or Territory must submit and implement a corrective action plan. This requirement is a part of the TANF program, the welfare reform block grant enacted in 1996.

EFFECTIVE DATE: This rule is effective August 22, 2000.

FOR FURTHER INFORMATION CONTACT: Sean Hurley at (202) 401–9297 or Dennis Poe at (202) 401–4053.

Deaf and hearing-impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 between 8:00 a.m. and 7:00 p.m. Eastern time.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Statutory Provisions and Regulatory History

On September 23, 1998, the Administration for Children and Families (ACF) published a Notice of Proposed Rulemaking to implement section 413(i) of the Social Security Act (63 FR 50837). This section of the Act is a part of the welfare reform block grant program known as Temporary Assistance for Needy Families, or TANF.

The TANF program was added to the Social Security Act by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), signed by President Clinton on August 22, 1996. The first title of this new law, "Block Grants for Temporary Assistance for Needy Families" (sections 101–116, Pub. L. 104–193) established a comprehensive welfare reform program designed to change dramatically the nation's welfare system into one that promotes work and responsibility. The new program is called Temporary Assistance for Needy Families in recognition of its focus on time-limiting assistance and moving recipients into work.

PRWORA repealed the existing welfare program known as Aid to Families with Dependent Children (AFDC), which provided cash assistance to needy families on an entitlement basis. It also repealed the related programs known as the Job Opportunities and Basic Skills Training program and Emergency Assistance.

The new TANF program went into effect on July 1, 1997, except in States that elected to submit a complete plan and implement the program at an earlier date.

This landmark welfare reform legislation dramatically affects not only needy families, but also intergovernmental relationships. It challenges Federal, State (including Territories), Tribal, and local governments to foster positive changes in the culture of the welfare system and to take more responsibility for program results and outcomes. It also challenges them to develop strong interagency collaborations and improve their partnerships with legislators, advocates, businesses, labor, community, and faith-based groups, and other parties that share their interest in helping needy families transition into the mainstream economy.

This legislation also gives States and Tribes the authority to use Federal welfare funds "in any manner that is reasonably calculated to accomplish" one or more of the four purposes of the new program. It provides them broad flexibility to set eligibility rules and decide what benefits are most appropriate, and it offers States and Tribes an opportunity to try innovative ideas so they can respond more effectively to the needs of families within their own unique environments.

One of the concerns of Congress in passing PRWORA, however, was the potential harm to children that might result from the loss of Federal entitlement to benefits or the unsuccessful efforts of their caretakers to achieve self-sufficiency within the five-year time limit for receipt of federally-funded TANF assistance. Congress was also concerned that States might take an overly-cautious approach to implementing the new law and, for example, not take advantage of the opportunities under the TANF program to use new ways to assist families to obtain and retain employment and increase economic capability.

To address these concerns, Congress added section 413(i) (42 USC 613(i)) to the Social Security Act (the Act)). Specifically:

- Section 413(i)(1) of the Act requires the Chief Executive Officer of each State (including the Territories) to submit annually to the Secretary a statement of the child poverty rate in the State. The first statement, due May 31, 1998, was required to report on the child poverty rate at the time of enactment of PRWORA, or August 22, 1996.
- Section 413(i)(2) specifies that, in subsequent years, if the child poverty rate in a State increases by five percent or more from the previous year as a result of the TANF program(s) in the State, the State shall prepare and submit a corrective action plan to the Secretary.
- Section 413(i)(3) provides that the corrective action plan shall outline the manner in which the State will reduce the child poverty rate in the State and include a description of the actions to be taken by the State under the plan.
- Section 413(i)(4) specifies that the State shall implement the corrective action plan until the State determines that the child poverty rate in the State is less than the lowest child poverty rate on the basis of which the State was required to submit the corrective action plan.
- Section 413(i)(5) requires the Secretary to establish the methodology by which a State will determine the child poverty rate and specifies three factors that the Department must take into account in developing the methodology: The number of children who receive free or reduced-price lunches; the number of food stamp

households; and, to the extent available, the county-by-county estimates of children in poverty as determined by the Census Bureau.

On May 29, 1998, the Administration for Children and Families (ACF) issued a Program Instruction to States (and Territories operating a TANF program) clarifying that the State and the Territory need not submit a statement of its child poverty rate to us by May 31, 1998, as specified in the statute. We explained that we planned to send to each jurisdiction the Census Bureau estimate of the number of children in poverty and that we would be publishing an NPRM in the near future. See TANF–ACF–PI–98–4.

II. Provisions of the NPRM

Prior to development and publication of the Notice of Proposed Rulemaking (NPRM), we held two types of consultations. First, we raised issues related to this provision in the general TANF consultation meetings with representatives of State and local government; nonprofit, advocacy, and community organizations; foundations; and others. Second, we held consultations focused specifically on this provision with national organizations representing State and local elected officials; technical, statistical, and policy experts; and representatives of research, advocacy, and public interest organizations that focus on poverty and child economic well-being. These discussions were helpful to us in identifying key issues and evaluating policy options.

In the NPRM, we discussed issues raised during our consultations, including: Measurement of Child Poverty and the Census Bureau Data, Use of the County-By-County Estimates of Children in Poverty in the Methodology, Use of Food Stamp Data in the Methodology, Use of Free and Reduced-Price School Lunch Data in the Methodology, Relative Importance of Various Factors in the Proposed Methodology, and Clarification of the Term "Five Percent Increase."

In the NPRM, our approach to establishing a methodology for determining a State child poverty rate was based on several principles: Using the most reliable and objective data on child poverty currently available (and thus avoiding a requirement that each State or Territory must develop its own child poverty rate); assuring that the child poverty rate was assessed in relation to the TANF program in the context of all appropriate circumstances in the jurisdiction; and limiting administrative burden by requiring that States and Territories provide only those data readily available and necessary to implement the statute.

We proposed a sequential methodology consisting of five major steps. Not all States or Territories would be required to participate in all steps. The proposed methodology for the Territories was similar to that for the States but included some necessary modifications.

We based our methodology on the estimates of child poverty (the child poverty rate) developed by the Census Bureau. The Census Bureau's child poverty rate is the official United States child poverty rate.

Proposed Step 1

- Annually, we would provide each State with an estimate of the number and percentage of children living at or below 100 percent of the Federal poverty threshold within the State, based on Census Bureau data. This estimate would be for the calendar year two years prior to the current calendar year, *e.g.*, in 1998, we would provide an estimate for calendar year 1996. The Census Bureau estimates would incorporate county-level estimates of poverty.
- In 1999, and annually thereafter, we would determine for each State, at the 80-percent confidence level, the change in the percent of children in poverty for the most recent two-year period for which the data are available and provide this information to the State. In 1999, we would provide data comparing calendar years 1996 and 1997.

Proposed Step 2

- If the child poverty rate in a State did not increase by five percent or more, we would conclude that the State has met the requirements of section 413(i) of the Act, and the State would not be required to submit further information for that two-year period. (A five percent increase would mean that the most recent child poverty rate is at least five percent higher (*i.e.*, 1.05 times higher) than the previous year's rate. A five percent increase did not mean a five percentage point increase.)
- If the child poverty rate in a State increased by five percent or more, we proposed to require that the State provide supplemental information to adjust, explain, or account for this increase. We proposed that the State, within 60 days—

a. Must provide data on the average monthly number of households with children that received food stamp benefits for each of the two most recent calendar years for which data are available;

b. Must provide data on any changes in legislation, policy, or program procedures that have had a substantial impact on the number of households with children receiving food stamp benefits during the same two-year period, including data on sub-populations affected; and

c. May provide, at State option, other information covering any pertinent time period, such as the proportion of students certified for free or reduced-price school lunches or estimates of child poverty derived from an independent source.

Alternatively, if a State chose to accept the increase in child poverty as indicated by the Census Bureau data, it could skip steps two and three and move directly to step four—the assessment of the impact of the TANF program on the increase in child poverty.

Proposed Step 3

- We would review the food stamp and other data provided by the State. If we determined that these data indicated a subsequent improvement, commensurate with the poverty increase in the Census data, it would not be necessary for the State to proceed to Step 4 because the more recent data would indicate that the child poverty rate in the State was improving.

Proposed Step 4

- If we determined that the food stamp and other data provided by the State did not indicate a subsequent commensurate decrease in child poverty, we proposed to notify the State that it must, within 60 days, provide an assessment (and the information and evidence on which the assessment was based) of the impact of the TANF program in the State on the child poverty rate. We proposed to give the States and Territories broad latitude in the information they could provide.

Proposed Step 5

- We would review the information provided by the State, along with other information available such as the State's TANF plan and eligibility criteria, data on other supportive services and assistance programs, and information on the State's economic circumstances. If we determined that the increase in the child poverty rate was the result of the State's TANF program, we would notify the State that it would be required to submit a corrective action plan within 90 days.

Proposed Methodology for the Territories

- To the extent that data are available and the procedures applicable, we proposed that the Territories would be subject to the same general methodology as described for the States. Because the Census Bureau does not estimate a child poverty rate for the Territories, we proposed that ACF would compute an estimated child poverty rate for each Territory, based on information submitted by the Territory.
- Subsequent procedural steps would be the same as for States, *i.e.,* as applicable, we would review supplemental data to determine whether the child poverty rate increased by five percent or more; review the Territory's assessment of whether the increase in the child poverty rate was a result of the TANF program; and require the development of a corrective action plan, as necessary.

Based on this proposed methodology, we anticipated that a small number of States and Territories would need to respond to the requirements of each step and an even smaller number would be required to submit a corrective action plan.

III. Comment Overview

We received 14 comment letters on the NPRM from seven State TANF agencies, four national organizations, two State and local policy and advocacy organizations, and one United States Senator. We reviewed and seriously considered all comments. We particularly appreciated the fact that several commenters went beyond reacting to the proposed regulatory text to include a helpful discussion of the issues raised in the preamble and additional supportive and analytic information.

In general, most commenters had mixed views on our proposed approach. They commended our external consultation process prior to the development of the rule and our "reader-friendly" regulations, given the highly complex and technical nature of the subject. Several commenters agreed with specific policy provisions, *e.g.,* our use of the Census Bureau data, our recognition of the limited usefulness of the school nutrition program data, and the flexibility we proposed to allow States regarding what information the State could include in its assessment of the impact of the TANF program on child poverty or in the corrective action plan.

At the same time, we also received some objections to our proposed approach and recommendations for changes. The strongest objections were directed at our proposal to allow a State whose child poverty rate had increased by five percent or more to provide food stamp participation data in order to adjust for deficiencies in the Census Bureau data. Our rationale in the NPRM was that food stamp participation data (which historically had tracked the poverty rate) could be used to show evidence of more recent trends that would explain or "rebut" the increase in child poverty. Commenters pointed out that the food stamp participation rate, indeed, had tracked poverty in the past but that recent evidence indicated that it no longer did so. They urged the deletion of this provision. Others objected to this provision on the grounds of administrative and reporting burden.

Two commenters objected to what they believed were implicit assumptions in the statute, *i.e.,* that child poverty is the result of the TANF program or that the TANF program could affect child poverty in any meaningful way. Others objected to the additional administrative burden of specific provisions and questioned several technical provisions, *e.g.,* our use of the 80-percent confidence interval in determining the child poverty rate.

Some commenters called to our attention that we had not addressed the role of the Tribal TANF programs in implementing this section of the Act. Some recommended that we clarify that States may exclude the Tribal TANF population in the calculation of the State's child poverty rate.

In addition, one advocacy organization urged us to focus not only on a five percent increase in the child poverty rate but also to address the "poverty gap," *i.e.,* the depth of poverty for those children below the poverty level. Finally, two national organizations recommended a number of steps the Department might take to help improve the national child poverty measure and, thus, better implement the overall intent of the statute.

We have organized our response to the comments, first, to address the issues that are cross-cutting and are not tied to regulatory text and, second, to address other issues in the section-by-section discussion of the regulatory text.

IV. Discussion of the Final Rule

A. Response to Comments on Cross-cutting Issues and Issues Not Tied to the Regulatory Text

1. The Intent of the Statute and the Relationship Between the TANF Program and Child Poverty

Comments: A number of commenters expressed differing views on the purpose of section 413(i) of the Act and the NPRM. One commenter assumed that the purpose of the statute and the regulation was to decrease child poverty nationally. Other commenters believed that the intent of the law was to monitor child well-being and track changes in the child poverty rate related to PRWORA. Some commenters objected to what they believed were implicit assumptions in section 413(i), i.e., that the child poverty rate was the result of the TANF program (a "cause and effect relationship" was assumed to exist), or that the TANF program could affect child poverty in any meaningful way. One commenter found the statute and the NPRM "grossly flawed" based on this implicit assumption.

One commenter stated that, as was true in the Aid to Families With Dependent Children (AFDC) program, the TANF program is not explicitly designed to elevate families above the poverty level. Rather, its purpose, they believed, is to provide a set of financial and service supports, coupled with an assumption of personal responsibility, that will provide the opportunity for a family to become self-sufficient. Except in circumstances where the State's TANF payments exceed the poverty rate, this commenter alleged that all children receiving TANF will already have incomes beneath the poverty level.

Therefore, because all the affected persons are already counted as living beneath the poverty level, no change to the operation of the TANF program, whether it be reducing TANF payments, failing to move families to employment, or terminating families' eligibility for TANF, would increase the poverty rate.

They concluded that only positive changes made by the TANF program, such as successful employment programs which move recipients to relatively high paying jobs, could affect the child poverty rate. Significant changes in the poverty rate, they believed, are necessarily the result of factors extrinsic to TANF, such as economic and demographic shifts. Thus, it appeared to this commenter that neither the statute nor the regulations could be implemented in any meaningful way.

Response: We disagree with the observation that "all children receiving TANF will already have incomes below the poverty line." Based on AFDC data, we know that, typically, a family may have income below the poverty line in a specific month (or months), but family income would not necessarily fall below the poverty line on an annual basis.

However, we agree that the intent of the statute reflects Congressional concern about PRWORA's effects on the well-being of children, including children who no longer receive TANF benefits. Section 413(i), as well as other provisions of the law, were added to provide a careful look at what is happening to children following enactment of this legislation. Clearly, certain TANF program and policy decisions could contribute to an increase in poverty. Finally, and more importantly, we note that there are positive actions that State and Tribal TANF agencies can take to help improve the poverty status and well-being of families.

The child poverty rate in the United States, developed by the Census Bureau, is a frequently used indicator of child well-being. (The "child poverty rate" means the percentage of all children in a State that live in families with annual incomes below 100 percent of the Census Bureau's poverty threshold.)

The national child poverty rate has declined since 1992 from 22.3 percent to 18.9 percent, the largest five-year drop in nearly 30 years. Still, currently, 13.5 million children live below the poverty line. At the same time, a recent Census Bureau report found that, among Americans living below the poverty line, a greater share held jobs than at any point in the last 20 years. The Census Bureau found that, in 1998, 12.5 percent of poor adults worked full-time (a 22 percent increase over 1997), and another 41 percent worked part-time.

In the context of the TANF program, employment is central to assisting families to escape poverty. States have made huge progress in moving families to work; large increases in employment are evident from every information source. However, for many families, work by itself will not guarantee an escape from poverty unless other critical supports are in place. Thus, the challenges are to continue the movement of families into work, build supports that can sustain parents in work, and help them move to more enduring and higher paying jobs, so that families who work will not be poor.

The TANF program, as opposed to the AFDC program, allows States to provide a broad array of supports for working families and to provide them independently of the basic cash welfare system. Unlike AFDC, TANF can be an effective vehicle for reducing poverty, supporting families, and making work pay.

A number of innovative States are using child poverty as a measure of their efforts to assist families, and some States are already using the resources and flexibility under TANF to address this issue. Some activities that specifically address poverty include:

- Under TANF, utilizing well-known strategies to supplement work, such as more generous earning disregards, earnings supplements, and wage subsidies;
- Improving child support, such as increasing the amount of support collected from non-custodial parents that is passed through to children; and
- Enacting State refundable tax credits.

Recent research findings from studies in Minnesota and Oregon support the use of these specific strategies in reducing poverty.

In addition to these activities directly related to reducing poverty, States are undertaking a number of supportive activities which indirectly help make work pay, including:

- Taking critical steps to ensure that eligible families, including those that do not receive TANF, do receive food stamps and Earned Income Tax Credit payments for which they are eligible;
- Increasing the stability of work through investments in the wages parents earn or the hours they work, such as employer partnerships that focus on the first job, on job advancement after the first job, or on combinations of work and training; mentoring and case management strategies; strategies that combine work, education, and training; and supported work for families with barriers to private sector employment;
- Helping families during periods between jobs, such as quick re-employment services; and
- Providing employment assistance for other families, such as a child-only family where a caretaker relative is not receiving assistance.

We are continuing to monitor what is happening to children and families as a result of the enactment of the TANF program. In addition to section 413(i), we are looking at State performance and accomplishments through the High Performance Bonus and the Out-of-Wedlock Childbearing Bonus. We are also sponsoring a variety of research studies and evaluations to assess the impact of welfare reform, e.g., we are measuring the effects of different approaches to welfare reform on child well-being, and numerous studies are tracking families leaving TANF.

2. Tribal TANF Programs and Section 413(i) of the Act

Comments: As several commenters pointed out, we did not address the issue of child poverty in areas covered by Tribal TANF programs in the NPRM. They asked for clarification in the final rule on how Tribes operating TANF programs will be considered in the poverty rate calculation and recommended that we allow States to exclude the Tribal TANF population in the calculation of a State's child poverty rate. These commenters also indicated that it was unfair to hold the State TANF program accountable for the Statewide child poverty rate when the State has no authority over or responsibility for the conduct of the TANF program in areas of the State covered by a Tribal TANF program(s).

Response: Section 413(i) of the Act specifies the responsibilities of the Chief Executive Officer of the State in relation to increases in the child poverty rate and the TANF program(s) in the State. Section 413(i)(2) also provides that an assessment of the increase in the State's child poverty rate shall be made in relation to "the amendments made by section 103 of PRWORA." Because section 103 of PRWORA authorizes both State and Tribal TANF programs, the Chief Executive Officer must address increases in the State's child poverty rate in relation to both State and Tribal TANF programs in the State.

We do not accept the recommendation that the States may exclude the Tribal TANF population in a calculation of a "State" child poverty rate. We could not implement this recommendation because the statute clearly specifies that both State and Tribal TANF programs must be considered. In addition, the Census Bureau does not determine a separate child poverty rate for Tribal lands or reservation areas.

In response to comments, however, we have amended three sections of the final rule. Specifically, we have:

- Amended § 284.15(b) to provide that the State should obtain information from and work with any Tribe(s) (and Tribal consortia) operating a Tribal TANF program in the State in preparing and submitting the assessment of the impact of TANF programs on the increase in child poverty and the corrective action plan;
- Added, in § 284.30(b), examples of Tribal TANF information that might appropriately be included in the assessment;

• Extended, in § 284.21, the period of time the State has submit the assessment, from 60 days to 90 days, in part to allow further opportunity for State and Tribal coordination; and

• Specified in § 284.45 that any actions to reduce child poverty to be taken by the Tribe(s) must be included in the corrective action plan.

In the context of State and Tribal cooperation, we note that there are 330 American Indian entities in the contiguous 48 States and 13 Alaska entities eligible to administer a Tribal TANF program. Currently, there are 21 approved Tribal TANF plans in operation. (One additional Tribal TANF plan is approved but not yet in operation.) Nineteen of these programs involve individual Tribes and three are operated by inter-tribal consortia. (One consortium in California is composed of 19 Tribes; another consortium is composed of 37 Alaska Native villages (Tribes); and the third consortium is made up of 20 Alaska Native villages (Tribes).) Additional Tribes are exploring the option of operating a TANF program.

Both State and Tribal TANF programs serve Indian families. Based on the most recent data available from 1999, Indian tribes expect to serve approximately 3,800 families in FY 2000. In FY 1998, approximately 46,702 American Indian families were served by State programs. In several States, American Indians constitute a large percentage of the State TANF caseload, i.e., 73 percent of South Dakota's TANF caseload, 54 percent in North Dakota, about 41 percent in Alaska, and over 46 percent in Montana.

Tribes that operate a TANF program have the flexibility to design programs and services; define eligibility criteria; establish benefits; and design strategies for achieving program goals, including helping recipients become self-sufficient.

Welfare reform also provided Tribes and States with new opportunities for communication, coordination, and collaboration to help achieve program goals. One of the most important ways States have been working with Tribes to address the issue of poverty is by making State supplemental contributions to Tribal TANF programs (as a maintenance-of-effort (MOE) expenditure) to expand job-related activities and strengthen Tribal programs for families and children. In addition, a number of States and Tribes are also entering into a range of cooperative efforts, including:

• Sharing equipment and resources, such as computers;

• Co-locating service centers and sharing office space;

• Conducting joint staff training;

• Coordinating information, reporting requirements, and reporting systems;

• Establishing consolidated intake and eligibility determinations, particularly for the food stamp, Medicaid, and State Children's Health Insurance Programs; and

• Cooperating in the provision of direct services (*e.g.*, job skills training) and supportive services, *e.g.*, transportation.

The preparation and submittal of an assessment and a corrective action plan are additional opportunities for State and Tribal coordination, both in meeting the requirements of section 413 of the Act and meeting the needs of Indian families. We believe the additional time provided to submit the assessment will help support such coordination.

3. Recommendations To Improve the National Poverty Measures

Comment: Two national advocacy organizations recommended that the U.S. Department of Health and Human Services (DHHS) should take full advantage of the opportunities afforded by PRWORA and section 413(i) of the Act to actively explore activities that would expand and improve the Census Bureau's existing measure of child poverty. They believed that the most important purpose of section 413(i) of the Act is to require a careful look at what is happening to the well-being of children following enactment and implementation of TANF. The measurement of child poverty, therefore, provides a useful means of evaluating changes in child well-being at the State level. Improved measures will support this effort.

Generally, these organizations recommended that the Census Bureau's child poverty estimates include data from both current and new sources and that currently available data from other sources should be used (in conjunction with the official poverty measure) to focus increased public attention on child poverty. Specifically, they recommended that DHHS:

• Support research now underway to implement the recommendations of the National Academy of Sciences panel on poverty measurement;

• Support funding needed to field the Census Bureau's American Community Survey which is designed to provide more timely State-level data than the decennial census and more accurate State-level data than the Current Population Survey;

• Explore ways to use currently available data to improve the existing poverty measure and to add new data to the measure as they become available, *e.g.*, modify the Census Bureau's Small Area Income and Poverty Estimates by adding data on food stamps, housing benefits, earned income tax credits, and work expenses;

• Encourage States to better assess the well-being of their children and make the data more generally useful by participating in the increased costs of expanding the Current Population Survey (CPS) sample size at the State level;

• Encourage and fund efforts by States to develop administrative databases for measuring child well-being within their own jurisdictions;

• Use data already collected by the Census Bureau to show the impact of specific programs such as TANF by comparing child poverty before and after receipt of means-tested government transfers; and

• Publish measures of the poverty gap among children to provide an indication of the depth of poverty, at least at the national level.

Response: While we generally agree that these recommendations would help to improve the Census Bureau's measurement of child poverty and understand the circumstances of children in poverty, the Department already participates in a number of inter-agency and Departmental efforts that address these recommendations:

• In May 1995, the Panel of Poverty and Family Assistance appointed by the National Research Council published a report in which it proposed a new approach for developing an official measure of poverty in the U.S. Since that time, personnel from the Census Bureau, the Bureau of Labor Statistics, and other Federal agencies (including DHHS) have been engaged in research to explore possible implementation of the Poverty Panel's recommendations.

• In 1997, the Office of Management and Budget convened a Federal Interagency Technical Working Group to Improve the Measurement of Income and Poverty that includes representatives from DHHS. In July 1999, the Census Bureau issued a report on experimental poverty measures, reflecting the results of ongoing research. However, none of these experimental measures has been selected to replace the current official definition because a number of issues remain unresolved. The review of alternative poverty measures is expected to carry on for several years. We will continue to work with this group and other interested public and private organizations to develop improved measures of child poverty.

• Also at an inter-agency level, the National Science and Technology Council's "Children's Initiative Subcommittee" continues to explore the most effective use of Federal resources for research focused on child poverty as well as other issues related to the well-being of America's children.

In addition, the Department is:

• Transferring funds to the Census Bureau to allow for the expansion of State and local estimates of poverty to include children ages 0 to 4;

• Financing a research effort to advance State Child Indicators Initiatives. The aims of this program are to: (1) Promote State efforts to develop and monitor indicators of the health and well-being of children as welfare reform and other policy changes occur; and (2) help to institutionalize the use of indicator data in State and local policy formulation; and

• Funding two national poverty research centers: The Institute for Research on Poverty located at the University of Wisconsin at Madison and The Joint Center for Poverty Research, co-located at the Northwestern University and the University of Chicago. These national nonprofit, non-partisan centers focus their research on the causes and consequences of poverty and inequality and on interventions to reduce poverty and dependence and help focus on and contribute to the knowledge about this important issue.

In response to the recommendation for publication of information on poverty, particularly the poverty gap, these data are available from the Census Bureau's Internet site (www.census.gov) along with information on how to obtain more detailed data files. ACF also publishes poverty gap information in its annual TANF Report to Congress.

B. Summary of the Final Rule

Our principles, first established in the development of the NPRM, remain the same for the final rule: Use the most recent, reliable, and objective data available; assess the impact of the TANF program(s) in the State on any increase in the child poverty rate of five percent or more in the context of all appropriate information; and require minimal administrative burden on States and Territories in carrying out these requirements.

In the final rule, we retained some policies as proposed in the NPRM and made several changes and modifications, based on our consideration of public comments. We address these policies and changes in the section-by-section discussion. Briefly, however, we:

• Continue to base the State child poverty rate on the current Census Bureau estimates, but, if better Census Bureau data become available, we will use these data;

• Will provide to States, in 2000, the Census Bureau's estimate of the number and percent of children in poverty in each State for calendar year 1997 and the change in the percentage of children in poverty between 1996 and 1997, at the 90-percent confidence level rather than the 80-percent confidence level proposed in the NPRM. (We provided the calendar-year 1996 Census Bureau estimates of children in poverty in each State to the Chief Executive Officer of the 50 States and the District of Columbia on December 21, 1999. We also sent a copy of this information to the director of each State's human services agency.);

• Allow a State to submit an estimate of the State's child poverty rate, derived from an independent source; we will accept the State's estimate if it is more reliable than the Census Bureau data;

• Eliminated the step in the NPRM that used food stamp participation rate data to "rebut" an increase in the child poverty rate;

• Continue to allow a State wide latitude in how it conducts its assessment of the impact of the TANF program(s) in the State on an increase in the State's child poverty rate;

• Allow a State 90 days to submit the assessment, an additional 30 days beyond the 60-day period proposed in the NPRM;

• Continue to allow States to develop the content and determine the duration of the corrective action plan in accordance with the law;

• Clarify that a State should obtain information from and work with the Indian tribes (or Tribal consortia) operating a TANF program in the State in preparing and submitting the assessment and the corrective action plan; and

• Postpone the development of a child poverty rate for the Territories (*i.e.*, Guam, Puerto Rico, and the Virgin Islands) until reliable data are available. (At the present time, American Samoa has not applied to implement the TANF program.)

C. Section-by-Section Discussion of the Regulatory Text

Section 284.10—What Does This Part Cover?

In the NPRM, this section provided a summary of the scope and content of part 284. We received no comments on this section.

We made two editorial changes in the final rule for clarity. First, we added the word "Territories" to make explicit that this part applies to States and Territories. Second, we substituted the phrase, "as a result of the TANF program(s) in the State or Territory" for the phrase "as a result of TANF." This latter change emphasizes that an increase in the State's child poverty rate will be assessed in relation to all TANF programs(s) in the State, *i.e.*, both State and Tribal TANF programs.

Section 284.11—What Definitions Apply to this Part?

This section of the NPRM proposed the definition of terms we used in part 284. We received one comment on this section indirectly related to our definition of "children in poverty." We had defined this term to mean "estimates resulting from the Census Bureau methodology of the percent of children in a State that live in families with incomes below 100 percent of the federal poverty level." These estimates, developed by the Census Bureau, constitute the official U.S. child poverty rate.

In our external consultations prior to the development of the NPRM, we noted that several agencies and organizations recommended that, in addition to statutory requirements, we also focus on the percent of children in families with income levels at or below 50 percent of poverty. We considered regulating beyond the provisions of the statute, but found that the current Census Bureau methodology would require significant revision and would be much less effective in estimating poverty at levels lower than 100 percent. However, we invited public comment about the advisability and desirability of pursuing such an approach.

Comment: The advocacy organization which responded to this issue pointed out that measuring a five percent increase in the child poverty rate, as required by law and as proposed in the definition of children in poverty in the NPRM, will not present a complete or accurate picture of the effects of TANF on poor children. They were concerned that changes brought about by State TANF policies could negatively impact the lives of children whose families were already below 100 percent of the poverty level before the TANF program began. They provided two examples to illustrate this point:

• In States whose pre-TANF cash assistance standards were below the federal poverty level, children in TANF families were already included in the State's poverty rate. Reductions in the amount of assistance caused by TANF-related changes, or even failure of the assistance standard to keep pace with

inflation, would worsen the family's poverty but would not be reflected as a change in the poverty rate and, thus, not measure the impact of the TANF program on children and families.

• The flexibility offered to States under the TANF program means that a State could make major policy changes that might negatively affect families. For example, a State might count the benefits from other programs (such as Supplemental Security Income (SSI)) as available income. Such a policy could make a family ineligible for TANF. In this case, a family could go from receiving low assistance to no assistance and still not be identified as having been affected by TANF-related changes.

This organization was also concerned about the inequities of the proposed five percent increase and our definition. For example, in States where the poverty rate is high, a five percent increase means more children have fallen into poverty before corrective action is taken than in States whose initial poverty rates are low.

They strongly recommended that we develop measures that would not only identify the number of children in families below the poverty level, but would also reveal the depth of their poverty, *i.e.*, the size of the "gap" between family income and 100 percent of the official poverty level. They also recommended that the final rule focus on any State where the child poverty rate is high, regardless of whether that rate increased by five percent or more.

Response: We carefully considered these comments in developing the final rule. We agree with this commenter that child poverty is a serious issue and that poverty at the deepest levels is an even more serious issue. We are committed to, and concerned with, the well-being of children and families, and undertake a wide range of activities to improve the lives of children and families, as do a number of other public and private agencies and organizations. However, given the specific requirements of the statute and our lack of regulatory authority to impose requirements not specified in the law, we did not accept this recommendation. For the purpose of public information, as noted earlier, we publish the poverty gap information in our Annual TANF Report to Congress. We also post the Census Bureau's State child poverty rate data on our Internet site (www.acf.dhhs.gov).

Other Changes Made in § 284.11 of the Final Rule

We made several changes in this section to provide further clarity and explanation of terms. We:

• Revised the definition of "Census Bureau methodology" by: (1) Adding an explanation to clarify that the term may include a range of mechanisms to estimate poverty, including estimates based on the Current Population Survey; the Small Area Income and Poverty Estimates; annual demographic programs, including the American Community Survey; or any other methods used by the Census Bureau; (2) adding a definition of the term "children in poverty" as used in the definition of "Census Bureau methodology" and deleting the definition of "children in poverty" as a separate definition; and (3) deleting the sentence explaining how we proposed to compute the child poverty rate for the Territories;

• Revised the definition of "Child poverty rate" to incorporate language from the NPRM's definition of "children in poverty" and to comport with the current Census Bureau description;

• Added a definition of Tribal TANF program; and

• Added definitions for, or explanations of, acronyms used in the final rule, *i.e.*, the Small Area Income and Poverty Estimates (SAIPE), Separate State Program-Maintenance of Effort (SSP–MOE), and Maintenance of Effort (MOE).

Section 284.15—Who Must Submit Information to ACF To Carry Out the Requirements of this Part?

As specified in section 413(i) of the Act, we proposed in the NPRM that the Chief Executive Officer of the State or Territory, or his or her designee, is responsible for carrying out the requirements of this part.

We received no comments on this section of the NPRM but have made one addition in this section of the final rule. In new paragraph (b), we specify that the State should obtain information from and work with any Indian tribe (and Tribal consortia) operating a TANF program in the State in preparing and submitting the assessment (as specified in § 284.30) and the corrective action plan (as specified in § 284.45). As discussed above under the topic "Tribal TANF programs and Section 413(i) of the Act," this change clarifies that the statute requires the State to consider both State and Tribal TANF programs in carrying out the requirements of this part. If the requested Tribal TANF information is not made available to the State, any submission to us should clearly indicate that fact.

Section 284.20—What Information Will We Use To Determine the Child Poverty Rate in the State?

(§ 284.20 of the NPRM—What information will we provide to each State to estimate the number of children in poverty?)

In the NPRM, we proposed, in paragraph (a), that we would send to the States each year the Census Bureau's estimate of the number of children in poverty. The first estimate in 1998 would be for calendar year 1996. In paragraph (b) of the NPRM, we proposed that, beginning in 1999, we would compute the change in the percentage of children in poverty, at the 80-percent confidence level, and provide this information to the State. We proposed that the first percentage change would be sent to States in 1999 and would cover the change between calendar years 1996 and 1997. We also proposed that the annual Census Bureau estimates would be based on the Current Population Survey (CPS) data and would incorporate data from the Small Area Income and Poverty Estimates (SAIPE), *e.g.*, State and county level data.

We have continued this general approach in § 284.20 of the final rule, with two modifications. The first modification, in response to comments, is a change in the level of statistical confidence we will use to determine the percentage change in a State's child poverty rate, *i.e.*, from 80 percent to 90 percent. We have also clarified the use of a statistical test to ascertain a change in a State's child poverty rate. The second modification expands on a provision in the NPRM to allow a State to submit child poverty data derived from an independent source.

Briefly, we will continue to send annual estimates of the number and percentage of children in poverty to each State, based on data from the Census Bureau. Paragraph (b) of the final rule specifies that, in 2000, we will determine the first percentage change in the State's child poverty rate, between calendar years 1996 and 1997, at the 90-percent confidence level. Paragraph (c) allows a State to submit child poverty data derived from an independent source as an alternative to the Census Bureau data and specifies the conditions for submitting these data. Paragraph (d) specifies that if we determine that the State's independent child poverty data are more reliable than the Census Bureau data, we will accept them. These changes are discussed more fully below.

We also received a number of technical comments which we have organized into and will respond to

under four subject areas: Use of the Census Bureau Estimates of Poverty; Use of the 80-percent Confidence Level; Interpretation of the Term "five percent increase;" and Dissemination of the Census Bureau Data.

Comment: One national organization recommended that, because the Census Bureau data is considered moderately reliable and we proposed an 80-percent confidence level, the final rule should allow States to challenge the Census Bureau estimates by providing alternative statistical evidence.

Response: In the NPRM, we proposed in § 284.25(c) to allow a State to submit an independent estimate of child poverty as part of the "rebuttal" process, along with food stamp and school nutrition data. However, we agree with the thrust of this commenter's recommendation and have added new paragraphs (c) and (d) to § 284.20 of the final rule to allow States to provide child poverty data derived from an independent source.

New paragraph (c) specifies that if the State submits an independent estimate of child poverty, it must do so within 45 days of the date the State receives the Census Bureau estimates from us; include the child poverty rate for each of the two years covered by the Census Bureau estimates; include a computation of the change in the child poverty rate over the two-year period at the 90-percent confidence level; and provide a description of the methodology used by the independent source to develop its child poverty estimate.

New paragraph (d) provides that we will accept the State's independent estimate of the child poverty rate if the data are more reliable than the Census Bureau data. Otherwise, we will determine the State's child poverty rate based on the Census Bureau estimates.

In the NPRM, we recognized that a growing number of States and other organizations are conducting studies of child poverty. One of our aims in implementing section 413(i) of the Act is to use the best child poverty data available. We believe that those States currently conducting or funding such studies of child poverty will be in the best position to provide an independent estimate, if they so choose.

We have specified that the State may provide an alternative estimate of the State's child poverty rate, but only if the estimate is derived from an independent source. (An "independent source" is a source of data or information not under the direct supervision or control of the State TANF agency such as a university, research or advocacy organization, or an independent evaluation or analysis office associated with a State executive branch agency or State legislature.)

We have specified that the independent estimate must be provided within 45 days of the State's receipt of the Census Bureau estimates because we want to utilize independent estimates that have already been conducted for the applicable years. Our intent is to not delay the process of review and assessment of poverty estimates in relation to the TANF program(s) in the State.

We will need certain information from the State in order to evaluate the reliability of the State's independent estimate. Accordingly, in paragraph (c)(2)(iv), we specify that the State must describe the methodology used to develop the independent estimate, the source of the data, the data collection methodology, any known problems associated with making estimates of this type, the estimate of the standard error, and the power of the sample to detect a five percent change in the child poverty rate. The State must also use the official definition of poverty used by the Census Bureau.

We believe that the State's data must be "more reliable" than the Census Bureau data. Otherwise, we will use the Census Bureau data in implementing this part. For the purposes of paragraph (d), the term "more reliable" means data that are based on and meet accepted statistical methods and standards, *e.g.*, the data are derived from a representative sample of households, determined at precision levels higher than the Census Bureau data, and based on income and other variables comparable to the Census Bureau methodology.

A. Use of the Census Bureau Estimates of Poverty

Comments: A national organization supported our use of the Census Bureau estimates on the grounds that "the Census Bureau estimates, including the SAIPE data, are the best current available measures of the percentage of children living at or below the Federal poverty threshold." A State TANF agency expressed appreciation for our proposal to send the child poverty data to the States, thus reducing State reporting burden.

However, another State TANF agency recommended that we use only the Current Population Survey (CPS) data because the CPS sample sizes are large enough to reduce the risk of error, higher confidence levels are possible, and the lag time would be reduced from two years to one.

Response: We reviewed our decision to use the Census Bureau estimates of poverty, and we believe, at the present time, they are the best national data available. This decision is reflected in paragraph (b) of this section of the final rule. If more reliable Census Bureau data sources become available in the future, we plan to use them.

In response to the recommendation that we use CPS data as the basis of our national estimates of poverty, we agree with the commenter that the lag time would be reduced. However, we believe that the SAIPE data are not only required by section 413(i)(5) (*i.e.*, use of "county-by-county estimates of children in poverty as determined by the Census Bureau"), but that the SAIPE data, when used with the Census Bureau State estimates, provide greater accuracy and less variation than are present in the CPS data.

In addition, we are not relying on point estimates, but are using statistical tests that address variation. Finally, we believe, and the Census Bureau confirms, that the CPS estimates are large enough to provide reliable direct estimates for only 10 States and a few large counties. The CPS data might serve the large population States but would not serve as a reliable national data source for all States.

Comment: One commenter noted the increasing disconnect between the use of food stamps and the poverty rate and was concerned about how this would affect the SAIPE data.

Response: The Census Bureau is satisfied that current estimates are reasonable and appropriate. They will be closely monitoring the relationship between food stamp program participation and poverty and will consider changes in their modeling process, as needed. In addition to the Census Bureau's expert review, a national panel of independent experts, established by Congress under the auspices of the National Academy of Sciences' Committee on National Statistics, has been formed to also review and determine the reliability of these estimates. The results of this independent review are available from the Academy on its website.

Comment: A State TANF agency requested information concerning how the Census Bureau determines the child poverty rate, the formula, weighting of variables, and the definition of child poverty used. They believed this information would be useful in order to monitor and modify their TANF program to avoid negative impacts.

Response: We refer this commenter to the Census Bureau website. On its Internet site, the Census Bureau provides a wide range of information on families and children in poverty. It also

provides an explanation of its methods, discusses the limitations of and problems encountered in its use of current methods, and describes steps being taken to improve future data collection.

B. Use of the 80-Percent Confidence Level

Background

The measurement of child poverty involves a process which employs samples taken from the general population to generate estimates. In this case, we use sample estimates produced by the Census Bureau to determine if an increase in the child poverty rate has occurred over a two-year period. This process of using samples results in some statistical uncertainty in each year's estimate of the child poverty rate. It is because of this statistical uncertainty that we cannot simply look at the difference in the observed poverty rate from one year to the next and determine that an increase of at least five percent occurred or did not occur. To overcome this statistical uncertainty, statisticians employ tests that incorporate a measure of error to better estimate a characteristic of a population.

In the NPRM, we proposed to use a statistical test at the 80-percent confidence level. We proposed the 80-percent confidence level for several reasons. First, we were attempting to strike a balance between falsely identifying a State as having a five percent increase in its child poverty rate when it did not and missing a five percent increase that truly did occur.

Second, we proposed that if a five percent or greater increase in the poverty rate had occurred, based on the Census Bureau's data and the statistical test, we asked that the State submit more recent Food Stamp administrative data to determine if there was a commensurate increase in the number of households with children participating in the Food Stamp Program. Finally, we reasoned that the direct consequence to a State of the identification of a five percent increase when in fact such an increase did not occur would be the preparation of an assessment of the impact of the TANF program on the increase and, possibly, a corrective action plan.

In the NPRM, we proposed a one-tailed statistical test because we were interested in determining if an increase in the child poverty rate occurred from one year to the next. There are three possible outcomes from comparing the child poverty rate from one year to the next: (a) There was an increase; (b) there was no change; and (c) there was a decrease. However, only an increase is relevant for purposes of this section of the Act. We, therefore, proposed using a one-tailed statistical test which only examines increases or decreases, but not both.

Comments: One national advocacy organization supported our use of the 80-percent confidence level, concurring with our statement in the NPRM that it would help protect children by decreasing the possibility that we would miss a significant change in a State's child poverty rate. They also supported the 80-percent confidence level as a useful tool in carrying out what they believed was the primary intent of section 413(i), *i.e.,* the protection of children.

Four State TANF agencies, however, disagreed with our proposed use of the 80-percent confidence level. Their general concern was that the lower confidence level would lead to a large number of States incorrectly identified as having experienced a five percent increase in child poverty. One State agency noted that, using an 80 percent confidence level, we could expect that, purely by chance, 10 (or 20 percent) of the States would show an increase in poverty when in fact they do not. At the 90-percent level, five States could be mistakenly identified as having an increase in poverty.

Another State agency observed that any State whose child poverty rate increased by five percent or more could maintain that the larger confidence level obscured any real fluctuation. In other words, an alleged increase could be the result of random fluctuation.

Still another State agency commented that the use of a one-tailed confidence interval test does not appear to take into account the error in both the previous year and the current year estimate.

Recommendations by these State agencies included:

- Increase the confidence level to 90 or 95 percent because these levels are used in much policy research, including the national welfare reform demonstrations sponsored by DHHS.
- Use, and clearly explain in the final rule, a statistical test that appropriately provides for the error in the previous and the current year estimates, *e.g.,* a difference of means or proportions test or a confidence interval around the difference in proportions.
- Make explicit in the final rule the possibility, magnitude, and the benefits of an incorrect identification of an increase in the child poverty rate.
- Explicitly state in the final rule the tradeoffs in choosing a particular confidence level, including the use of a "payoff matrix, computable by a statistician, using the standard errors from the model that will be used."

Response: After consideration of all comments on both the policy and technical issues, we have concluded that the intent of the statute and this section of the law will be served if we increased the level of statistical confidence from 80 to 90 percent while maintaining the use of a one-tailed Z-test for the difference of proportions. We believe that this choice will serve the needs of children while balancing the burden on the States.

First, we concur with the national advocacy organization that the use of the 80-percent confidence level is a useful way to assess the change in the child poverty rate for the purpose of the Act. At the same time, the State TANF agencies are correct in noting that, at the lower confidence level (80 percent as opposed to 90 or 95 percent), we can expect a larger number of findings of change that may be due to statistical variability and not true increases. Increasing the confidence level to 90 percent would reduce the likelihood that a State would be identified as having an increase in its child poverty rate when in fact the rate had not increased. We are aware, however, that this change leads to the possibility that we may miss a State where an increase actually did occur. However, on balance, we believe this change will provide more reliable data while protecting the well-being of the nation's children.

Second, we want to make explicit the statistical test we will employ to determine if a five percent or greater increase in a State's child poverty rates occurred. We use a Z-test for difference between proportions. This test uses the information for each year under consideration, including the point estimate of the child poverty rate for each year as well as the variance of the point estimate for each year. In addition, since the samples for the two years are not completely independent, the statistical test utilizes the variance of the difference between the point estimates for the two years.

Given that we have eliminated the step that proposed to rely on Food Stamp participation rate data to "rebut" an increase in the child poverty rate, a State found to have an increase of five percent in its child poverty rate would either accept the finding and provide an explanation of the role of TANF in the increase, or provide child poverty data from an independent source as an alternate to the Census Bureau's estimates.

C. Interpretation of the Term "Five Percent Increase"

In the NPRM, we proposed that the term "five percent increase," as specified in the statute, did not mean a five percentage point increase in child poverty. Rather, it meant that the most recent child poverty rate is at least five percent higher than the previous year's rate.

Comment: One State TANF agency, in commenting on the statistical concerns they had with our approach and the consequent burden on States of this approach, noted that there were "high risks" involved in trying to detect a small percentage change in the face of large errors in the estimation procedures. They asserted that Congress would not have wanted to impose a significant corrective action burden on States based on erroneous data. They believed Congress must have meant an increase of five percentage points.

Response: Based on our analysis, we believe that there is enough reliability in the poverty estimates that, using statistical techniques, we can make reasonable estimates of changes. We also believe that this is the clearest reading of the statute and is the interpretation intended by Congress, given the sources of data specified in the statute.

D. Dissemination of the Census Bureau Data

Comment: A commenter recommended that the final rule indicate when the child poverty rate will be sent to each State, on the assumption that the Census Bureau could reasonably specify a date by which the child poverty estimates would be available.

Response: The Census Bureau does not have a firm date for issuance of the child poverty estimates. Our plan is to make these data available to the States as soon as they are available from the Census Bureau.

Comment: One commenter made a recommendation for improved communication of the State child poverty rate data. In the NPRM, we proposed to distribute the child poverty rate to the Chief Executive Officer of each State. The commenter recommended that this information also be posted on the DHHS and Census Bureau websites, sent to "Kids Count" organizations in each State, and shared with research and advocacy organizations.

Response: We accept this recommendation in part. The Census Bureau's child poverty data are posted on the Census Bureau's website, and we will post this information on the ACF website. Because this information will thus be readily available, we do not plan to send it to other agencies and organizations.

Section 284.21—What Will We Do if the State's Child Poverty Rate Increased Five Percent or More Over the Two-Year Period?

This new section of the final rule is added for clarity. The content of this new section is derived from § 284.25(d) and (e) and § 284.30(a) of the NPRM and specifies the next steps in the process we will follow if the State's child poverty rate increased five percent or more over the applicable two-year period.

In this section, we provide that, if we determine that the State's child poverty rate increased by five percent or more over the two-year period (based either on the Census Bureau estimates or, if we accept them, the State's independent estimates), we will notify the State that it has 90 days from its receipt of our notification to submit an assessment of the impact of the TANF program(s) in the State on that increase. To provide flexibility, we have added an additional 30 days beyond the 60-day period proposed in the NPRM for States to submit the assessment.

We will also notify those States in which the child poverty rate did not increase five percent or more over the two-year period that no further information or action is required for the applicable two-year period.

Proposed § 284.25—What Information Must the State Provide if the Estimate of the State's Child Poverty Rate Has Increased Five Percent or More Over the Two Year Period? (DELETED IN THE FINAL RULE)

We deleted this section in the final rule.

In the NPRM, we proposed that, if a State's child poverty rate increased by five percent or more, the State could provide information to explain, indicate a subsequent improvement in, or "rebut" this increase. We proposed that the State must submit information on the number of households with children receiving food stamps. The State could also submit school nutrition information and/or an estimate of the State's child poverty rate derived from an independent source. Alternatively, the State could accept the Census Bureau estimate and move to the next step in the process, *i.e.*, to prepare an assessment of the relationship of the TANF program to the increase in child poverty.

We based this proposed step in § 284.25 on our assumption that, despite recent changes, the relationship between the child poverty rate and the food stamp participation rate continued to be a reasonably reliable one. We also proposed this step because we recognized the time lag in receipt of the child poverty estimates. We believed that a State whose child poverty rate increased during the period 1996–1997 should not necessarily be required to assess the relationship to the TANF program and develop a corrective action plan if, in 1998 or 1999, verifiable circumstances indicated that the rate or level of child poverty in the State had improved.

Comments: A majority of commenters strongly objected to this proposal in § 284.25, and almost all urged its deletion. They stated that there is no longer a direct relationship between the numbers of children in poverty and the numbers of children receiving food stamps. Some commenters also pointed out that recent declines in food stamp participation appear to reflect a decline in participation among those eligible for the program as well as a reduction in poverty. Other commenters found that the changes in the food stamp participation rate were related to the implementation of the TANF program, *e.g.*, that State practices, whether intended or unintended, had, indeed, affected the food stamp participation rate.

In addition, commenters expressed concern that using food stamp data to "rebut" increases in the child poverty rate could give States more incentive to ignore administrative problems that could lead to reduced food stamp participation among eligible families with children. Our proposed approach, they believed, could enable, if not encourage, States to avoid taking corrective action to address such administrative problems.

Several commenters also referred to recent national studies that found food stamp declines unexplained by unemployment or other factors and provided specific State data illustrating the lack of relationship in these two data sets over recent years.

A national organization also objected to this provision on the grounds that it presented difficult administrative and reporting burdens for States. This organization and a State TANF agency also objected to the proposed requirement to report on any changes in food stamp policy and procedures, including changes made at the national level, that have affected the food stamp participation rate. (§ 284.25(c)(3) of the NPRM.) They believed that this

provision was extremely broad and amorphous and would be both burdensome and costly to States.

Response: After further research and analysis, we agree with these general comments on § 284.25 and have deleted this section from the final rule.

Comment: One national organization recommended that, instead of using food stamp data to explain or "rebut" an increase in child poverty, the final rule should require that States provide data on: (1) The number of families receiving TANF cash payments; (2) the total amount of State spending on TANF cash payments; and (3) the numbers of families and families with children participating in the food stamp program.

Response: We agree that the recommended information may potentially be valuable in assessing the relationship of the TANF program(s) in the State to any increase in child poverty. Rather than using these recommended data as part of a "rebuttal" process, however, we have added the three recommended items to § 284.30(b) as information a State may wish to submit as part of its assessment of the impact of the TANF program on the increase in child poverty.

Comment: Another national organization recommended that the final rule require States to submit data on the employer-reported earnings levels of TANF leavers, *e.g.*, Unemployment Insurance wage record data. (These data are similar to the data provided by States competing for the high performance bonus.) This commenter believed these data would be highly relevant to evaluating the poverty rate in the State. They also recommended that the final rule inform States that submitting multi-year Unemployment Insurance wage record data would be an appropriate and meaningful way to show that an increase in child poverty is not the result of the TANF program.

Response: We agree that the Unemployment Insurance wage record data may be valuable in assessing the possible impact of TANF on State child poverty, and we have added this information in § 284.30(b).

Comment: Two commenters agreed with our recognition of the limited usefulness of the school nutrition information (in assessing the relationship between child poverty and the TANF program(s)) and supported our proposal in the NPRM to make this information optional.

Response: We have continued to make the school nutrition information optional as a part of the State's assessment in § 284.30.

Section 284.30—What Information Must the State Include in Its Assessment of the Impact of the TANF Program(s) in the State on the Increase in Child Poverty?

If a State's child poverty rate increased by five percent or more, we proposed in the NPRM that the State must make an assessment of the impact of the TANF program on the increase in the child poverty rate, covering the same two-year period for which an increase in child poverty was identified. We proposed that the State must submit the assessment, and the information on which the assessment was based, within 60 days. We also listed examples of suggested information and evidence the State might want to include in its assessment.

Comments: Most commenters agreed with our proposal to allow States the flexibility to base their assessment on a wide range of information, including data from other assistance programs, State economic conditions, etc.

Response: We have continued the same general approach in this section as we proposed in the NPRM, but we have made the following changes for additional clarity, specificity, flexibility and in response to comments:

- Retained the requirements that the assessment must cover the same two-calendar-year period as the Census Bureau estimates provided to the State and include the information on which the assessment was based;
- Added, in paragraph (a), that the assessment must directly address the issue of whether the State's child poverty rate increased as a result of the TANF program(s) in the State and include the State's analysis, explanation, and conclusions in relation to this issue to help assure a high quality, focused assessment;
- Provided an expanded list of examples of data and information the State may include in its assessment, including examples of information from Tribal TANF programs; and
- Allowed States 90 days (an additional 30 days beyond the 60 days proposed in the NPRM) to submit the assessment.

Comment: One commenter read the statute as requiring only actions initiated by the State, i.e., the State must specify whether the State's child poverty rate increased by five percent or more and, if so, it must develop a corrective action plan. This commenter objected to the proposed assessment process as beyond the scope of the law.

Response: We believe that section 413(i)(2) of the Act requires the assessment of, and some conclusion regarding, the impact of the TANF program(s) in the State on the child poverty rate before a State moves to develop a corrective action plan. We do not read the statute to require that all States that experience a five percent increase or more in child poverty must develop such a plan—only those where the increase was a result of the TANF program(s) in the State.

However, if a State objects to the assessment process and wishes to conclude that the increase in the child poverty rate is due to, or is the result of, the TANF program(s) in the State, without any analysis or assessment, the State may skip the assessment process and prepare a corrective action plan.

Comment: One commenter objected to our flexible approach to the assessment process on the assumption that asking a State to report on whether its TANF policies contributed to an increase in child poverty put the State in an untenable, conflict-of-interest position. They doubted that any State would self-report any actions that would jeopardize its current practices or policies, particularly those policies related to caseload reduction. They also believed that it would be easy for a State to point to other factors (*e.g.*, economic circumstances) as the primary reason for increases in child poverty.

Response: We recognize the commenter's concern, but we decline to be more prescriptive in our requirements. As we said in the preamble to the NPRM, it is the Department's responsibility to determine whether a State's child poverty rate increased as a result of the TANF program(s) in the State. This is a responsibility we take seriously. Thus, we proposed, in the NPRM, that we would consider not only the information the State submitted in its assessment, but also other information that is readily available, such as State TANF plan provisions, eligibility requirements, benefit levels, TANF expenditures, and other factors.

We also expect that States will take this responsibility seriously. We know States are concerned with the well-being of their citizens, and some are actively addressing issues of poverty, frequently in cooperation with other public and private agencies. We also know that there is much public concern and attention focused on the issue of child poverty by the media, researchers, advocacy organizations, and Congress. We expect that the States will respond to this provision by providing a thorough and reasoned analysis and assessment.

Section 284.35—What Action Will We Take in Response to a State's Assessment and Other Information?

In the NPRM, § 284.35 was titled, "How will the methodology for the Territories differ?". The section in the final rule regarding the Territories is now numbered § 284.50. We have created a new § 284.35 in the final rule. The content of this new section is taken from paragraphs (b) and (c) of § 284.30 of the NPRM. In the NPRM, these paragraphs proposed that we would review the State's assessment, along with other available information; make a determination whether the child poverty rate increased at least five percent as a result of the TANF program(s) in the State; and notify the State whether a corrective action plan was required.

Comment: One commenter asked that we specify in the final rule how a State (or DHHS) should (or will) attribute any increase in child poverty to the TANF program. They asked that we specify what formula for computation we would use, what criteria we would use, and how States should weight the numerous variables (both TANF and non-TANF related) in the formula that might contribute to such an increase.

Response: We have not specified a computation formula, established criteria, or identified variables for the State assessment process because we do not believe we could, in advance, specify exactly how DHHS will review and evaluate a State's assessment. We believe that a process that relies on analysis, evaluation, and judgment will be more likely to reflect reality rather than a computation formula or weighting of variables. This analysis and judgment will be particularly important when a variety of factors, including the TANF program, may have resulted in the increase in child poverty. Our plan is to work cooperatively with States in reviewing the assessment information and making a final determination on whether a corrective action plan is required. It is not our intention to require a corrective action plan when the TANF program is only a minimal cause of the increase in the State's child poverty rate.

We have made no substantive changes, but we have modified the language in this section for clarity.

Section 284.40—When Is a Corrective Action Plan Due?

In the NPRM, we proposed that a corrective action plan is required only for those States and Territories whose child poverty rate increased by five percent or more as a result of TANF. We also proposed that the State and Territory must submit the plan within 90 days of the date we notify it of our determination that such a relationship exists between the TANF program and the child poverty rate.

Comment: One commenter supported a 90-day timeframe for submitting the corrective action plan.

Response: We have made no changes to this section of the final rule.

Section 284.45—What Are the Contents and Duration of a Corrective Action Plan?

In the NPRM, we proposed in paragraph (a) that the corrective action plan must outline the manner in which the State or the Territory will reduce child poverty in the State and included a description of the actions to be taken by the State or Territory under such a plan.

We proposed in paragraph (b) that the State or Territory must implement the corrective action plan until it determines that the child poverty rate in the State is less than the lowest child poverty rate on the basis of which the State was required to submit the corrective action plan.

Comment: One commenter supported our proposal to allow States the flexibility to design the content of their corrective action plans as States are best able to determine which methods will work best for reducing child poverty within their boundaries. Another commenter recommended that this section be revised to require corrective action plan content specific to affected States, based on Federal site visits and monitoring of States. They believed that, as proposed, this section was weak and ineffective. Also, if a State were allowed to develop its own corrective action plan, it would merely be a "paper exercise."

Response: The Act does not provide express authority for us to prescribe regulations regarding the content of the corrective action plan. We believe, however, that States will take the requirement to develop a corrective action plan seriously, not only because of concern for the issues affecting the well-being of families and children but also, in part, because of the attention being given to this issue by the media and a wide range of external organizations. We have made no change in this section of the final rule in response to this comment.

Comment: One commenter was concerned that there was no penalty currently assigned to this section of the regulations. The commenter believed that it would be extremely awkward for a State to agree to a corrective action plan only to have a penalty assigned at a later date.

Response: There was no penalty proposed in the NPRM because there was no penalty included in section 413(i) of the Act. Given the limited Federal regulatory and enforcement authority under the TANF program, we have not included a penalty provision. However, we will monitor the State's actions and timelines under the plan. We also expect that interested national, State, and local organizations will monitor State progress in this matter as well.

We want to clarify that the corrective action plan is not intended to be based on or cover the two-year period in which an increase in the child poverty rate was identified. Rather, we anticipate that the State's corrective action plan would include both past efforts and current activities aimed at reducing child poverty.

We have made several changes in this section of the final rule. In § 284.45(a), we added language regarding the inclusion in the corrective action plan of any action steps that will be taken by the Tribes (or consortia of Tribes) under the plan. We also added a requirement in paragraph (b) that the State notify us when it determines that it is no longer required to implement the corrective action plan. Finally, for clarification, we added a definition of the term "lowest child poverty rate" in paragraph (b) and specified that the State must use the methodology in § 284.20 in determining when a corrective action plan is no longer required to be implemented.

We took the definition of the term "lowest child poverty rate" and the following explanatory language from the preamble to the NPRM regarding the duration of the corrective action plan (see 63 FR 50844).

> Section 413(i)(4) of the Act requires that the State implement the corrective action plan "until the State determines that the child poverty rate in the State is less than the lowest child poverty rate on the basis of which the State was required to submit the corrective action plan."
>
> The "lowest child poverty rate" means the five percent threshold above the first year in the two-year comparison period. For example, a State with a 20 percent child poverty rate in the first year of the two-year comparison period would have a five percent threshold of 21 percent and would be required to implement its corrective action plan until its child poverty rate dropped below 21 percent.

By specifying that the State must use the methodology in § 284.20 in determining the duration of the corrective action plan, we intend to clarify that the State may use either the

Census Bureau data or an independent estimate of the child poverty rate.

Section 284.50—What Information Will We Use To Determine the Child Poverty Rate in Each Territory? (§ 284.35 of the NPRM)

The Census Bureau produces annual estimates of the child poverty rate in each of the 50 States and the District of Columbia. However, the Census Bureau does not develop poverty estimates for the Territories. Therefore, in § 284.35 of the NPRM, we proposed that each Territory must, annually, beginning in 1998 (for calendar year 1996), submit to ACF certain food stamp or other data on which we would calculate a child poverty rate. We also proposed a process similar to the proposed State process for determining whether the child poverty rate increased by five percent or more between the applicable years. Finally, we specified the actions and information we would require if the child poverty rate increased by five percent or more as a result of the TANF program.

"Territories" are defined, for the purposes of this part, as American Samoa, Guam, Puerto Rico, and the United States Virgin Islands. At the present time, this part applies to all of these jurisdictions except American Samoa, which has not applied to operate a TANF program. When it does so, the provisions of this part will apply to it as well.

We received no comments on § 284.35 of the NPRM or how we proposed to determine a child poverty rate for the Territories. We did, however, receive comments critical of our proposed use of State food stamp data in rebutting the increase in child poverty (in § 284.25). These comments caused us to re-evaluate our use of food stamp data as the basis for calculating a child poverty rate for the Territories.

During the development of the final rule, we had numerous discussions with the Census Bureau and others in an attempt to identify reliable child poverty data for the Territories, but we were unsuccessful. Therefore, we have revised § 284.50 to postpone, temporarily, the determination of a child poverty rate for these jurisdictions. However, we are committed to applying the provisions of section 413(i) to both States and Territories. We specify, in paragraph (a) that our intent is to apply the same requirements and procedures to the Territories as to the States. We specify in § 284.50(b) that we will estimate the number of children in poverty in these jurisdictions when reliable data are available.

V. Regulatory Impact Analyses

A. Executive Order 12866

Executive Order 12866 requires that regulations be drafted to ensure that they are consistent with the priorities and principles set forth in the Executive Order.

The Department has determined that this rule is consistent with these priorities and principles. This rulemaking implements statutory authority based on broad consultation and coordination. It also reflects our response to comments received on the NPRM issued on September 23, 1998.

The Executive Order encourages agencies, as appropriate, to provide the public with meaningful participation in the regulatory process. As described elsewhere in the preamble, ACF consulted with State and local officials, their representative organizations, researchers, a broad range of technical and interest group representatives, and others to obtain their views prior to the publication of the NPRM.

To a considerable degree, the NPRM reflected the information provided by, and the recommendations of, the groups with whom we consulted. We also carefully considered and have accepted and/or responded to the comments received in response to the NPRM.

This final rule also reflects the intent of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to achieve a balance between granting States the flexibility they need to develop and operate effective and responsive programs and ensuring that they meet the objectives of the statute. The limited scope of this regulation is also consistent with the provisions of the statute and Administration policy as articulated in Executive Order 12866 and its Regulatory Reinvention Initiatives.

The Department has determined that this rule is significant under the Executive Order. The Office of Management and Budget has reviewed this rule. This rule is not a major rule under the Small Business Regulatory Enforcement Fairness Act of 1996.

We have estimated the maximum annualized Paperwork Reduction Act costs to be approximately $454,118. This is clearly an upper limit on what the costs would be if all States were required to respond to all requirements. Thus, as discussed in section D below, this figure is an over-estimate of the expected costs.

In assessing the potential costs and benefits—both quantitative and qualitative—of these final regulations, the Secretary has determined that the benefits of these regulations justify the costs. The Secretary has also determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

B. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. 603, 605) requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses and other small entities. Small entities are defined in the Regulatory Flexibility Act to include small businesses, small non-profit organizations, and small governmental agencies. This rule will immediately affect the 50 States and the District of Columbia. It will affect the Territories in the future, when reliable Census Bureau data on child poverty in the Territories are available. Therefore, the Secretary certifies that this rule will not have a significant impact on small entities.

C. Assessment of the Impact on Family Well-Being

We certify that we have made an assessment of this rule's impact on the well-being of families, as required under section 654 of The Treasury and General Government Appropriations Act of 1999. The overall aim of the TANF program is to strengthen the economic and social stability of families. The purpose of this rule is to monitor annual estimates of child poverty in the States (and, in the future, the Territories); assess the impact of the TANF program(s) on an increase in child poverty of five percent or more; and require the development of a corrective action plan, if indicated. We believe that the well-being of families will be enhanced by this rule.

D. Paperwork Reduction Act

This rule contains three information collection requirements. These requirements were reviewed and approved by the Office of Management and Budget (OMB) at the NPRM stage on December 2, 1998, under the Paperwork Reduction Act of 1995 (OMB control number 0970–0186). This data collection approval expires on November 30, 2001. 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.

To the extent possible, this rule relies on existing data sources. We will obtain data on child poverty from the Census Bureau for the 50 States and the District of Columbia. We have postponed implementing the provisions of this final rule for the Territories until

reliable Census Bureau data on child poverty in the Territories are available.

The three information collection activities in the final rule are: (1) As an optional provision, a State or Territory may provide an alternative estimate of the child poverty rate (§ 284.20(c)); (2) a State or Territory may be required to conduct and submit an assessment of the impact of the TANF program(s) in the State or Territory on the increase in the child poverty rate (§ 284.30 and § 284.50); and (3) a State or Territory may be required to submit a corrective action plan (§ 284.40, § 284.45 and § 284.50). These information collection requirements were approved at the NPRM level. We received no comments on the burden as proposed in the NPRM.

The annual burden estimates include any time involved compiling and abstracting information, analyzing and evaluating information, assembling materials necessary to provide the requested information, obtaining clearance, and transmitting the information.

Prior to the development of this estimate, we researched the burden estimates for similar OMB-approved data collections in our inventory and those pending OMB approval and consulted with knowledgeable Federal officials.

The 50 States and the District of Columbia are the immediate potential respondents to the information collection requirements in this rule. These jurisdictions may, at their option, submit an estimate of child poverty from an independent source. They may also be required to submit an assessment and a corrective action plan. We will not implement these information coliection activities for the Territories until we have reliable child poverty data for these jurisdictions, but we have included Puerto Rico, Guam, and the Virgin Islands in the burden calculation as they will be respondents in the future.

We have increased the estimated total annual burden from 15,240 hours in the NPRM to 15,552 hours in the final rule. This change reflects the elimination of the requirement that the Territories provide data for us to compute an estimate of their child poverty rate (§ 284.35 of the NPRM); the elimination of the requirement that States provide food stamp data and other data to explain or rebut an increase in the State's child poverty rate (§ 284.25 of the NPRM); the addition of 8 hours per respondent for the optional submission of data on a State's child poverty rate from an independent source (§ 284.20(c) of the final rule); and an increase in the estimated burden hours for a State to develop and submit an assessment of the impact of TANF on the child poverty rate from 80 hours per respondent in the NPRM to 120 hours in the final rule (§ 284.30 of the final rule).

The annual burden estimates for each of the three data collections are:

Instrument or requirement	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Optional Submission of Data on Child Poverty from an Independent Source (§ 284.20(c))	54	1	8	432
Assessment of the Impact of TANF on the Increase in Child Poverty (§ 284.30 and § 284.50)	54	1	120	6,480
Corrective Action Plan (§ 284.40, § 284.45, and 284.50)	54	1	160	8,640
Estimated Total Annual Burden Hours				15,552

We have estimated the burden hours for each information collection activity in part 284 as though they applied to all jurisdictions for ease of discussion and public review. This is clearly an over-estimate. We do not expect that all States (or Territories) will opt to provide an alternate estimate of child poverty derived from an independent source. We expect that no more than a few States (or Territories) will experience an increase of five percent or more in their child poverty rates and will need to submit an assessment in relation to the TANF program; and only a few States (or Territories) will be required to submit a corrective action plan.

We estimate the annualized cost of the hour burden to be $454,118. Again, this is an over-estimate. It is based on an estimated average hourly wage of $29.20 (including fringe benefits, overhead, and general and administrative costs) for the State staff performing the work multiplied by the estimated 15,552 burden hours.

We expect that no capital/start-up costs and operation/maintenance costs will be required as a result of a State or Territory's implementation of this part. No systems modifications should be required and much of the information that States may submit as a part of their assessment is pre-existing information or available from other State executive branch agencies or research sources. Therefore, we do not anticipate any significant costs beyond the annualized cost of the hour burden noted above.

We considered all comments by the public in:

- Evaluating whether the collections are necessary for the proper performance of our functions, including whether the information will have practical utility;
- Evaluating the accuracy of our estimate of the burden of the collections of information, including the validity of the methodology and assumptions used, and the frequency of collection;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technology, *e.g.*, the electronic submission of responses.

E. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that a covered agency prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year.

If a covered agency must prepare a budgetary impact statement, section 205 further requires that it select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with the statutory requirements. In addition, section 203 requires a plan for informing and advising any small government that may be significantly or uniquely impacted by the rule.

We have determined that this rule will not result in the expenditure, in the

aggregate, by State, Territorial, local, and Tribal governments, or by the private sector, of more than $100 million in any one year. Accordingly, we have not prepared a budgetary impact statement, specifically addressed the regulatory alternatives considered, or prepared a plan for informing and advising any significantly or uniquely impacted small government.

F. Congressional Review

This rule is not a "major" rule as defined in 5 U.S.C., Chapter 8.

G. Executive Order 13132

On August 4, 1999, the President issued Executive Order 13132, "Federalism." The purposes of the Order are: "to guarantee the division of governmental responsibilities between the national government and the States that was intended by the Framers of the Constitution, to ensure that the principles of federalism established by the Framers guide the executive departments and agencies in the formulation and implementation of policies, and to further the policies of the Unfunded Mandates Reform Act * * *."

We certify that this final rule does not have a substantial direct effect on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. The final rule does not pre-empt State law and does not impose unfunded mandates.

This rule does not contain regulatory policies with federalism implications which would require specific consultations with State and local elected officials. However, during the development of the NPRM, we held two types of consultations. First, we raised issues related to this provision in the general TANF consultation meetings with representatives of State and local governments; nonprofit, advocacy, and community organizations; foundations; and others. Second, we held consultations focussed specifically on this provision on May 30, 1997, and September 4, 1997, with national organizations representing State and local elected officials; technical, statistical, and policy experts; and research, advocacy, and public interest organizations that focus on poverty and child well-being.

We sent invitations to the May 30 meeting (along with a list of policy issues proposed for discussion) to, among others: The National Governors' Association (NGA), the National Conference of State Legislatures (NCSL), the National Association of Counties, the National League of Cities, and the United States Conference of Mayors. In addition to these groups, invitations to the September 4 meeting were also sent to the National Black Caucus of State Legislators and the National Organization of Black County Officials. Based on our records, representatives of NGA and NCSL attended both meetings.

List of Subjects in 45 CFR Part 284

Grant programs—Social programs, Public Assistance programs; Poverty; Reporting and recordkeeping requirements.

(Catalogue of Federal Domestic Assistance Programs: 93.558 Temporary Assistance for Needy Families; 93.559 Federal Loans for State Welfare Programs; 93.594 Tribal Work Grants; and 93.595 Welfare Reform Research, Evaluations and National Studies.)

Dated: February 11, 2000.

Olivia A. Golden,

Assistant Secretary for Children and Families.

Approved: March 27, 2000.

Donna E. Shalala,

Secretary, Department of Health and Human Services.

For the reasons set forth in the preamble, we are amending 45 CFR Chapter II by adding part 284 to read as follows:

PART 284—METHODOLOGY FOR DETERMINING WHETHER AN INCREASE IN A STATE OR TERRITORY'S CHILD POVERTY RATE IS THE RESULT OF THE TANF PROGRAM

Sec.

Authority: 42 U.S.C. 613(i)

§ 284.10 What does this part cover?

(a) This part describes the methodology for determining the child poverty rates in the States and the Territories, as required by section 413(i) of the Social Security Act, including determining whether the child poverty rate increased by five percent or more as a result of the TANF program(s) in the State or Territory. It also describes the content and duration of the corrective action plan.

(b) The requirements of this part do not apply to any Territory that has never operated a TANF program.

§ 284.11 What definitions apply to this part?

The following definitions apply to this part:

ACF means the Administration for Children and Families.

Act means the Social Security Act, unless otherwise specified.

Census Bureau methodology means the various methods developed by the Census Bureau for estimating the number and percentage of children in poverty in each State. These methods may include national estimates based on the Current Population Survey; the Small Area Income and Poverty Estimates; the annual demographic programs, including the American Community Survey; or any other programs or methods used by the Census Bureau to estimate poverty. "Children in poverty" means children that live in families with incomes below 100 percent of the Census Bureau's poverty threshold.

Child poverty rate means the percentage of all children in a State or Territory which live in families with incomes below 100 percent of the Census Bureau's poverty threshold.

Date of enactment means calendar year 1996.

MOE means maintenance-of-effort. This is a provision in section 409(a)(7) of the Social Security Act that requires States to maintain a certain level of spending based on historical (*i.e.*, FY 1994) expenditure levels.

SAIPE means the Small Area Income and Poverty Estimates, a methodology developed by the Census Bureau to obtain more accurate estimates of poverty and income (including the number and percentage of children in poverty) at the State and county level between decennial censuses.

SSP–MOE means a separate State program operated outside of the TANF program for which the expenditure of State funds may count for MOE purposes.

State means each of the 50 States of the United States and the District of Columbia.

TANF means the Temporary Assistance for Needy Families program

under sections 401 through 419 of the Social Security Act, as enacted by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, sections 101–116 of Pub. L. 104–193 (42 U.S.C. 601–619).

Territories means American Samoa, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

Tribal TANF program means a TANF program developed by an eligible Tribe, Tribal organization, or consortium of Tribes, and approved by us under section 412 of the Act.

We (and any other first person plural pronouns) means the Secretary of Health and Human Services or any of the following individuals and organizations acting in an official capacity on the Secretary's behalf: The Assistant Secretary for Children and Families, the Regional Administrators for Children and Families, the Department of Health and Human Services, and the Administration for Children and Families.

§ 284.15 Who must submit information to ACF to carry out the requirements of this part?

(a) The Chief Executive Officer of the State, or his or her designee, is responsible for submitting to ACF the information required by this part.

(b) The State should obtain information from and work with the Indian tribe(s) (and Tribal consortia) operating a Tribal TANF program in the State in preparing and submitting the assessment, as specified in § 284.30, and the corrective action plan, as specified in § 284.45.

§ 284.20 What information will we use to determine the child poverty rate in each State?

(a) *General*

We will determine the child poverty rate in each State based on estimates from either the Census Bureau or the State, as described in this section. Each year we will use these data to determine the change in the State's child poverty rate over a two-year period, beginning with calendar years 1996 and 1997.

(b) *Estimates from the Census Bureau*

(1) Annually, we will obtain from the Census Bureau and provide to each State the estimate of the number and percentage of children in poverty in each State. The estimate will be based on the Census Bureau methodology.

(2) In 2000, and annually thereafter, we will determine for each State, at the 90-percent confidence level, the percentage change in the child poverty rate and provide this information to the State. The determination of percentage change in 2000 will cover the change between calendar years 1996 and 1997.

(c) *Estimates from the State*

(1) As an alternative to the Census Bureau estimates provided to the State under paragraph (b) of this section, the State may provide to us data on child poverty in the State derived from an independent source.

(2) If the State provides data on child poverty as described in paragraph (c)(1) of this section, it must:

(i) Provide an estimate of the child poverty rate for the same two calendar years as the Census Bureau estimates provided to the State under paragraph (b)(2) of this section;

(ii) Provide the change in the child poverty rate for the applicable two-calendar-year period at the 90-percent confidence level;

(iii) Use the official definition of poverty as used by the Census Bureau; and

(iv) Describe the methodology used to develop its independent estimates, the sources of data and methodology for collecting the data, any known problems associated with making estimates of this type, the estimate of the standard error, and the power of the sample to detect a five percent change in the child poverty rate.

(3) The State must submit its independent estimates and supporting information within 45 days of the date the State receives the Census Bureau estimates as described in paragraph (b) of this section.

(d) *Determination of the State's child poverty rate*

(1) If we determine that the State's independent estimates of the child poverty rate are more reliable than the Census Bureau estimates, we will accept these estimates.

(2) For all other States, we will determine the State's child poverty rate based on the Census Bureau's estimates.

§ 284.21 What will we do if the State's child poverty rate increased five percent or more over the two-year period?

(a) If we determine, based on § 284.20, that the State's child poverty rate did not increase by five percent or more over the applicable two-year period at the 90-percent confidence interval, we will:

(1) Conclude that the State has satisfied the statutory requirements of section 413(i) of the Act; and

(2) Notify the State that no further information from or action by the State is required for the applicable two-calendar-year period.

(b) If we determine, based on § 284.20, that the State's child poverty rate increased by five percent or more over the applicable two-year period at the 90-percent confidence level, we will notify the State that it has 90 days from the date of its receipt of our notification to submit an assessment of the impact of the TANF program(s) in the State, as specified in § 284.30.

§ 284.30 What information must the State include in its assessment of the impact of the TANF program(s) in the State on the increase in child poverty?

(a) The State's assessment must:

(1) Cover the same two-calendar-year period as the Census Bureau estimates provided to the State in § 284.20(b)(2);

(2) Directly address the issue of whether the State's child poverty rate increased as a result of the TANF program(s) in the State and include the State's analysis, explanation, and conclusions in relation to this issue; and

(3) Include the information on which the assessment was based.

(b) The State's assessment may be supported by any materials the State believes to be pertinent to its analysis, explanation, and conclusions. The following are examples of such materials:

(1) The number of families receiving TANF cash assistance payments under the State TANF program and, if applicable, the Tribal TANF program(s);

(2) The total amount of State and Tribal spending on TANF cash assistance payments;

(3) The number and/or percentage of eligible families with children in the State who are participating in the Food Stamp Program or other State supportive and assistance programs;

(4) The proportion of students certified for free or reduced-price school lunches;

(5) TANF income eligibility rules that show that client participation was not limited or cash benefits did not decrease;

(6) Examples of efforts that the State and the Indian tribe(s), as appropriate, have taken using TANF and other funds to support families entering the work force;

(7) The percentage of eligible individuals in the State receiving TANF assistance;

(8) Information on TANF program participation such as the number of applications disapproved or denied, or cases sanctioned;

(9) The number of TANF cases closed as a result of time-limit restrictions or non-compliance with work requirements;

(10) The amount of total cash assistance expenditures that can be claimed for SSP–MOE purposes;

(11) Information based on Unemployment Insurance wage record

data showing, for example, increases in the number of TANF participants entering jobs, retaining jobs, and increasing their earnings;

(12) The number of families receiving work subsidies, *i.e.*, payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training;

(13) Information that a State met the definition of "needy State" under section 403(b)(6) of the Act for an extended period of time within the applicable two-calendar-year period;

(14) Examples of past efforts that the State and the Indian tribe(s), as appropriate, have taken to mitigate or address child poverty;

(15) Any other data on the TANF program(s) in the State that would support the State's conclusions; and

(16) Information on other circumstances in the State that may have contributed to the increase in child poverty such as changes in economic or social conditions, *e.g.*, an increase in the State's unemployment rate.

§ 284.35 What action will we take in response to the State's assessment and other information?

(a) We will review the State's assessment along with other available information. If we determine that the increase in the child poverty rate of five percent or more is not the result of the TANF program(s) in the State, we will notify the State that no further information from, or action by, the State is required for the applicable two-calendar-year period.

(b) Based on our review of the State's assessment and other information, if we determine that the increase in the State's child poverty rate of five percent or more is the result of the TANF program(s) in the State, we will notify the State that it must submit a corrective action plan as specified in §§ 284.40 and 284.45.

§ 284.40 When is a corrective action plan due?

Each State must submit a corrective action plan to ACF within 90 days of the date the State receives notice of our determination that, as a result of the TANF program(s) in the State, its child poverty rate increased by five percent or more for the applicable two-calendar-year period.

§ 284.45 What are the contents and duration of the corrective action plan?

(a) The State must include in the corrective action plan:

(1) An outline of the manner in which the State or Territory will reduce its child poverty rate;

(2) A description of the actions it will take under the plan; and

(3) Any actions to be taken under the plan by the Indian tribe(s) (or Tribal consortia) operating a TANF program in the State.

(b) The State must implement the corrective action plan until it determines and notifies us that its child poverty rate, as determined in § 284.20, is less than the lowest child poverty rate on the basis of which the State was required to submit the corrective action plan. The "lowest child poverty rate" means the five percent threshold above the first year in the two-year comparison period.

284.50 What information will we use to determine the child poverty rate in each Territory?

(a) Our intent is that, to the extent that reliable data are available and the procedures are appropriate, the Territories must meet the requirements in §§ 284.11 through 284.45 as specified for the 50 States and the District of Columbia.

(b) When reliable Census Bureau data are available for the Territories, we will:

(1) Notify the Territories through guidance of our intent to use these data in the implementation of this part; and

(2) Begin the process by providing to each Territory the number and percent of children in poverty in each jurisdiction, as specified in § 284.20(b).

[FR Doc. 00–15714 Filed 6–22–00; 8:45 am]
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Federal Register

Friday,
June 23, 2000

Part III

Department of Education

34 CFR Part 373
Special Demonstration Programs; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 373

Special Demonstration Programs

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to implement regulations governing the Special Demonstration Programs. These regulations are needed to implement the changes in the Rehabilitation Act Amendments of 1998. The proposed regulations would provide definitions and requirements for grants and contracts under the expanded authority for the Special Demonstration Programs.

DATES: We must receive your comments on or before September 21, 2000.

ADDRESSES: Address all comments about these proposed regulations to Tammy Nelson, U.S. Department of Education, 400 Maryland Avenue, SW., room 3214 Switzer Building, Washington, DC 20202–2575. If you prefer to send your comments through the Internet, use the following address: Tammy_Nelson@ed.gov

FOR FURTHER INFORMATION CONTACT: Thomas E. Finch, Ph.D., 400 Maryland Avenue, SW., room 3038 MES, Washington, DC 20202–2575. Telephone: (202) 205–8292. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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

SUPPLEMENTARY INFORMATION:

Invitation To Comment

We invite you to submit comments regarding these proposed regulations. To ensure that your comments have maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirements of reducing regulatory burden that might result from these proposed regulations. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about these proposed regulations in the Mary E. Switzer Building, room 3038, 330 C Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed regulations. If you want to schedule an appointment for this type of aid, you may call (202) 205–8113 or (202) 260–9895. If you use a TDD, you may call the Federal Information Relay Service at 1–800–877–8339.

Need To Regulate

These proposed regulations would implement changes to the Rehabilitation Act of 1973 (Act) made by the Rehabilitation Act Amendments of 1998, enacted as part of the Workforce Investment Act of 1998 (Pub. Law 105–220), on August 7, 1998, and as further amended in 1998 by technical amendments in the Reading Excellence Act and the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1998 (hereinafter collectively referred to as the 1998 Amendments).

There have been significant changes and expanded authority for Special Demonstration Programs found in section 303(b) of the Act. The purpose of the program retains its focus on the expansion and improvement of rehabilitation services; however, the purpose of the program now includes the expansion and improvement of other services authorized under the Act. The amended regulations give the Secretary greater flexibility in making awards that are relevant and responsive to the purpose of the program and current needs of individuals with disabilities. This additional flexibility is used in determining eligible entities (§ 373.2), the definition of "rehabilitation services" (§ 373.4), and priorities for competitions (§ 373.6). For example, in § 373.6(b)(16), the Secretary would be permitted to identify priorities other than those specifically listed in § 373.6. This flexibility in identifying additional priorities would allow the Secretary to be responsive to recent legislative mandates and short-term or unanticipated needs of individuals with disabilities. In addition, the Secretary could fund projects that use new developments in the rehabilitation field after the publication of these regulations, i.e., new research findings, technical advances in assistive devices, and innovative methods developed by successful grant projects.

In addition, these proposed regulations would provide needed definitions and clarification of the terms and conditions for applicants for the Special Demonstration Programs.

The following provisions of these proposed regulations are based entirely on the Act:

§ 373.1
§ 373.2(a)(1) through (5)
§ 373.3
§ 373.5
§ 373.10
§ 373.21
§ 373.24

The remaining provisions are based on a combination of statutory authority and the Secretary's authority under section 12(c) of the Act to establish policy by regulating.

Section 373.4—Definitions for Special Demonstration Programs

This section contains terms from the Act and other terms that may be used in applying for a grant and administering a grant project. The definitions would provide potential applicants and grantees with the knowledge to better meet the priorities and service requirements for competitions and activities.

Section 373.6—Priorities and Other Factors for Competitions

Some of the listed priorities under the Special Demonstration Programs are specifically authorized by the Act. Others are based on current trends and needs relative to services for individuals with disabilities and on accepted methods of improving and expanding those services. For example, Replication Projects are included as a priority in these regulations even though there is no corresponding language in the Act. It is anticipated the replication of successful projects will lead to the expansion and improvement of rehabilitation and other services since the replication must pertain to different populations than the original project, such as in different geographical areas or for different disability groups. The replication and expansion of previously successful projects is consistent with the overall purpose of the Special Demonstration Programs.

Pursuant to § 373.6, the Secretary may announce priorities without further public comment. Additional information and requirements pertinent to the priorities would be announced in the **Federal Register** and in the application package for a given competition. These requirements would be based on the needs identified by the Secretary at the time of publication of the **Federal Register** announcement.

Section 373.11—Other Factors Considered by the Secretary

These proposed regulations would inform the potential applicant of information the Secretary may consider, in addition to the peer review scores, when making an award.

Section 373.20—Match

Although match is not a requirement under the Act, the Secretary may decide to institute a matching requirement and publish the requirement in the **Federal Register** when announcing a competition under the Special Demonstration Programs. The required match would not exceed 10 percent of the total project costs. The matching funds may be provided in cash or in-kind.

Section 373.21—Reporting Requirements

Under section 306 of the Act, the Secretary may require that recipients of grants under this title submit information, including data, necessary to measure project outcomes and performance, including any data needed to comply with the Government Performance and Results Act of 1993 (GPRA). Government agencies are required to establish performance indicators to be used in measuring or assessing the relevant results, service levels, and outcomes of each program, such as the Special Demonstration Programs. These performance indicators would allow Congress to identify waste and inefficiency, as well as strong performance results in Federal programs. The Department is developing a uniform data collection instrument for use by grantees under this program in the future. This instrument will be published in the **Federal Register** for public comment. The inclusion of § 373.21 emphasizes the authority for the Secretary to require needed information.

Section 373.22—Limits on Indirect Costs

The Secretary is proposing to limit indirect cost reimbursement for grants under this program to the recipient's actual indirect costs, as determined by its negotiated indirect cost rate agreement, or 10 percent of the total direct cost base, whichever amount is less. This would allow maximum use of program funds to serve individuals with disabilities. The Secretary does not believe that this would adversely affect potential applicants under this program.

Section 373.23—Additional Requirements

Additional requirements for grantees are listed in § 373.23 which, with the exception of paragraph (a)(4) of this section, are required by the Act or have historically been required in regulations pertaining to the Special Demonstration Programs. Evaluative information required by paragraph (a)(4) of this section would be important in determining any significant impact Special Demonstration projects have on services to individuals with disabilities and in identifying the outcomes and benefits of a project as other organizations consider replication. In addition, evaluative information would be important as the Secretary considers future funding of individual grantees. Paragraph (b) of this section restates the prohibition on the awarding of subgrants included in the *Education Department General Administrative Regulations* in 34 CFR 75.708. The Secretary believes the requirement should be emphasized here to enhance clarity for grantees regarding applicable regulations.

Goals 2000: Educate America Act

The Goals 2000: Educate America Act (Goals 2000) focuses the Nation's education reform efforts on the eight National Education Goals and provides a framework for meeting them. Goals 2000 promotes new partnerships to strengthen schools and expands the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve the goals.

These proposed regulations would address the National Education Goal that every adult American will possess the knowledge and skills necessary to compete in a global economy. These proposed regulations would further the objectives of this Goal by implementing programs to provide vocational rehabilitation services and other services to provide increased employment opportunities for individuals with disabilities.

Clarity of the Regulations

Executive Order 12866 and the President's Memorandum of June 1, 1998, on "Plain Language in Government Writing" require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections? (A "section" is preceded by the symbol "§" and a numbered heading; for example, *§ 373.10 What selection criteria does the Secretary use?*
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

Send any comments that concern how the Department could make these proposed regulations easier to understand to the person listed in the **ADDRESSES** section of the preamble.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. The proposed regulations would provide funding to organizations to meet the needs of individuals with disabilities through discretionary grants.

Paperwork Reduction Act of 1995

These proposed regulations do not contain any information collection requirements.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Assessment of Educational Impact

The Secretary particularly requests comments on whether these proposed

regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

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

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

(Catalog of Federal Domestic Assistance Number 84.235 Special Demonstration Programs)

List of Subjects in 34 CFR Part 373

Grant programs—education, Vocational rehabilitation.

Dated: June 19, 2000.

Curtis L. Richards,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

For the reasons discussed in the preamble, the Secretary proposes to amend title 34 of the Code of Federal Regulations by adding a new part 373 to read as follows:

PART 373—SPECIAL DEMONSTRATION PROGRAMS

Subpart A—General

Sec.

Subpart B—How Does the Secretary Make a Grant?

Subpart C—What Conditions Must Be Met by a Grantee?

Authority: 29 U.S.C. 773(b), unless otherwise noted.

Subpart A—General

§ 373.1 What is the purpose of the Special Demonstration Programs?

The purpose of this program is to provide competitive grants to, or enter into contracts with, eligible entities to expand and improve the provision of rehabilitation and other services authorized under the Rehabilitation Act of 1973, as amended (Act), or to further the purposes and policies in sections 2(b) and (c) of the Act by supporting activities that increase the provision, extent, availability, scope, and quality of rehabilitation services under the Act, including related research and evaluations activities.

(Authority: 29 U.S.C. 701(b) and (c), 711(c), and 773(b))

§ 373.2 Who is eligible for assistance?

(a) The following types of organizations are eligible for assistance under this program:

(1) State vocational rehabilitation agencies.

(2) Community rehabilitation programs.

(3) Indian tribes or tribal organizations.

(4) Other public or nonprofit agencies or organizations, including institutions of higher education.

(5) For-profit organizations, if the Secretary considers them to be appropriate.

(6) Consortia that meet the requirements of 34 CFR 75.128 and 75.129.

(7) Other organizations identified by the Secretary and published in the **Federal Register**.

(b) In competitions held under this program, the Secretary may limit competitions to one or more types of these organizations.

(Authority: 29 U.S.C. 711(c) and 773(b)(2)

§ 373.3 What regulations apply?

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(6) 34 CFR part 81 (General Education Provisions Act—Enforcement).

(7) 35 CFR part 82 (New Restrictions on Lobbying).

(8) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(9) 34 CFR part 86 (Drug and Alcohol Abuse Prevention).

(10) 34 CFR part 97 (Protection of Human Subjects).

(11) 34 CFR part 98 (Student Rights in Research, Experimental Programs, and Testing).

(12) 34 CFR part 99 (Family Educational Rights and Privacy).

(b) The regulations in this part 373.

(c) The regulations in 48 CFR part 31 (Contracts Cost Principles and Procedures).

(Authority: 29 U.S.C. 711(c))

§ 373.4 What definitions apply?

The following definitions apply to this part:

Act means the Rehabilitation Act of 1973, as amended.

(Authority: 29 U.S.C. 701 *et seq.*)

Early intervention means a service delivery or model demonstration program for adults with disabilities designed to begin the rehabilitation services as soon as possible after the onset or identification of actually or potentially disabling conditions. The populations served may include, but are not limited to, the following:

(a) Individuals with chronic and progressive diseases that may become more disabling, such as multiple sclerosis, progressive visual disabilities, or HIV positive.

(b) Individuals in the acute stages of injury or illness, including, but not limited to, diabetes, traumatic brain injury, stroke, burns, or amputation.

(Authority: 29 U.S.C. 711(c))

Employment outcome is defined in 34 CFR 361.5.

(Authority: 29 U.S.C. 711(c))

Informed choice means the provision of activities whereby individuals with disabilities served by projects under this part have the opportunity to be active, full partners in the rehabilitation process, making meaningful and informed choices as follows:

(a) During assessments of eligibility and vocational rehabilitation needs.

(b) In the selection of employment outcomes, services needed to achieve the outcomes, entities providing these services, and the methods used to secure these services.

(Authority: 29 U.S.C. 711(c))

Individual with a disability is defined as follows:

(a) For an individual who will receive rehabilitation services under this part, an individual with a disability means an individual—

(1) Who has a physical or mental impairment which, for that individual, constitutes or results in a substantial impediment to employment; and

(2) Who can benefit in terms of an employment outcome from vocational rehabilitation services.

(b) For all other purposes of this part, an individual with a disability means an individual—

(1) Who has a physical or mental impairment that substantially limits one or more major life activities;

(2) Who has a record of such an impairment; or

(3) Who is regarded as having such an impairment.

(c) For purposes of paragraph (b) of this definition, projects that carry out services or activities pertaining to Title V of the Act must also meet the requirements for "an individual with a disability" in section 7(20)(c) through (e) of the Act, as applicable.

(Authority: 29 U.S.C 705(20)(A) and (B))

Individual with a significant disability means an individual—

(a) Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle-cell anemia, specific learning disabilities, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

(Authority: 29 U.S.C. 705(21)(A))

Rehabilitation services means services provided to an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual. Rehabilitation services for an individual with a disability may include—

(a) An assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

(b) Counseling and guidance, including information and support services to assist an individual in exercising informed choice;

(c) Referral and other services to secure needed services from other agencies;

(d) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

(e) Vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials;

(f) Diagnosis and treatment of physical and mental impairments;

(g) Maintenance for additional costs incurred while the individual is receiving services;

(h) Transportation;

(i) On-the-job or other related personal assistance services;

(j) Interpreter and reader services;

(k) Rehabilitation teaching services, and orientation and mobility services;

(l) Occupational licenses, tools, equipment, and initial stocks and supplies;

(m) Technical assistance and other consultation services to conduct market analysis, develop business plans, and otherwise provide resources to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;

(n) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;

(o) Transition services for individuals with disabilities that facilitate the achievement of employment outcomes;

(p) Supported employment services;

(q) Services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome;

(r) Post-employment services necessary to assist an individual with a disability to retain, regain, or advance in employment; and

(s) Expansion of employment opportunities for individuals with disabilities, which includes, but is not limited to—

(1) Self-employment, business ownership, and entreprenuership;

(2) Non-traditional jobs, professional employment, and work settings;

(3) Collaborating with employers, Economic Development Councils, and others in creating new jobs and career advancement options in local job markets through the use of job restructuring and other methods; and

(4) Other services as identified by the Secretary and published in the **Federal Register**.

(Authority: 29 U.S.C. 711(c) and 723(a))

Substantial impediment to employment means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's capacities and abilities.

(Authority: 29 U.S.C. 705(20)(A))

Youth or Young adult with disabilities means individuals with disabilities who are between the ages of 16 and 26 inclusive when entering the program.

(Authority: 29 U.S.C. 711(c) and 723(a))

§ 373.5 Who is eligible to receive services and to benefit from activities conducted by eligible entities?

(a)(1) For projects that provide rehabilitation services or activities to expand and improve the provision of rehabilitation services and other services authorized under Titles I, III, and VI of the Act, individuals are eligible who meet the definition in paragraph (a) of an "individual with a disability" as stated in § 373.4.

(2) For projects that provide independent living services or activities,

individuals are eligible who meet the definition in paragraph (b) of an "individual with a disability" as stated in § 373.4.

(3) For projects that provide other services or activities that further the purposes of the Act, individuals are eligible who meet the definition in paragraph (b) of an "individual with a disability" as stated in § 373.4.

(b) By publishing a notice in the **Federal Register**, the Secretary may identify individuals determined to be eligible under one or more of the provisions in paragraph (a) of this section.

(Authority: 29 U.S.C. 711(c) and 723(a))

§ 373.6 What are the priorities and other factors and requirements for competitions?

(a)(1) In making an award, the Secretary may limit competitions to, or otherwise give priority to, one or more of the priority projects listed in paragraph (b) of this section that are identified by the Secretary and published in a notice in the **Federal Register**.

(2) The Secretary also will identify in the notice the following:

(i) Specific required priority project activities authorized under section 303 of the Act that the applicant must conduct for the priority project to be approved for funding.

(ii) Any of the additional factors listed in paragraph (c) of this section that the Secretary may consider in making an award.

(b) Priority projects are as follows:

(1) Special projects of service delivery.

(2) Model demonstration.

(3) Technical assistance.

(4) Systems change.

(5) Special studies, research, or evaluations.

(6) Dissemination and utilization.

(7) Replication.

(8) Special projects and demonstration of service delivery for adults who are low-functioning and deaf or low-functioning and hard of hearing.

(9) Supported employment.

(10) Model transitional rehabilitation services for youth and young adults with disabilities.

(11) Expansion of employment opportunities for individuals with disab1ilities, as authorized in paragraph (s) of the definition of "rehabilitation services" as stated in § 373.4.

(12) Projects to promote meaningful access of individuals with disabilities to employment-related services under Title I of the Workforce Investment Act of 1998 and under other Federal laws.

(13) Innovative methods of promoting achievement of high-quality employment outcomes.

(14) The demonstration of the effectiveness of early intervention activities in improving employment outcomes.

(15) Projects to find alternative methods of providing affordable transportation services to individuals with disabilities.

(16) Other projects that will expand and improve the provision, extent, availability, scope, and quality of rehabilitation and other services under the Act or that further the purpose and policy of the Act as stated in section 2(b) and (c) of the Act.

(c) The Secretary may identify and publish in the **Federal Register** for specific projects listed in paragraph (b) of this section one or more of the following factors, including any specific elements defining any factor (*e.g.*, the Secretary may identify ages 16 through 21 to be the specific age range for a particular competition):

(1) Specific stages of the rehabilitation process.

(2) Unserved and underserved populations.

(3) Unserved and underserved geographical areas.

(4) Individuals with significant disabilities.

(5) Low-incidence disability populations.

(6) Individuals residing in federally designated Empowerment Zones and Enterprise Communities.

(7) Types of disabilities.

(8) Specific age ranges.

(9) Other specific populations and geographical areas.

(d) The Secretary may require that an applicant certify that the project does not include building upon or expanding activities that have previously been conducted or funded, for that applicant or in that service area.

(e) The Secretary may require that the project widely disseminate the methods of rehabilitation service delivery or model proven to be effective, so that they may be adapted, replicated, or purchased under fee-for-service arrangements by State vocational rehabilitation agencies and other disability organizations in the project's targeted service area or other locations.

(Authority: 29 U.S.C. 711(c) and 773(b)(4) and (5))

Subpart B—How Does the Secretary Make a Grant?

§ 373.10 What selection criteria does the Secretary use?

The Secretary publishes in the **Federal Register** or includes in the application package the selection criteria for each competition under this program. To evaluate the applications for new grants under this program, the Secretary may use the following:

(a) Selection criteria established under 34 CFR 75.209.

(b) Selection criteria in 34 CFR 75.210.

(c) Any combination of selection criteria from paragraphs (a) and (b) of this section.

(Authority: 29 U.S.C. 711(c) and 723(a))

§ 373.11 What other factors does the Secretary consider when making a grant?

(a) The Secretary funds only those applications submitted in response to competitions announced in the **Federal Register**.

(b) The Secretary may consider the past performance of the applicant in carrying out activities under previously awarded grants.

(c) The Secretary awards bonus points if identified and published in the **Federal Register** for specific competitions.

(Authority: 29 U.S.C. 711(c) and 723(a))

Subpart C—What Conditions Must Be Met By a Grantee?

§ 373.20 What are the matching requirements?

The Secretary may make grants to pay all or part of the cost of activities covered under this program. If the Secretary determines that the grantee is required to pay part of the costs, the amount of grantee participation is specified in the application notice, and the Secretary will not require grantee participation to be more than 10 percent of the total cost of the project.

(Authority: 29 U.S.C. 711(c) and 723(a))

§ 373.21 What are the reporting requirements?

(a) In addition to the program and fiscal reporting requirements in EDGAR that are applicable to projects funded under this program, the Secretary may require that recipients of grants under this part submit information determined by the Secretary to be necessary to measure project outcomes and performance, including any data needed to comply with the Government Performance and Results Act.

(b) Specific reporting requirements for competitions will be identified by the Secretary and published in the **Federal Register**.

(Authority: 29 U.S.C. 711(c) and 776)

§ 373.22 What are the limitations on indirect costs?

(a) Indirect cost reimbursement for grants under this program is limited to the recipient's actual indirect costs, as

determined by its negotiated indirect cost rate agreement, or 10 percent of the total direct cost base, whichever amount is less.

(b) Indirect costs in excess of the 10 percent limit may be used to satisfy matching or cost-sharing requirements.

(c) The 10 percent limit does not apply to federally recognized Indian tribal governments and their tribal representatives.

(Authority: 29 U.S.C. 711(c))

§ 373.23 What additional requirements must be met?

(a) Each grantee must do the following:

(1) Ensure equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disabilities.

(2) Encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disabilities.

(3) Advise individuals with disabilities who are applicants for or recipients of the services, or the applicants' representatives or the individuals' representatives, of the availability and purposes of the Client Assistance Program, including information on means of seeking assistance under that program.

(4) Provide, through a careful appraisal and study, an assessment and evaluation of the project that indicates the significance or worth of processes, methodologies, and practices implemented by the project.

(b) A grantee may not make a subgrant under this part. However, a grantee may contract for supplies, equipment, and other services, in accordance with 34 CFR part 74, subpart C—Post-Award Requirements, Procurement Standards.

(Authority: 29 U.S.C. 711(c) and 717)

§ 373.24 What are the special requirements pertaining to the protection, use, and release of personal information?

(a) All personal information about individuals served by any project under this part, including lists of names, addresses, photographs, and records of evaluation, must be confidential.

(b) The use of information and records concerning individuals must be limited only to purposes directly connected with the project, including project reporting and evaluation activities. This information may not be disclosed, directly or indirectly, other than in the administration of the project unless the consent of the agency providing the information and the individual to whom the information applies, or his or her representative, has been obtained in writing. The Secretary or other Federal officials responsible for enforcing legal requirements have access to this information without written consent being obtained. The final products of the project may not reveal any personal identifying information without written consent of the individual or his or her representative.

(Authority: 29 U.S.C. 711(c))

[FR Doc. 00–15863 Filed 6–22–00: 8:45 am]
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Federal Register

Friday,
June 23, 2000

Part IV

Department of Transportation

Coast Guard

33 CFR Part 157
Oil Pollution Act of 1990 Phase-out Requirements for Single Hull Tank Vessels; Final Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 157

[USCG–1999–6164]

RIN 2115–AF86

Oil Pollution Act of 1990 Phase-out Requirements for Single Hull Tank Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard clarifies the regulations for determining phase-out dates for single hull tank vessels under the Oil Pollution Act of 1990 (OPA 90). This rule codifies our policy published on April 21, 1999, that states that conversion of a single hull tank vessel to add only double sides or only a double bottom after August 18, 1990, will not change the vessel's scheduled phase-out date under OPA 90.

DATES: This final rule is effective July 24, 2000.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–1999–6164 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, please contact Mr. Bob Gauvin, Project Manager, Office of Operating and Environmental Standards, Commandant (G–MSO–2), U.S. Coast Guard, telephone 202–267–1053. For questions on viewing the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Section 4115 of the Oil Pollution Act of 1990 (OPA 90), (Pub. L. 101–380, August 18, 1990) amended Title 46, United States Code (U.S.C.), by adding a new section 3703a. This section contains the double hull requirements and phase-out schedule for single hull tank vessels operating in U.S. waters. It requires an owner to remove a single hull tank vessel from bulk oil service on a specific date, depending on the vessel's gross tonnage, build date, and hull configuration. The phase-out schedule allows more years of service for single hull tank vessels that have been configured to include double sides or a double bottom than for ones without these hull configurations.

The OPA 90 timetable for double hull requirements for single hull tank vessels is set out in 33 CFR part 157, Appendix G. Neither OPA 90 nor our regulations address if, or when, a vessel owner can convert a single hull tank vessel to include only double sides or only a double bottom to change its phase-out date. As a result, some vessel owners asked the Coast Guard to clarify the types of vessel conversions permitted and their associated effect on phase-out dates.

The Coast Guard published a request for comments on this issue in the **Federal Register** (63 FR 63768) on November 16, 1998. The notice encouraged interested persons to provide written comments, information, opinions and arguments on whether single hull tank vessels that were converted to add double sides or a double bottom should use the newer hull configuration for determining their OPA 90 phase-out date. The comment period ended on January 15, 1999, and there were 32 submissions to the docket.

After reviewing the comments received, the Coast Guard published a notice of policy in the **Federal Register** (64 FR 19575) on April 21, 1999. The notice stated that changing the hull configuration of a single hull tank vessel to a single hull tank vessel with only double sides or only a double bottom after August 18, 1990, would not result in a change to the tank vessel's original phase-out date required by 46 U.S.C. 3703a. The notice also stated that a rulemaking would be initiated to make appropriate changes to the double hull regulations in 33 CFR part 157 and that we would revise Navigation and Vessel Inspection Circular No. 10–94, consistent with this policy.

On October 9, 1999, the Department of Transportation and Related Agencies Appropriation Act of 2000 (Pub. L. 106–69 (113 Stat. 986)) was enacted. Section 344 of the Act prohibits the Coast Guard from obligating or expending funds to grant extensions of existing single hull tank vessels' phase-out dates under 46 U.S.C. 3703a. This legislation is consistent with our April 21, 1999, policy statement and requires no change to that policy.

Regulatory History

On January 18, 2000, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (65 FR 2812) and requested comments during the 90-day comment period. We received five comments and all supported the Coast Guard's efforts.

Discussion of Rule

The Coast Guard revises two notes to the regulations presently in 33 CFR part 157. The first note follows § 157.10d(a){4). The second note is at the end of the phase-out schedule in 33 CFR part 157, Appendix G. Both notes state that an existing single hull tank vessel's configuration (i.e., single hull; single hull with double sides; or single hull with a double bottom) on August 18, 1990, is the configuration to be used to determine the vessel's phase-out date under the statute. Conversion of a single hull vessel with no double hull attributes, by adding only double sides or only a double bottom after that date, cannot be used to calculate a different single hull tank vessel phase-out date.

If a single hull tank vessel was originally constructed with only double sides or only a double bottom and you convert that tank vessel by adding a full double hull that meets the requirements of 33 CFR 157.10d, the converted vessel will then be considered a double hull tank vessel. The new double hull tank vessel will no longer be subject to the phase-out requirements of 33 CFR part 157, Appendix G. A conversion to a double hull tank vessel which meets the requirements of § 157.10d, is not considered an exemption, exception, or waiver of the phase-out requirements of OPA 90 for single hull tank vessels.

The notes do not change the effect of the definition of *major conversion* in 33 CFR 157.03. The alteration of a single hull tank vessel with only double sides or only a double bottom is not a major conversion. Nor do these types of conversions affect the original phase-out date of a single hull tank vessel in 33 CFR part 157, Appendix G. The alteration of a single hull tank vessel to be completely double hulled is not a major conversion. After conversion to a double hull meeting the requirements of 33 CFR part 157, the tank vessel will no longer be subject to the single hull tank vessel phase-out schedule of 33 CFR part 157, Appendix G.

Discussion of Comments and Changes

We received 5 letters to the docket in response to our NPRM. No public meeting was requested and none was held.

All five comments support the Coast Guard's proposed rule. No changes were made to the proposed rule.

One comment urged the Coast Guard to revise Navigation and Vessel Inspection Circular (NVIC) No. 10–94 to reflect this rule and provide the public

an opportunity to comment on the NVIC. As stated in the NPRM, the Coast Guard will issue a change to NVIC 10–94.

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 it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979).

Since this action clarifies the Coast Guard's existing regulatory requirements and does not alter our previous policy on OPA 90 phase-out requirements, we expect no economic impact from this rule and a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. We received no comments regarding the costs and benefits of this rulemaking.

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 reviewed the effects of this rule when publishing its notice of enforcement policy in the **Federal Register** (64 FR 19575) on April 21, 1999. It is expected that this rule, like the policy, will not alter the impact to small entities or any other entity affected by the original OPA 90 phase-out requirements in 33 CFR part 157, Appendix G. No single hull tank vessel owned by a small entity or any other entity has been given an extension of its phase-out period by the Coast Guard after August 18, 1990, due to adding a double bottom or double sides to an existing single hull configuration. We received no comments regarding the impact on small entities from this rulemaking.

Therefore, 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.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult with: Mr. Bob Gauvin, Project Manager, Office of Operating and Environmental Standards, Commandant (G–MSO–2), U.S. Coast Guard, at 202–267–1053, by facsimile 202–267–4570, or by email at rgauvin@comdt.uscg.mil.

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).

Impact on Federalism

This final rule revises the regulations at 33 CFR 157.10d addressing the phase-out requirements for single hull tank vessels. We have analyzed this final rule in accordance with the principles and criteria contained in Executive Order (E.O.) 13132. It is well settled that States are preempted from establishing any requirements for tank vessels in the categories of design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning. See the decision of the Supreme Court in the consolidated cases of *United States* v. *Locke* and *Intertanko* v. *Locke* ____ U.S. ____, 120 S. Ct. 1135 (March 6, 2000). Thus, this entire rule falls within preempted categories. Because States may not promulgate regulations within the categories discussed above, preemption is not an issue under E.O. 13132. We received no comments regarding the impact of Federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule would 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. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this rule and concluded that preparation of an Environmental Impact Statement is not necessary. The regulatory clarifications proposed by this rule do not change the original assessment to the environment completed when the OPA 90 phase-out regulations in 33 CFR 157 were published. This rule is consistent with the Coast Guard's actions of the OPA 90 phase-out schedule since its enactment on August 18, 1990. We are, therefore, relying upon that Environmental Assessment (EA) and a new Finding of No Significant Impact (FONSI). These documents are available in the docket where indicated under **ADDRESSES.** We received no comments on our EA and draft FONSI.

List of Subjects in 33 CFR Part 157

Cargo vessels, Oil pollution, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 157 as follows:

PART 157—RULES FOR THE PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN BULK

1. The authority citation for part 157 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3703, 3703a (note); 49 CFR 1.46. Subparts G, H, and I are also issued under section 4115(b), Pub. L. 101–380, 104 Stat. 520; Pub. L. 104–55, 109 Stat. 546.

2. Revise the note following § 157.10d(a)(4) to read as follows:

§ 157.10d Double hulls on tank vessels.

(a) * * *

(4) * * *

Note: The double hull compliance dates of 46 U.S.C. 3703a(c) are set out in Appendix G to this part. To determine a tank vessel's double hull compliance date under OPA 90, use the vessel's hull configuration (*i.e.*, single hull; single hull with double sides; or single hull with double bottom) on August 18, 1990.

* * * * *

3. Revise the note at the end of Appendix G to read as follows:

Appendix G—Timetables for Application of Double Hull Requirements

* * * * *

Note: Double sides and double bottoms must meet the requirements in § 157.10d(c) or (d), as appropriate. A vessel will be considered to have a single hull if it does not have double sides and a double bottom that meet the requirements in § 157.10d(c) and § 157.10d(d). To determine a tank vessel's double hull compliance date under OPA 90, use the vessel's hull configuration (*i.e.*, single hull; single hull with double sides; or single hull with double bottom) on August 18, 1990. The conversion of a single hull tank vessel to include only double sides or only a double bottom after August 18, 1990, will not result in a change of the vessel's originally scheduled phase-out date. The conversion of a single hull tank vessel to a double hull tank vessel meeting the requirements of § 157.10d complies with OPA 90.

Dated: June 19, 2000.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 00–15955 Filed 6–22–00; 8:45 am]

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Federal Register

Friday,
June 23, 2000

Part V

Environmental Protection Agency

National Advisory Committee for Acute Exposure Guideline Levels (AEGLs) for Hazardous Substances, Proposed AEGL Values; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00293; FRL–6591–2]

National Advisory Committee for Acute Exposure Guideline Levels (AEGLs) for Hazardous Substances; Proposed AEGL Values

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) is developing AEGLs on an ongoing basis to provide Federal, State, and local agencies with information on short-term exposures to hazardous chemicals. This notice provides AEGL values and Executive Summaries for 14 chemicals for public review and comment. Comments are welcome on both the AEGL values in this notice and the Technical Support Documents placed in the public version of the official docket for these 14 chemicals.

DATES: Comments, identified by the docket control number OPPTS–00293, must be received by EPA on or before July 24, 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. of the "SUPPLEMENTARY INFORMATION." To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00293 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Paul S. Tobin, Designated Federal Officer (DFO), Office of Prevention, Pesticides and Toxic Substances (7406), 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–1736; e-mail address: tobin.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the general public to provide an opportunity for review and comment on "Proposed" AEGL values and their supporting scientific rationale. This action may be of particular interest to anyone who may be affected if the AEGL values are adopted by government agencies for emergency planning, prevention, or response programs, such as EPA's Risk Management Program under the Clean Air Act (CAA) and Amendments Section 112r. It is possible that other Federal agencies besides EPA, as well as State and Local agencies and private organizations, may adopt the AEGL values for their programs. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under "FOR FURTHER INFORMATION CONTACT."

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" 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. *In person.* The Agency has established an official record for this action under docket control number OPPTS–00293. 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 TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

3. *Fax-on-Demand.* You may request to receive a faxed copy of the document(s) by using a faxphone to call (202) 401–0527 and select the item number 4800 for an index of the items available by fax-on-demand in this category, or select the item number for the document related to the chemical(s) identified in this document as listed in the chemical table in Unit III. You may also follow the automated menu.

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 OPPTS–00293 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: OPPT Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. For express delivery, use the address in Unit I.C.2.

2. *In person or by courier.* Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically.* You may submit your comments electronically by e-mail to: "oppt.ncic@epa.gov," or mail your computer disk to the address identified above. 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 disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control numbers OPPTS–00293. 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 official notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed 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 that 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 proposed notice.
7. Make sure to submit your comments by the deadline in this document.
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. Introduction

EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) provided notice in the **Federal Register** of October 31, 1995 (60 FR 55376) (FRL–4987–3) of the establishment of the NAC/AEGL Committee with the stated charter objective as "the efficient and effective development of Acute Exposure Guideline Levels (AEGLs) and the preparation of supplementary qualitative information on the hazardous substances for federal, state, and local agencies and organizations in the private sector concerned with [chemical] emergency planning, prevention, and response." The NAC/AEGL Committee is a discretionary Federal advisory committee formed with the intent to develop AEGLs for chemicals through the combined efforts of stakeholder members from both the public and private sectors in a cost-effective approach that avoids duplication of efforts and provides uniform values, while employing the most scientifically sound methods available. An initial priority list of 85 chemicals for AEGL development was published in the **Federal Register** of May 21, 1997 (62 FR 27734) (FRL–5718–9). This list is intended for expansion and modification as priorities of the stakeholder member organizations are further developed. While the development of AEGLs for chemicals are currently not statutorily based, at lease one rulemaking references their planned adoption. The CAA and Amendments Section 112(r) Risk Management Program states, "EPA recognizes potential limitations associated with the Emergency Response Planning Guidelines and Level of Concern and is working with other agencies to develop AEGLs. When these values have been developed and peer-reviewed, EPA intends to adopt them, through rulemaking, as the toxic endpoint for substances under this rule (see 61 FR 31685)." It is believed that other Federal and State agencies and private organizations will also adopt AEGLs for chemical emergency programs in the future.

B. Characterization of the AEGLs

The AEGLs represent threshold exposure limits for the general public and are applicable to emergency exposure periods ranging from 10 mins. to 8 hrs. AEGL–2 and AEGL–3 levels, and AEGL–1 levels as appropriate, will be developed for each of five exposure periods (10 and 30 mins., 1 hr., 4 hrs., and 8 hrs.) and will be distinguished by varying degrees of severity of toxic effects. It is believed that the recommended exposure levels are applicable to the general population including infants and children, and other individuals who may be sensitive and susceptible. The AEGLs have been defined as follows:

AEGL–1 is the airborne concentration (expressed as parts per million (ppm) or milligrams/meter cubed (mg/m^3) of a substance above which it is predicted that the general population, including susceptible individuals, could experience notable discomfort, irritation, or certain asymptomatic, non-sensory effects. However, the effects are not disabling and are transient and reversible upon cessation of exposure.

AEGL–2 is the airborne concentration (expressed as ppm or mg/m^3) of a substance above which it is predicted that the general population, including susceptible individuals, could experience irreversible or other serious, long-lasting adverse health effects or impaired ability to escape.

AEGL–3 is the airborne concentration (expressed as ppm or mg/m^3) of a substance above which it is predicted that the general population, including susceptible individuals, could experience life-threatening effects or death.

Airborne concentrations below the AEGL–1 represent exposure levels that could produce mild and progressively increasing odor, taste, and sensory irritation, or certain non-symptomatic, non-sensory effects. With increasing airborne concentrations above each AEGL level, there is a progressive increase in the likelihood of occurrence and the severity of effects described for each corresponding AEGL level. Although the AEGL values represent threshold levels for the general public, including sensitive subpopulations, it is recognized that certain individuals, subject to unique or idiosyncratic responses, could experience the effects described at concentrations below the corresponding AEGL level.

C. Development of the AEGLs

The NAC/AEGL Committee develops the AEGL values on a chemical-by-chemical basis. Relevant data and information are gathered from all known sources including published scientific literature, State and Federal agency publications, private industry, public databases and individual experts in both the public and private sectors. All key data and information are summarized for the NAC/AEGL Committee in draft form by Oak Ridge National Laboratories together with "draft" AEGL values prepared in conjunction with NAC/AEGL Committee members. Both the "draft" AEGLs and "draft" Technical Support Documents are reviewed and revised as necessary by the NAC/AEGL Committee members prior to formal NAC/AEGL Committee meetings. Following deliberations on the AEGL values and the relevant data and information for each chemical, the NAC/AEGL Committee attempts to reach a concensus . Once the NAC/AEGL Committee reaches a concensus, the values are considered "Proposed" AEGLs. The Proposed AEGL values and the accompanying scientific rationale for their development are the subject of this notice.

In this document the NAC/AEGL Committee is publishing proposed AEGL values and the accompanying scientific rationale for their development for 14 hazardous substances. These values represent the third set of exposure levels proposed and published by the NAC/AEGL

Committee. EPA published the first "Proposed" AEGLs for 12 chemicals from the initial priority list in the **Federal Register** of October 30, 1997 (62 FR 58840–58851) (FRL–5737–3) and for 10 chemicals in the **Federal Register** of March 15, 2000 (65 FR 14186–14196) (FRL–6492–4) in order to provide an opportunity for public review and comment. In developing the proposed AEGL values, the NAC/AEGL Committee has followed the methodology guidance Guidelines for Developing Community Emergency Exposure Levels for Hazardous Substances, published by the National Research Council of the National Academy of Sciences (NSC/NAS) in 1993. The term Community Emergency Exposure Levels (CEELs) is synonymous with AEGLs in every way. The NAC/AEGL Committee has adopted the term Acute Exposure Guideline Levels to better connote the broad application of the values to the population defined by the NAS and addressed by the NAC/AEGL Committee. The NAC/AEGL Committee invites public comment on the proposed AEGL values and the scientific rationale used as the basis for their development.

Following public review and comment, the NAC/AEGL Committee will reconvene to consider relevant comments, data, and information that may have an impact on the NAC/AEGL Committee's position and will again seek concensus for the establishment of interim AEGL values. Although the interim AEGL values will be available to Federal, State, and local agencies and to organizations in the private sector as biological reference values, it is intended to have them reviewed by a subcommittee of the NAS. The NAS subcommittee will serve as a peer review of the interim AEGLs and as the final arbitor in the resolution of issues regarding the AEGL values, and the data and basic methodology used for setting AEGLs. Following concurrence, "Final" AEGL values will be published under the auspices of the NAS.

III. Fax-On-Demand Item Number for Chemicals Listed in this Document

On behalf of the NAC/AEGL Committee, EPA is providing an opportunity for public comment on the AEGLs for the 14 chemicals identified in the following table. This table also provides the fax-on-demand item number for the chemical specific documents, which may be obtained as described in Unit ?????.

CAS No.	Chemical name	Fax-On-Demand Item No.
75–78–5	Dimethyldichlorosilane	4867
75–79–6	Methyltrichlorosilane	4868
91–08–7 and 584–84–9	2,4- and 2,6-Toluene diisocyanate	4873
107–11–9	Allylamine	4876
107–15–3	Ethylenediamine	4878
108–91–8	Cyclohexylamine	4883
123–73–9 (4170–30–3)	*trans*-Crotonaldehyde (*cis/trans* Crotonaldehyde mixture)	4903
624–83–9	Methyl isocyanate	4898
7647–01–0	Hydrogen chloride	4907
7803–51–2	Phosphine	4923
13463–39–3	Nickel carbonyl	4929
13463–40–6	Iron pentacarbonyl	4930

IV. Executive Summaries

The following are executive summaries from the chemical specific Technical Support Documents (which may be obtained as described in Unit I.B.1 and III.) that support the NAC/AEGL Committee's development of AEGL values for each chemical substance. This information provides the following information: A general description of each chemical, including its properties and principle uses; a summary of the rationale supporting the AEGL–1, 2, and 3 concentration levels; a summary table of the AEGL values; and a listing of key references that were used to develop the AEGL values. More extensive toxicological information and additional references for each chemical may be found in the complete Technical Support Documents. Risk managers may be interested to review the complete Technical Support Document for a chemical when deciding issues related to use of the AEGL values within various programs.

A. Dimethyldichlorosilane

1. *Description.*

Dimethyldichlorosilane is an alkyl-substituted silicon tetrahydride existing as a clear liquid with a sharp acrid odor that is similar to hydrogen chloride (HCl) (HSDB, 1996). Dimethyldichlorosilane is used as a high-purity derivation reagent for gas chromatography (HSDB, 1996) and as an intermediate in the production of silicones that are used as lubricating fluids, resins, and plastic copolymers (Bisesi, 1994). It reacts vigorously with water and decomposes to form HCl and other hydrolysis products (AIHA, 1996). Complete hydrolysis of one mole of dimethyldichlorosilane would yield a maximum of two moles of HCl. Hydrogen chloride is a known respiratory irritant. Data on dimethyldichlorosilane are limited to LC_{50} studies in rats.

In the absence of appropriate chemical-specific data for dimethyldichlorosilane, a modification of the AEGL–1 values for HCl was utilized to derive AEGL–1 values for dimethyldichlorosilane. The use of HCl as a surrogate for dimethyldichlorosilane was deemed appropriate since it is believed that it is the hydrolysis product, HCl, that is responsible for the adverse effect. The HCl AEGL–1 values were based on a no-adverse-effect-level (NOAEL) in exercising asthmatics (Stevens et al., 1992). Since two moles of HCl are produced for every mole of dimethyldichlorosilane hydrolyzed, a modifying factor of 2 was applied to the HCl AEGL–1 values to approximate AEGL–1 values for dimethyldichlorosilane. The AEGL–1 values were held constant for all specified exposure periods since mild irritant effects represent threshold effects and generally do not vary over time.

The AEGL–2 was based on corneal opacity, and grey spots on the lungs of rats exposed to 1,309 ppm dimethyldichlorosilane for 1 hr. (Dow

Corning, 1997a). This level was considered to be the threshold for impairment of escape and the onset of serious long-term effects. An uncertainty factor of 10 was applied to account for interspecies variability since data for dimethyldichlorosilane were available for only one species and an uncertainty factor of 3 was applied to account for sensitive human subpopulations since the irritant effects observed are not likely to vary greatly among individuals. A modifying factor of 3 was applied to account for the sparse database for effects as defined by AEGL–2. Thus, the total uncertainty/modifying factor is 100. The concentration-exposure time relationship for many irritant and systemically acting vapors and gases may be described by $C^n \times t = k$, where the exponent, n, ranges from 0.8 to 3.5 (Ten Berge et al., 1986). Much of the acute toxicity of dimethyldichlorosilane appears to be due to HCl and the value of n reported for HCl is 1 (Ten Berge et al., 1986). Therefore, the exponent n = 1 was used for scaling of the AEGL values for dimethyldichlorosilane across time.

The AEGL–3 was based on the calculated LC_{01} of 1,590 ppm in rats exposed to dimethyldichlorosilane for 1 hr. (Dow Corning, 1997a). An uncertainty factor of 10 was applied to account for interspecies variability since data for dimethyldichlorosilane were available for only one species and an uncertainty factor of 3 was applied to account for sensitive human subpopulations since the irritant effects observed are not likely to vary greatly among individuals. Thus, the total uncertainty factor is 30. The concentration-exposure time relationship for many irritant and systemically acting vapors and gases may be described by $C^n \times t = k$, where the exponent, n, ranges from 0.8 to 3.5 (Ten Berge et al., 1986). Much of the acute toxicity of dimethyldichlorosilane appears to be due to HCl, the dimethyldichlorosilane hydrolysis product, and the value of n for HCl is 1 (Ten Berge et al., 1986). Therefore, the exponent n = 1 was used for scaling of the AEGL values for dimethyldichlorosilane across time.

The calculated values are listed in the table below.

SUMMARY OF PROPOSED AEGL VALUES FOR DIMETHYLDICHLOROSILANE [PPM (MG/M^3)]

Classification	10 mins.	30 mins.	1 hr.	4 hrs.	8 hrs.	Endpoint (Reference)
AEGL–1 (Nondisabling)	0.90 (4.8)	0.90 (4.8)	0.90 (4.8)	0.90 (4.8)	0.90 (4.8)	Modification of HCl AEGL–1 values (USEPA, 1997)
AEGL–2 (Disabling)	78 (410)	26 (140)	13 (69)	3.3 (17)	1.6 (8.5)	Corneal opacity, gray spots on lungs in rats (Dow Corning, 1997a)
AEGL–3 (Lethality)	320 (1700)	110 (560)	53 (280)	13 (69)	6.6 (35)	1 hr. LC_{01} in rats (Dow Corning, 1997a)

2. *References*—i. AIHA (American Industrial Hygiene Association). 1996. Emergency Response Planning Guidelines. Dimethyldichlorosilane. AIHA, Fairfax, VA.

ii. Bisesi, M.S. 1994. Organic Silicon Esters. *Patty's Industrial Hygiene and Toxicology*. Fourth Ed. Vol. II, Part D. G.D. Clayton and F.E. Clayton, Eds. pp. 3096–3101.

iii. Dow Corning. 1997a. An acute whole body inhalation toxicity study of dimethyldichlorosilane in Fischer 344 rats. Report No. 1997–I0000–43381. Study No. 8487. *Dow Corning Corporation. Health and Environmental Sciences*. Midland, MI.

iv. HSDB (Hazardous Substances Data Bank). 1996. Dimethyldichlorosilane. Retrieved online 7–22–96.

v. Stevens, B., Koenig, J.Q., Rebolledo, V., Hanley, Q.S., and Covert, D.S. 1992. Respiratory effects from the inhalation of hydrogen chloride in young adult asthmatics. *Journal of Occupational Medicine*. 34:923–929.

vi. Ten Berge, W.F., Zwart, A., and Appleman, L.M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. 13:301–309.

vii. USEPA (United States Environmental Protection Agency). 1997. Acute exposure guideline levels (AEGLs) for hydrogen chloride (NAC/PRO Draft 3:7/97).

B. Methyltrichlorosilane

1. *Description*. Methyltrichlorosilane is an alkyl-substituted silicon tetrahydride existing as a clear liquid with a sharp acrid odor that is similar to HCl (HSDB, 1997). Methyltrichlorosilane is used as an intermediate in the production of silicones that are used as lubricating fluids, resins, and plastic copolymers (Bisesi, 1994). It reacts vigorously with water and may decompose to form three moles of HCl for every mole of methyltrichlorosilane (AIHA, 1996). Hydrogen chloride is a known respiratory irritant. Data on methyltrichlorosilane are limited to 1-hr. and 4-hr. LC_{50} studies in rats.

In the absence of relevant chemical-specific data for methyltrichlorosilane, AEGL a modification of the AEGL–1 values for HCl was utilized to derive AEGL–1 values for methyltrichlorosilane. The use of HCl as a surrogate for methyltrichlorosilane was deemed appropriate since it is believed that it is the hydrolysis product, HCl, that is responsible for the adverse effect. The HCl AEGL–1 values were based on a NOAEL in exercising asthmatics (Stevens et al., 1992). Since three moles of HCl are produced for every mole of methyltrichlorosilane hydrolyzed, a modifying factor of 3 was applied to the HCl AEGL–1 values to approximate AEGL–1 values for methyltrichlorosilane. The AEGL–1 values were held constant for all specified exposure periods since mild irritant effects represent threshold effects and generally do not vary over time.

The AEGL–2 was based on ocular opacity, clear fluid around the eyes, nose, and mouth, nasal staining, and hunched posture observed in rats exposed to 622 ppm methyltrichlorosilane for 1 hr. (Dow Corning, 1997a). This level was considered to be the threshold for impairment of escape and the onset of serious long-term effects. An uncertainty factor of 10 was applied to these data to account for interspecies variability since data for methyltrichlorosilane were available for only one species and an uncertainty factor of 3 was applied to account for sensitive human subpopulations since the irritant effects observed are not likely to vary greatly among individuals. A modifying factor of 3 was applied to account for the sparse database for effects as defined by AEGL–2. Thus, the total uncertainty/modifying factor is 100. The concentration-exposure time relationship for many irritant and systemically acting vapors and gases may be described by $C^n \times t = k$, where the exponent, n, ranges from 0.8 to 3.5 (Ten Berge et al., 1986). Much of the acute toxicity of methyltrichlorosilane appears to be due to HCl and the value

of n reported for HCl is 1 (Ten Berge et al., 1986). Therefore, the exponent n = 1 was used for scaling of the AEGL values for methyltrichlorosilane across time.

The AEGL–3 was based on the calculated LC_{01} of 844 ppm in rats exposed to methyltrichlorosilane for 1 hr. (Dow Corning, 1997a). An uncertainty factor of 10 was applied to account for interspecies variability since data were available for only one species and an uncertainty factor of 3 was applied to account for sensitive human subpopulations since the irritant effects observed are not likely to vary greatly among individuals. Thus, the total uncertainty/ modifying factor is 30. The concentration-exposure time relationship for many irritant and systemically acting vapors and gases may be described by $C^n \times t = k$, where the exponent, n, ranges from 0.8 to 3.5 (Ten Berge et al., 1986). Much of the acute toxicity of methyltrichlorosilane appears to be due to HCl and the value of n reported for HCl is 1 (Ten Berge et al., 1986). Therefore, the exponent n = 1 was used for scaling of the AEGL values for methyltrichlorosilane across time.

The calculated values are listed in the following table.

PROPOSED AEGL VALUES FOR METHYLTRICHLOROSILANE [PPM (MG/M^3)]

Classification	10 mins.	30 mins.	1 hr.	4 hrs.	8 hrs.	Endpoint (Reference)
AEGL–1 (Nondisabling)	0.60 (3.7)	0.60 (3.7)	0.60 (3.7)	0.60 (3.7)	0.60 (3.7)	Modification of HCl AEGL–1 values (USEPA, 1997)
AEGL–2 (Disabling)	37 (230)	12 (73)	6.2 (38)	1.6 (9.8)	0.78 (4.8)	Ocular opacity, irritation and hunched posture in rats (Dow Corning, 1997a)
AEGL–3 (Lethality)	170 (1000)	56 (340)	28 (170)	7.0 (43)	3.5 (21)	1 hr. LC_{01} in rats (Dow Corning, 1997a)

2. *References*—i. AIHA. 1996. Emergency Response Planning Guidelines. Methyltrichlorosilane. AIHA, Fairfax, VA,

ii. Bisesi, M.S. 1994. Organic Silicon Esters. *Patty's Industrial Hygiene and Toxicology.* Fourth Ed. Vol II, Part D. G.D. Clayton and F.E. Clayton, Eds. pp. 3096–3101.

iii. Dow Corning. 1997a. An acute whole body inhalation toxicity study of methyltrichlorosilane in Fischer 344 rats. Report No. 1997–I0000–43537. Study No. 8602. Dow Corning Corporation. *Health and Environmental Sciences.* Midland, MI.

iv. HSDB. 1997. Methyltrichlorosilane. Retrieved online 10–10–97.

v. Stevens, B., Koenig, J.Q., Rebolledo, V., Hanley, Q.S., Covert, D.S. 1992. Respiratory effects from the inhalation of hydrogen chloride in young adult asthmatics. *Journal of Occupational Medicine.* 34:923–929.

vi. Ten Berge, W.F. et al. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials.* 13:301–309.

vii. USEPA. 1997. Acute exposure guideline levels (AEGLs) for hydrogen chloride (NAC/PRO Draft 3:7/97).

C. and D. 2,4- and 2,6-Toluene Diisocyanate (TDI)

1. *Description.* Toluene diisocyanate (TDI) is among a group of chemicals, the isocyanates, that are highly reactive compounds containing an -NCO group. Toluene diisocyanate exists as both the 2,4- and 2,6- isomers which are available commercially usually in ratios of 65:35 or 80:20 (Karol, 1986; WHO, 1987). Toluene diisocyanate is used extensively in the manufacture of polyurethane foam products as well as paints, varnishes, elastomers, and coatings (WHO, 1987).

Toxicological effects from inhaled TDI consist of irritation and sensitization of the respiratory tract. Sensitization may occur from either repeated exposure over a relatively long period of time (i.e., years), or, it may consist of an induction phase precipitated by a relatively high concentration followed by a challenge phase in which sensitized individuals react to a low concentration of TDI. Because repeated exposures are required for sensitization, only irritation effects were considered in establishing AEGL values.

Human data were available for derivation of AEGL–1 and -2. Asthmatics were exposed to 0.01 ppm (0.071 mg/m^3) TDI for 1 hr., then after a rest of 45 mins., to 0.02 ppm (0.142 mg/m^3) TDI for 1 hr. Controls were exposed to 0.02 ppm (0.142 mg/m^3) TDI for 2 hrs. (Baur, 1985). Although no statistically significant differences in lung function parameters were observed among asthmatics during or after exposure, non-pathological bronchial obstruction was indicated in several individuals. In the control group, there was a significant increase in airway resistance immediately and 30 mins. after the beginning of exposure but none of the subjects developed bronchial obstruction. Both groups reported symptoms of eye and throat irritation, cough, chest tightness, rhinitis, dyspnea, and/or headache but time to onset of symptoms was not given. There was also no indication whether the effects were worse in asthmatics with 0.01 or 0.02 ppm. Therefore, the concentration of 0.02 ppm (0.142 mg/m^3) was chosen as the basis for the 10-mins., 30-mins., and 1-hr. AEGL–1 values and the concentration of 0.01 ppm (0.071 mg/m^3) was chosen as the 4- and 8-hr. AEGL–1 values. Extrapolations were not performed.

Derivation of AEGL–2 was based on human data. Exposure of volunteers to 0.5 ppm (3.56 mg/m^3) for 30 mins. resulted in severe eye and throat irritation and lacrimation (Henschler et al., 1962). A higher-exposure concentration was intolerable. Extrapolations were made using the equation $C^n \times t = k$, where n ranges from 0.8 to 3.5 (Ten Berge et al., 1986). In the absence of an empirically derived, chemical-specific exponent, to obtain conservative and protective AEGL–2 values, scaling was performed using n = 3 for extrapolating to the 10-min. time point and n = 1 for the 1- and 4-hr. time points. The 4-hr. value is also proposed for the 8-hr. value since extrapolation to 8 hrs. resulted in a concentration similar to that shown to be tolerated for >7 hrs. with only mild effects. An uncertainty factor of 3 was applied to account for sensitive individuals because the mechanism of action of an irritant gas is not expected to differ among individuals.

No human data were available for derivation of AEGL–3 values. Reports of human fatalities occurred under unusual circumstances and exposure concentrations were not measured. Deaths were attributed to chemical pneumonitis. Therefore, animal data were used to derive AEGL–3 values. Based on LC_{50} values, the mouse is the most sensitive species to the effects of TDI. The 4-hr. mouse LC_{50} of 9.7 ppm (69.1 mg/m^3) (Duncan et al., 1962) was divided by 3 to estimate a threshold of lethality. This estimated 4-hr. lethality threshold was used to extrapolate to the 30-min. and 1- and 8-hr. AEGL–3 time

points. Values were scaled using the equation $C^n \times t = k$, where n ranges from 0.8 to 3.5 (Ten Berge et al., 1986). In the absence of an empirically derived, chemical-specific exponent, to obtain conservative and protective AEGL–2 values, scaling was performed using n = 3 for extrapolating to the 30-min. and 1-hr. time points and n = 1 for the 8-hr. time point. A total uncertainty factor of 10 was applied which includes 3 to account for sensitive individuals and 3 for interspecies extrapolation (the mechanism of action of an irritant gas is not expected to vary greatly between or among species). The 10-min. values were not extrapolated from 4 hrs. because the NAC/AEGL Committee determined that extrapolating from greater than or equal to 4 hrs. to 10 mins. is associated with unacceptably large inherent uncertainty, and the 30-min. values were adopted for 10 min. to be protective of human health. Therefore, the 10-min. AEGL–3 value was flatlined from the 30-min. value. The NAC/AEGL Committee recognizes that individuals pre-sensitized to TDI may exist in the general population, but that this rate of sensitization cannot be predicted. If the rate of sensitization to TDI in the general population were quantifiable, the NAC/AEGL Committee might have considered lower values for AEGL–3. At the proposed AEGL–3 levels, there may be individuals who have a strong reaction to TDI and these individuals may not be protected.

SUMMARY OF PROPOSED AEGL VALUES FOR 2,4-/2,6-TOLUENE DIISOCYANATE [PPM (MG/M^3)]

Classification	10 mins.	30 mins.	1 hr.	4 hrs.	8 hrs.	Endpoint (Reference)
AEGL–1 (Nondisabling)	0.020 (0.14)	0.020 (0.14)	0.020 (0.14)	0.010 (0.07)	0.010 (0.07)	Chest tightness, eye and throat irritation (Baur, 1985)
AEGL–2 (Disabling)	0.24 (1.71)	0.17 (1.21)	0.083 (0.59)	0.021 (0.15)	0.021 (0.15)	Severe eye and throat irritation, lacrimation (Henschler et al., 1962)
AEGL–3 (Lethal)	0.65 (4.6)	0.65 (4.6)	0.51 (3.6)	0.32 (2.3)	0.16 (0.93)	4-hrs. LC_{50} in the mouse (Duncan et al., 1962)

2. *References*—i. Baur, X. 1985. Isocyanate hypersensitivity. Final Report to the International Isocyanate Institute. III File No. 10349; III Project: E–AB–19.

ii. Duncan, B., Scheel, L.D., Fairchild, E.J., Killens, R., and Graham, S. 1962. Toluene diisocyanate inhalation toxicity: Pathology and mortality. *American Industry Hygiene Association Journal.* 23:447–456.

iii. Henschler, D., Assman, W., and Meyer, K. O. 1962. On the Toxicology of Toluenediisocyanate [in German]. *Archivs fur Toxikologie* 19:364–387.

iv. Karol, M.H. 1986. Respiratory effects of inhaled isocyanates. *CRC Critical Reviews in Toxicology.* Vol. 16. CRC Press.

v. Ten Berge, W.F., Zwart, A., and Appelman, L. M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials.* 13:301–309.

vi. WHO (World Health Organization). 1987. Toluene diisocyanates. *Environmental Health Criteria 75.* WHO, Geneva. pp.72.

E. Allylamine

1. *Description.* Allylamine is a colorless or yellowish volatile liquid with a very sharp ammonia-like odor that is irritating to mucous membranes. It is highly flammable and moderately reactive with oxidizing materials. Industrially, it is used in the vulcanization of rubber and in the synthesis of pharmaceuticals. In addition to being a severe respiratory, eye, and skin irritant, allylamine is a cardiovascular toxin when administered at high doses orally, by injection or by inhalation. Allylamine cardiotoxicity is proposed to be related to its metabolism to acrolein and hydrogen peroxide. Allylamine acute inhalation toxicity has been studied in rats and mice: the response in human volunteers briefly exposed to irritating levels has been reported.

AEGL–1 values were based on an occupational study in which exposure to 0.2 ppm allylamine for 3–4 hrs. a day was not associated with worker detection or complaints, but exposure to higher but undefined concentrations caused mucous membrane irritation (Shell Oil Co., 1992). The same AEGL–1 value is proposed for 10 mins. to 8 hrs. (i.e., "flat-line") because 0.2 ppm is expected to produce no or mild irritation, which does not generally vary greatly with time. No uncertainty factors were applied because 0.2 ppm was a no-effect-level (NOEL) for mucous membrane irritation in humans exposed repeatedly.

The AEGL–2 was based on a rat study in which exposure to 60 ppm for 14 hrs. caused heart lesions including scattered myofibril fragments with loss of striation, perivascular edema, and cellular infiltration (Guzman et al., 1961). Extrapolation to 30, 60, 240, and 480 mins. was performed using the equation $C^n \times t = k$, where n = 1.71 (calculated from a linear regression of rat cardiotoxicity data of Guzman et al., 1961). The 10-min. value was not extrapolated from 16 hrs. because the NAC has determined that extrapolating from 4 hrs. to 10 mins. is associated with unacceptably large inherent uncertainty, and the 30-min. value was adopted for 10 mins. to be protective of human health. An interspecies uncertainty factor of 10 was applied to account for the lack of acute toxicity studies and toxicokinetic and metabolism data from other species. An intraspecies uncertainty factor of 10 was applied because significant intraspecies variation occurred in the rat cardiotoxic responses in the key study, and there were no data to determine the human variability of allylamine-induced cardiotoxicity.

The AEGL–3 values were derived from a rat inhalation LC_{50} study where exposure was for 1, 4, or 8 hrs. (Hine et al., 1960). The threshold for lethality, as represented by LC_{01} values calculated using probit analysis, was the AEGL–3 toxicity endpoint. The 1, 4, and 8-hr. AEGL–3 values were based on their respective LC_{01} values, and the 10- and 30-min. AEGL–3 values were extrapolated from the 1-hr. LC_{01} using the equation $C^n \times t = k$, where n = 0.8458 (calculated from a linear regression of the Hine et al., 1960 data). An uncertainty factor of 30 was applied: 10 to account for interspecies variability (to account for the lack of acute toxicity studies and toxicokinetic and metabolism data from other species) and 3 for human variability (lethality, as an endpoint associated with severe pulmonary edema, is not likely to vary greatly among humans). Similar AEGL–3 values were obtained from other rat studies that used fewer animals and exposure concentrations.

SUMMARY OF PROPOSED AEGL VALUES FOR ALLYLAMINE [PPM (MG/M³)]

Classification	10 mins.	30 mins.	1 hr.	4 hrs.	8 hrs.	Endpoint (Reference)
AEGL–1	0.2 (0 47)	0.2 (0.47)	0.2 (0.47)	0.2 (0.47)	0.2 (0.47)	NOAEL for human mucous membrane irritation (Shell Oil Co., 1992)
AEGL–2	4.2 (9.8)	4.2 (9.8)	2.8 (6.5)	1.2 (2.8)	0.83 (1.9)	Heart lesions in rats (Guzman et al., 1961)
AEGL–3	140 (330)	40 (94)	18 (42)	3.5 (8.1)	2.3 (5.4)	Lethality threshold in rats (Hine et al., 1960)

2. *References*—i. Guzman, R.J., Loquvam, G.S., Kodama, J.K., and Hine, C.H. 1961. Myocarditis produced by allylamines. *Archives of Environmental Health.* 2:62–73.

ii. Hine, C.H., Kodama, J.K., Guzman, R.J., and Loquvam, G.S. 1960. The toxicity of allylamines. *Archives of Environmental Health.* 1:343–352.

iii. Shell Oil Co. 1992. Initial submission: Letter submitting enclosed information on exposure of workers to mono-allylamine, di-allylamine, and tri-allylamine. EPA/OTS Doc. #88–920002051.

iv. Ten Berge, W.F., Zwart, A., and Appelman, L.M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapors and gases. *Journal of Hazardous Materials.* 13:302–309.

F. Ethylenediamine (EDA)

1. *Description.* Ethylenediamine (EDA) is a basic, hygroscopic, flammable liquid that is an eye, mucous membrane, and respiratory irritant and a known respiratory and skin sensitizer. Occupational inhalation exposure has resulted in an asthmatic response including rhinitis, coughing, wheezing, shortness of breath, and bronchospasm. EDA is used to stabilize rubber latex, as an inhibitor in antifreeze solutions, and in the preparation of dyes, insecticides, and fungicides.

The values developed for AEGL–2 and AEGL–3 level were based on studies in which toxicity endpoints occurred that were within the scope of the definition for that level. However, persons previously sensitized to EDA may experience more severe effects, the extent of which cannot be predicted from the available information. No data were available to determine the concentration-time relationship for EDA toxic effects. The concentration-time relationship for many irritant and systemically acting vapors and gases may be described by $C^n \times t = k$, where the exponent n ranges from 0.8 to 3.5 (Ten Berge et al., 1986). To obtain conservative and protective AEGL–2 and AEGL–3 values, scaling across time was performed using n = 3 to extrapolate to exposure times <8 hrs., except for the 10-min. values. The NAC determined that extrapolating from 4 hrs. to 10 mins. is associated with unacceptably large inherent uncertainty, and the 30-min. values were adopted for 10 mins. to be protective of human health. AEGL–1 values were not recommended due to insufficient data.

AEGL–2 values were based on a study in which rats and guinea pigs (6/group) exposed for 8 hrs. to ≥484 ppm EDA (1,000 ppm nominal) had bronchiolar edema of unspecified severity and "light cloudy swelling of the kidney" but none died (Carpenter et al., 1948). An uncertainty factor of 100 was used: 10 for intraspecies variability (mechanism of toxicity and variability of the toxic response among humans is uncertain) and 10 for interspecies variability (key study tested only one EDA concentration and reported few experimental details, not providing a clear picture of species variability). The derived AEGL–2 values are supported by a study in which rats (15/sex) exposed to 132 ppm 7 hours/day for 30 days had a slight increase in the incidence (i.e., 1/26 vs. 0/27 for controls) of unspecified "major" histopathological lesions (Pozzani and Carpenter, 1954).

The AEGL–3 values were derived from a range-finding test in which 0/6 rats died from exposure for 8 hrs. to ~1,000 ppm (2,000 ppm nominal) but 6/6 died from 8-hr. exposure to ~2,000 ppm (4,000 ppm nominal) (Smyth et al., 1951). Toxic effects (other than death) were not described; 1,000 ppm was considered to be the estimated lethality threshold. An uncertainty factor of 100 was applied: 10 for intraspecies variability (cause of death was not defined in key study and variability of the toxic response among humans cannot be predicted) and 10 for interspecies extrapolation (only one EDA concentration was tested, the cause of death was not defined in the key study, and there were no data from other species). The AEGL–3 values are supported by a study in which rats (15/sex) exposed to 225 ppm 7 hours/day for 30 days had fractional mortality (first two deaths were on exposure day 4), and most rats had cloudy swelling of the liver and kidney convoluted tubules (Pozzani and Carpenter, 1954).

SUMMARY OF AEGL VALUES FOR ETHYLENEDIAMINE [PPM (MG/M³)]

Classification	10 mins.	30 min.	1 hr.	4 hrs.	8 hrs.	Endpoint (Reference)
AEGL–1	Not recommended	Not recommended	Not recommended	Not recommended	Not recommended	Not recommended
AEGL–2	12 (30)	12 (30)	9.7 (24)	6.1 (19)	4.8 (13)	Bronchiolar edema, kidney swelling (Carpenter et al., 1948)
AEGL–3	25 (62)	25 (62)	20 (49)	13 (31)	10 (26)	Lethality threshold; no stated toxic effects (Smyth et al., 1951)

2. *References*—i. Carpenter, C.P., Smyth, Jr., H.F., and Shaffer, C.B. 1948. The acute toxicity of ethylene imine to small animals. *Journal of Industrial Hygiene and Toxicology.* 30:2–6.

ii. Pozzani, U.C. and Carpenter, C.P. 1954. Response of rats to repeated inhalation of ethylenediamine vapors. *AMA Archives of Industrial Hygiene and Occupational Medicine.* 9:223–226.

iii. Smyth, H.F., C.P. Carpenter, and C.S. Weil. 1951. Range-finding toxicity data: List IV. *AMA Archives of Industrial Hygiene and Occupational Medicine.* 4:119–122.

iv. Ten Berge, W.F., Zwart, A., and Appelman, L.M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapors and gases. *Journal of Hazardous Materials.* 13:302–309.

G. Cylohexylamine

1. *Description.* Cyclohexylamine is a respiratory, eye, and skin irritant, as well as a strong base (pK_a = 10.7) with a fishy, amine odor that has only recently been found naturally. It is used primarily for boiler water treatment (corrosion inhibition) as well as organic synthesis of rubber and agricultural chemicals. Occupational exposures to cyclohexylamine caused headache, nausea, dizziness, vomiting, eye, nose and throat irritation, and rapid and irregular heartbeats in some individuals. Acute exposure in animals resulted in extreme mucous membrane irritation, gasping, CNS effects (tremors, clonic muscular spasms), lung hemorrhage, opaque corneas, vascular lesions, and hemolysis.

No data were available to determine the concentration-time relationship for cyclohexylamine toxicity. The concentration-time relationship for many irritant and systemically acting vapors and gases may be described by $C^n \times t = k$, where the exponent n ranges from 0.8 to 3.5 (Ten Berge et al., 1986). To obtain conservative and protective AEGL–2 and AEGL–3 values, scaling across time was performed using n = 3 to extrapolate to shorter exposure times and n = 1 to extrapolate to longer exposure times for 30 min. through 8-hr. values (scaling was not performed for AEGL–1 derivation). The 10-min. values were not extrapolated from 4 hrs. because the NAC determined that extrapolating from 4 hrs. to 10 mins. is associated with unacceptably large inherent uncertainty, and the 30-min. values were adopted for 10 mins. to be protective of human health.

AEGL–1, AEGL–2, and AEGL–3 values were derived from a study in which Sprague-Dawley rats (5/sex/dose) were exposed for 4 hrs. to 54.2 ppm or 567 ppm cyclohexylamine vapor, or to a vapor/aerosol combination containing 542 ppm vapor and 612 mg/m^3 aerosol (Bio/dynamics, Inc., 1990). At 54.2 ppm, rats had labored breathing, partially closed eyes, and red nasal discharge; rats exposed to the two higher doses additionally had rales, gasping, dried red facial material, tremors, weight loss, irreversible ocular lesions, and two rats exposed to the aerosol-containing atmosphere died. AEGL–1 values were obtained by dividing the lowest-observed-adverse-effect-level (LOAEL) of 54.2 ppm by 3 to estimate a NOAEL, which may be associated with mild or no respiratory and ocular irritation. An uncertainty factor of 10 was applied: 3 to account for sensitive humans and 3 for interspecies variability, because mild sensory irritation from a surface-contact, basic irritant gas is not likely to vary greatly among humans or animals. The same AEGL value was adopted for 10 mins., 30 mins., 1, 4, and 8 hrs.; flat-lining across time was considered appropriate since mild irritant effects generally do not vary greatly over time.

AEGL–2 values were based on exposure for 4 hrs. to 54.2 ppm, at which concentration the rats had moderate respiratory effects and ocular irritation, and which was a NOAEL for irreversible ocular lesions. An uncertainty factor of 10 was used: 3 for interspecies variability and 3 for intraspecies variability (moderate respiratory and ocular irritation from a surface-contact, basic irritant gas is not likely to vary greatly among humans or animals).

The AEGL–3 values were based on exposure for 4 hrs. to 567 ppm, which caused severe respiratory effects and irreversible ocular lesions and was regarded as an estimate of the lethality threshold because 2/10 animals died at the next higher concentration tested. An uncertainty factor of 30 was applied: 3 to account for intraspecies variability (lethality response resulting from a basic irritant gas is not likely to vary greatly among humans) and 10 for extrapolation from animals to humans (significant variation was seen among species for the exposure causing lethality, and the data were insufficient to determine that rats were the most sensitive species).

SUMMARY OF PROPOSED AEGL VALUES FOR CYCLOHEXYLAMINE [PPM(MG/M^3)]

Classification	10 mins.	30 mins.	1 hr.	4 hrs.	8 hrs.	Endpoint (Reference)
AEGL–1	1.8 (7.3)	1.8 (7.3)	1.8 (7.3)	1.8 (7.3)	1.8 (7.3)	NOAEL for respiratory and ocular irritation; may cause mild or no sensory irritation (Bio/dynamics, Inc., 1990)
AEGL–2	11 (44)	11 (44)	8.6 (35)	5.4 (22)	2.7 (11)	Moderate respiratory effects, ocular irritation; NOAEL for irreversible ocular lesions (Bio/dynamics, Inc., 1990).
AEGL–3	38 (150)	38 (150)	30 (120)	19 (77)	9.4 (38)	Lethality threshold, severe respiratory effects, and irreversible ocular lesions (Bio/dynamics, Inc., 1990).

2. *References*—i. Bio/dynamics, Inc. 1990. An acute inhalation toxicity study of C-1388 in the rat. Final Report. Project No. 89–8214. December 4, 1990.

ii. Ten Berge, W.F., Zwart, A., and Appelman, L.M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapors and gases. *Journal of Hazardous Materials.* 13:302–309.

H. and I. Cis- and Trans-Crotonaldehyde

1. *Description.* Crotonaldehyde is a colorless, flammable liquid and an extreme eye, skin, and respiratory irritant. It causes a burning sensation in the nasal and upper respiratory tract, lacrimation, coughing, bronchoconstriction, pulmonary edema, and deep lung damage. Crotonaldehyde is used primarily for the manufacture of sorbic acid and other organic chemicals. It is found in tobacco smoke and is a combustion product of diesel engines and wood, but also occurs naturally in meat, fish, and many fruits and vegetables.

Crotonaldehyde can exist as either the *cis* or the *trans* isomer; commercial crotonaldehyde is a mixture of the two isomers consisting of >95% *trans* isomer. Because virtually no physical or chemical data or in vivo exposure studies were located for the *cis* or *trans* isomers individually (information was for the commercial mixture), and because OSHA, NIOSH, and the ACGIH have adopted the same occupational exposure limits for both isomers, the AEGL values prepared in this report will apply to both *trans*-crotonaldehyde (123–73–9) and to the *cis/trans* mixture (4170–30–3), which contains predominantly the *trans* isomer.

AEGL–1 values were derived from a Health Hazard Evaluation conducted by NIOSH where workers exposed to about

0.56 ppm crotonaldehyde for >8 hrs. reported occasional minor eye irritation (Fannick, 1982). Exponential scaling across time was not performed because results from another study suggested that the concentration-time relationship determined from the rat LC_{50} study of Rinehart (1967) was not appropriate for predicting human sensory irritation (i.e., irritation was much greater for shorter exposure durations than for longer exposure durations yielding comparable concentration x time (Ct) values. An uncertainty factor of 3 was applied to account for sensitive humans; a greater uncertainty factor is not needed because the endpoint of mild eye irritation is not expected to vary greatly among humans.

AEGL–2 values were based on a study in which rats exposed to 8,000 ppm-min crotonaldehyde had about a 20–40% reduction in pulmonary function (manifested as a decrease in carbon monoxide and ether uptake rates compared to pre-exposure values). The animals had proliferative lesions of the respiratory bronchioles but there was little or no evidence of alveolar edema (Rinehart, 1967). The individual experimental concentrations and exposure times were not given, but exposure was stated to be for 5–240 mins. AEGL–2 values were calculated by dividing 8,000 ppm-min by 10, 30, 60, 240, or 480 mins. (concentration and time appeared to be equally important for toxicity). An uncertainty factor of 30 was used: 3 to account for sensitive humans (crotonaldehyde acts primarily as a surface-contact irritant and the irritation response is not expected to vary greatly among humans) and 10 for extrapolation from animals to humans (based on the lack of actual concentration and time data, and the stated variability in the animal responses, and the absence of supporting animal or human studies).

The AEGL–3 was based on a LC_{50} study in which Wistar rats were exposed to crotonaldehyde vapor for 5 mins. to 4 hrs. (Rinehart, 1967). The 10-min., 30-min., 1-hr., and 4-hr. AEGLs were obtained using the respective LC_{01} values (268, 138, and 26 ppm, respectively; calculated by probit analysis from mortality data). The 8-hr. AEGLs were derived from the 4-hr. LC_{01}; scaling across time was performed using the exponential relationship $C^n \times t = k$, where n = 1.2 was derived by Ten Berge et al. (1986) from this study LC_{50} data. During exposure, all animals gasped and had a lowered breathing rate; those exposed to >1,000 ppm had an excitatory stage. Rats lost up to 25% of their body weight by 1–3 days post-exposure, after which time they began to recover their weight. Most rats died by 4 days after exposure and had clear or slightly blood-tinged nasal exudate; all animals that died within 1 day also had terminal convulsions. An uncertainty factor of 10 was applied: 3 to account for extrapolation of rats to humans, and 3 to account for sensitive humans. Similar or higher AEGL–3 values were obtained from LC_{50} studies in rats, mice, and guinea pigs.

SUMMARY OF PROPOSED AEGL VALUES FOR CROTONALDEHYDE [PPM(MG/M^3)]

Classification	10 mins.	30 mins.	1 hr.	4 hrs.	8 hrs.	Endpoint (Reference)
AEGL–1 (Nondisabling)	0.19 (0.53)	0.19 (0.53)	0.19 (0.53)	0.19 (0.53)	0.19 (0.53)	Human mild eye irritation (Fannick, 1982)
AEGL–2 (Disabling)	27 (76)	8.9 (25)	4.4 (13)	1.1 (3.2)	0.56 (1.6)	Rat impaired pulmonary function, bronchiole lesions (Rinehart, 1967)
AEGL–3 (Lethal)	44 (130)	27 (76)	14 (40)	2.6 (7.4)	1.5 (4.2)	Rat lethality threshold using LC_1 values (Rinehart, 1967).

2. *References*—i. Fannick, N. 1982. Sandoz Colors and Chemicals, East Hanover, New Jersey (Health Hazard Evaluation Report, No. HETA–81–102–1244), Cincinnati, OH. United States National Institute for Occupational Safety and Health, Hazard Evaluations and Technical Assistance Branch.

ii. Rinehart, W. 1967. The effect on rats of single exposures to crotonaldehyde vapor. *American Industrial Hygiene Association Journal.* 28:561–566.

iii. Ten Berge, W.F., Zwart, A., and Appelman, L.M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapors and gases. *Journal of Hazardous Materials.* 13:302–309.

J. Methyl Isocyanate (MIC)

1. *Description.* Methyl isocyanate (MIC) is one of the most reactive of all isocyanates and is rapidly degraded in aqueous medium (Varma and Guest, 1993). Because of its reactivity, MIC is used as an intermediate in the synthesis of *N*-methylcarbamate and *N*-methylurea insecticides and herbicides (Hartung, 1994). During the night of December 2/3, 1984, an estimated 30 tons of MIC was released from a chemical plant in Bhopal, India, resulting in one of the worst industrial accidents in history (Karlsson et al., 1985).

Signs of severe irritation to the respiratory tract were reported for victims of the Bhopal disaster and autopsies revealed the cause of death to be pulmonary edema (Weill, 1988). Long-term pulmonary and ocular effects have been documented in survivors. The spontaneous abortion rate (Arbuckle and Sever, 1998) and the infant death rate (Varma, 1987) among women who were pregnant at the time of the release were significantly increased in the months following the disaster. Numerous animal studies corroborate the epidemiological findings in humans. A compilation of case reports in industrial workers consistently noted skin and respiratory irritation in MIC exposed workers but no definitive case of sensitization (Ketcham, 1973). The mechanism of action for the pulmonary, skin, and eye effects is irritation, but the mechanism of action for the systemic effects is unknown.

AEGL–1 values were not derived. Although human and animal data were available for irritation levels, the irritation threshold for MIC may be above the level of concern for systemic effects such as embryo and fetal lethality.

Systemic and developmental toxicity data from rats and mice were used for derivation of AEGL–2. An increase in cardiac arrhythmias occurred in rats 4 months after a 2-hr. exposure to 3 ppm (Tepper et al., 1987). Pregnant Swiss-Webster mice were exposed to analytically monitored concentrations of 0, 2, 6, 9, and 15 ppm MIC for 3 hrs. on gestation day 8 (Varma, 1987). Placental weights and fetal body weights were significantly reduced at all concentrations. Exposures to concentrations of 9 and 15 ppm resulted in deaths of two dams in each group, a significant increase in complete litter resorption among surviving dams, and fetuses with significant reductions in the lengths of the mandible and long bones. The concentration of 2 ppm for 3 hrs. was an experimentally derived

lowest-observed effect level for decreased fetal body weights. Values scaled for the derivation of the 10- and 30-min., and 1-, 4-, and 8-hr. time points were calculated from the equation $C^n \times t = k$, where n = 1. The value of n was empirically derived from regression analysis of lethality data for rats. Identical AEGL–2 values are derived based on the exposures of 3 ppm for 2 hrs. and 2 ppm for 3 hrs. The experimental concentrations were reduced by a factor of 3 to estimate a threshold for effects on cardiac arrhythmias or fetal body weights. A total uncertainty factor of 30 was applied including 3 for interspecies variation because similar developmental toxicity results have been obtained in both rats and mice and 10 for intraspecies variation since the mechanism of action for systemic effects is unknown.

The neonatal survival study with mice by Schwetz et al. (1987) was used for derivation of AEGL–3 values. Pregnant mice were exposed to 0, 1, or 3 ppm for 6 hours/day on gestation days 14–17. Dams were allowed to litter for evaluation of neonatal survival. A concentration-related increase in the number of dead fetuses at birth was observed in both exposure groups and an increase in pup mortality during lactation was observed in the 3 ppm group. No differences in pup body weights occurred during lactation between the treated and control groups. The 6-hr. exposure to 1 ppm was used to derive AEGL–3 values and is considered a NOEL for pup survival during lactation. Values scaled for the derivation of the 10- and 30-min., and 1-, 4-, and 8-hr. time points were calculated from the equation $C^n \times t = k$, where n = 1. The value of n was empirically derived from regression analysis of lethality data for rats. A total uncertainty factor of 30 was applied including 3 for interspecies variation because similar developmental toxicity results have been obtained in both rats and mice and 10 for intraspecies variation since the mechanism of action for systemic effects is unknown. However, because n was derived from exposures ranging from 7.5 to 240 mins., it is felt that extrapolation from 6 hrs. to the 10-min. AEGL–3 value is valid.

The proposed values for the three AEGL classifications for the five time periods are listed in the table below.

SUMMARY OF PROPOSED AEGL VALUES FOR METHYL ISOCYANATE [PPM (MG/M^3)]

Classification	10 mins.	30 mins.	1 hr.	4 hrs.	8 hrs.	Endpoint (Reference)
AEGL–1 (Nondisabling)	NA	NA	NA	NA	NA	NA
AEGL–2 (Disabling)	0.40 (0.94)	0.13 (0.32)	0.067 (0.16)	0.017 (0.034)	0.0083 (0.019)	Decreased fetal body weights (Varma, 1987); cardiac arrhythmias (Tepper et al., 1987)
AEGL–3 (Lethal)	1.2 (2.8)	0.40 (0.95)	0.20 (0.47)	0.050 (0.12)	0.025 (0.059)	Decreased pup survival during lactation (Schwetz et al., 1987)

NA: Not assigned, since AEGL–1 effects would occur at concentration levels higher than AEGL–2 levels.

2. *References*—i. Arbuckle, T.E. and Sever, L.E. . 1998. Pesticide exposures and fetal death: a review of the epidemiologic literature. *Critical Reviews in Toxicology* . 28:229–270.

ii. Hartung, R. 1994. Cyanides and Nitriles. *Patty's Industrial Hygiene and Toxicology* . 4th Ed. G.D. Clayton and F.E. Clayton, Eds. New York: John Wiley & Sons, Inc. pp. 3161–3172.

iii. Karlsson, E., Karlsson, N., Lindberg, G., Lindgren, B., and Winter S. 1985. The Bhopal catastrophe—consequences of a liquefied gas discharge. National Defense Research Institute, Sweden. NTIS ISSN 0347–2124.

iv. Ketcham, N.H. 1973. Methyl isocyanate (MIC) survey of experience concerning human sensitization. Union Carbide Corporation. EPA/OTS; Doc #86– 910000666D.

v. Schwetz, B.A., Adkins, Jr., B., Harris, M., Moorman, M., and Sloane, R. 1987. Methyl isocyanate: reproductive and developmental toxicology studies in Swiss mice. *Environmental Health Perspectives*. 72:149–152.

vi. Tepper, J.S., Wiester, M.J., Costa, D.L., Watkinson, W.P., and Weber, M.F. 1987. Cardiopulmonary effects in awake rats four and six months after exposure to methyl isocyanate. *Environmental Health Perspectives* 72:95–103.

vii. Varma, D.R. 1987. Epidemiological and experimental studies on the effects of methyl isocyanate on the course of pregnancy. *Environmental Health Perspectives*. 72:153–157.

viii. Varma, D.R. and Guest, I.. 1993. The Bhopal accident and methyl isocyanate toxicity. *Journal of Toxicology and Environmental Health*. 40:513–529.

ix. Weill, H. 1988. Disaster at Bhopal: the accident, early findings and respiratory health outlook in those injured. *Physiology*. 23:587–590.

K. Hydrogen Chloride (HCl)

1. *Description*. Hydrogen chloride (HCl) is a colorless gas with a pungent suffocating odor. It is used in the manufacture of organic and inorganic chemicals, oil well acidizing, steel pickling, food processing, and processing of minerals and metals. A large amount of HCl is released from solid rocket fuel exhaust. It is an upper respiratory irritant at relatively low concentrations and may cause damage to the lower respiratory tract at higher concentrations. Hydrogen chloride is very soluble in water, and the aqueous solution is highly corrosive.

The AEGL–1 values are based on a 45 min. NOAEL in exercising adult asthmatics (Stevens et al., 1992). No uncertainty factors were applied for inter- or intraspecies variability since the study population consisted of sensitive humans. Additionally, the same value was applied across the 10- and 30-min., and 1-, 4-, and 8-hr. exposure time points since mild irritancy is a threshold effect and generally does not vary greatly over time. Thus, prolonged exposure will not result in an enhanced effect.

The AEGL–2 for the 30-min., 1-, 4-, and 8-hr. time points was based on severe nasal or pulmonary histopathology in rats exposed to 1,300 ppm HCl for 30 mins. (Stavert et al.,1991). An uncertainty factor of 3 was applied for interspecies variability because the test species (rodents) is 2–3 times more sensitive to the effects of HCl than primates. An uncertainty factor of 3 was applied for intraspecies extrapolation since the mechanism of action is direct irritation and the subsequent effect or response is not expected to vary greatly among individuals. An additional modifying factor of 3 was applied to account for the sparse database of effects defined by AEGL–2 and since the effects observed at the concentration used to derive AEGL–2 values were somewhat severe. Thus, the total uncertainty and

modifying factor adjustment is 30-fold. It was then time-scaled to the, and 1-, 4-, and 8-hr. AEGL exposure periods using the $C^n \times t = k$ relationship, where n = 1 based on regression analysis of combined rat and mouse LC_{50} data (1 min. to 100 min1.) as reported by Ten Berge et al., 1986. The 10-min. AEGL–2 value was derived by dividing the mouse RD_{50} of 309 ppm by a factor of 3 to obtain a concentration causing irritation (Barrow et al., 1977). One-third of the mouse RD_{50} for HCl corresponds to an approximate decrease in respiratory rate of 30%, and decreases in the range of 20 to 50% correspond to moderate irritation (ASTM, 1991).

The AEGL–3 was based on an estimated NOEL for death of one-third of a 1-hr. LC_{50} reported for rats (Vernot et al., 1977; Wohlslagel et al., 1976). An uncertainty factor of 3 was applied for interspecies variability because the test species (rodents) is 2-3 times more sensitive to the effects of HCl than primates. An uncertainty factor of 3 was applied for intraspecies extrapolation since the mechanism of action is direct irritation and the subsequent effect or response is not expected to vary greatly among individuals. Thus, the total uncertainty factor is 10. It was then time-scaled to the specified 10- and 30-min., and 1-, 4-, and 8-hr. AEGL exposure periods using the $C^n \times t = k$ relationship, where n = 1 based on regression analysis of combined rat and mouse LC_{50} data (1 min. to 100 mins.) as reported by Ten Berge et al., 1986.

The calculated values are listed in the table below.

SUMMARY OF PROPOSED AEGL VALUES FOR HYDROGEN CHLORIDE [PPM (MG/M^3)]

Classification	10 mins.	30 mins.	1 hr.	4 hrs.	8 hrs.	Endpoint (Reference)
AEGL–1 (Nondisabling)	1.8 (2.7)	1.8 (2.7)	1.8 (2.7)	1.8 (2.7)	1.8 (2.7)	NOAEL in exercising human asthmatics (Stevens et al., 1992)
AEGL–2 (Disabling)	100 (160)	43 (65)	22 (33)	5.4 (8.1)	2.7 (4.1)	Mouse RD_{50} (Barrowet al, 1977); Histopathology in rats (Stavert et al., 1991)
AEGL–3 (Lethality)	620 (940)	210 (310)	100 (160)	26 (39)	13 (19)	Estimated NOEL for death from 1-hr. rat LC_{50} (Wohlslagel et al., 1976; Vernot et al., 1977)

2. *References*—i. ASTM. (American Society for Testing and Materials). 1991. Standard Test Method for estimating sensory irritancy of airborne chemicals. Method E981, Volume 11.04, p. 610–619. ASTM Philadelphia, PA.

ii. Barrow, C.S., Alarie, Y., Warrick, M., and Stock, M.F. 1977. Comparison of the sensory irritation response in mice to chlorine and hydrogen chloride. *Archives of Environmental Health.* 32:68–76.

iii. Stavert , D.M.. Archuleta, D.C., Behr, M.J., and Lehnert, B.E. 1991. Relative acute toxicities of hydrogen fluoride, hydrogen chloride, and hydrogen bromide in nose- and pseudo-mouth-breathing rats. *Fundamental and Applied Toxicology.* 16:636–655.

iv. Stevens, B., Koenig, J.Q., Rebolledo, V., Hanley, Q.S., and Covert, D.S. 1992. Respiratory effects from the inhalation of hydrogen chloride in young adult asthmatics. *Journal of Occupational Medicine.* 34: 923–929.

v. Ten Berge, W.F., Zwart, A., and Appleman, L.M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials.* 13:301–309.

vi. Vernot, E.H., MacEwen, J.D., Haun, C.C., and Kinkead, E.R. 1977. Acute toxicity and skin corrosion data for some organic and inorganic compounds and aqueous solutions. *Toxicology and Applied Pharmacology.* 42:417–423.

vii. Wohlslagel, J., DiPasquale, L..C., and Vernot, E.H. 1976. Toxicity of solid rocket motor exhaust: effects of HCl, HF, and alumina on rodents. *Journal of Combustion Toxicology.* 3:61–70.

L. Phosphine

1. *Description.* Phosphine is a colorless gas used as a fumigant against insects and rodents in stored grain. The pesticide is usually applied as a metal phosphide and reacts with moisture to liberate phosphine gas. Phosphine is also used in the semiconductor industry. Information concerning human exposure to phosphine is of limited use in derivation of AEGL values since exposure durations and concentrations are not precisely reported. Appropriate animal data are more abundant; however, data consistent with the definition of AEGL–1 values are not available. Therefore, due to insufficient data, AEGL–1 values were not derived.

The AEGL–2 was based on a NOEL for renal, cardiac, and liver histopathology in mice exposed to 5 ppm phosphine 6 hours/day for 4 days (Morgan et al, 1995). Values were derived assuming a single 6 hr. exposure. An uncertainty factor of 3 was applied to account for interspecies variability since lethality data from rats, mice, rabbits, and guinea pigs suggest little species variability. An uncertainty factor of 10 was applied to account for intraspecies variability since the human data suggest that children may be more sensitive than adults when exposed to presumably similar phosphine concentrations (total UF = 30). The concentration-exposure time relationship for many irritant and systemically-acting vapors and gases may be described by $C^n \times t = k$, where the exponent, n, ranges from 0.8 to 3.5 (Ten Berge , 1986). To obtain conservative and protective AEGL values for the 30-min., 1-, 4-, and 8-hr. time points in the absence of an empirically derived chemical-specific scaling exponent, temporal scaling was performed using n = 3 when extrapolating to shorter time points and n = 1 when extrapolating to longer time points using the $C^n \times t = k$ equation. The 30-min AEGL–2 value was also adopted as the 10-min. value due to the fact that reliable data are limited to durations 4 hrs., and it is considered inappropriate to extrapolate back to 10-mins.

The AEGL–3 was based on a NOEL for lethality (18 ppm phosphine) in Sprague Dawley rats exposed to phosphine for 6 hrs. (Newton, 1991). An uncertainty factor of 3 was applied to account for interspecies variability since lethality data from rats, mice, rabbits, and guinea pigs suggest little species variability. An uncertainty factor of 10 was applied to account for intraspecies variability since the human data suggest that children may be more sensitive than adults when exposed to presumably similar phosphine concentrations (total UF = 30). The concentration-exposure time relationship for many irritant and systemically-acting vapors and gases may be described by $C^n \times t = k$, where the exponent, n, ranges from 0.8 to 3.5 (Ten Berge , 1986). To obtain conservative and protective AEGL values for the 30-min., 1-, 4-, and 8-hr.

time points in the absence of an empirically derived chemical-specific scaling exponent, temporal scaling was performed using n = 3 when extrapolating to shorter time points and n = 1 when extrapolating to longer time points using the $C^n \times t = k$ equation. The 30-min AEGL–3 value was also adopted as the 10-min. value due to the fact that reliable data are limited to durations 4 hrs., and it is considered inappropriate to extrapolate back to 10-mins.

The calculated values are listed in the table below.

SUMMARY OF PROPOSED AEGL VALUES FOR PHOSPHINE [PPM(MG/M^3)]

Classification	10 mins.	30 mins.	1 hr.	4 hrs.	8 hrs.	Endpoint (Reference)
AEGL–1 (Nondisabling)						Appropriate data not available
AEGL–2 (Disabling)	0.38 (0.54)	0.38 (0.54)	0.30 (0.42)	0.19 (0.27)	0.13 (0.18)	NOEL for histopathology in mice exposed to 5 ppm phosphine 6 hours/day for 4 days. Values were calculated assuming a single 6 hr exposure (Morgan et al., 1995)
AEGL–3 (Lethality)	1.4 (1.9)	1.4 (1.9)	1.1 (1.6)	0.69 (0.97)	0.45 (0.63)	NOEL for lethality in rats exposed to 18 ppm phosphine for 6 hrs. (Newton, 1991)

2. *References*—i. Newton, P.E. 1991. Acute Inhalation exposures of rats to phosphine. Bio/Dynamics, Inc. East Millstone, NJ. Project No. 90–8271.

ii. Morgan, D.L., Moorman, M.P., Elwell, M.R., Wilson, R.E., Ward, S.M., Thompson, M.B., O'Connor, R.W., and Price, H.C. 1995. Inhalation toxicity of phosphine for Fischer 344 rats and B6C3F1 mice. *Inhalation Toxicology*. 7: 225–238.

iii. Ten Berge, W.F. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. 13:301–309.

M. Nickel Carbonyl

1. *Description*. Nickel carbonyl, formed by the reaction of carbon monoxide with metallic nickel, is used in nickel refining, in the synthesis of acrylic and methacrylic esters, and for other organic synthesis. In air, nickel carbonyl rapidly decomposes to nickel and carbon monoxide with a 50% decomposition at room temperature and total decomposition at 150–200°C.

Human data are limited to case reports, primarily of nickel workers, that affirm the extreme toxicity of the compound. However, definitive exposure terms are lacking in these reports. Significant signs and symptoms of toxicity are known to occur in the absence of recognizable odor. Human case studies have shown that a latency period of 10 occurs between initial signs of toxicity and subsequent serious effects that may progress to death. The primary target of nickel carbonyl-induced acute toxicity appears to be the lungs, although extrapulmonary involvement has also been reported. The specific mechanism of toxicity is unclear but appears to involve damage to pulmonary tissue.

Animal data are limited to lethality and developmental toxicity. Lethality values (LC_{50}) are available for rats, mice, cats, and rabbits. Thirty-minute LC_{50} values for these species range from 33.6 to 266 ppm. These lethality data indicate notable species variability in the lethal response to inhaled nickel carbonyl; smaller species are generally more sensitive. Developmental toxicity has been demonstrated in rats and hamsters following single 30-min. (11.2–42 ppm, rats) or 15-min. (8.4 ppm, hamsters) exposures of dams during gestation.

Limited data in rats have provided equivocal evidence of pulmonary carcinogenicity following acute or long-term exposure to nickel carbonyl. Studies of respiratory tract cancer in nickel workers suggest that nickel dusts and nickel sulfides may be more relevant than nickel carbonyl. Data are unavailable for a quantitative assessment of the carcinogenic potential of nickel carbonyl in humans or animals.

Exposure-response data over multiple time periods are unavailable for nickel carbonyl and, empirical derivation of a scaling factor (n) was not possible. The concentration exposure time relationship for many irritant and systemically acting vapors and gases may be described by $C^n \times t = k$, where the exponent, n, ranges from 0.8 to 3.5. In the absence of an empirically derived exponent (n), and to obtain conservative and protective AEGL values, temporal scaling was performed using n = 3 when extrapolating to shorter time points and n = 1 when extrapolating to longer time points using the $C^n \times t = k$ equation.

Neither human nor animal data are available for deriving AEGL–1 values. Both human and animal data affirm the extreme toxicity of nickel carbonyl, and human exposures indicate that signs and symptoms of toxicity may occur in the absence of detection. Therefore, AEGL–1 values are not recommended.

With the exception of teratogenicity and fetotoxicity data in rats and hamsters, neither human nor animal data are available that identify effects consistent with AEGL–2. The developmental effects are notable (ocular malformations, fetotoxicity, and neonate lethality) and the exposures producing these effects approach those known to cause lethality in animal species. The AEGL–2 values were based upon significantly increased incidences of malformations in the offspring of Syrian hamsters which had been exposed to 8.4 ppm nickel carbonyl for 15 mins. per day on gestation days 4 or 5 (Sunderman et al., 1980). As previously noted, time scaling was accomplished by the use of linear ($C^1 \times t = k$) extrapolation for 30-min., 1-hr. and 4-hr. AEGL–2 time points and exponential extrapolation ($C^3 \times t = k$) for the 10-min. AEGL–2 values. A total uncertainty factor adjustment of 100 (10 for interspecies variability and 10 for intraspecies variability) was applied. The interspecies uncertainty factor adjustment is justified by the absence of human data and only limited data in animal species with which to assess species variability in the toxic responses to nickel carbonyl. The uncertainty factor for individual variability accounted for lack of data with which to identify sensitive subpopulations or to determine individual variability in the toxic responses to nickel carbonyl.

AEGL–3 values were derived based upon an estimated lethality threshold in mice (3.17 ppm) exposed to nickel carbonyl for 30 mins. (Kincaid et al., 1953). Lethality data were available for several species (rats, mice, rabbits, and cats). A total uncertainty adjustment of 10 was applied (each uncertainty factor of 3 is the approximate logarithmic mean of 10 which is 3.16; hence, 3.16 x 3.16 = 10). Analysis of the available data indicated that the mouse was the most sensitive species and larger species tended to be somewhat less sensitive. Therefore the uncertainty factor adjustment for interspecies variability

was limited to 3. An additional factor of 3 was applied to account for uncertainties regarding individual variability in the lethal response due to direct contact pulmonary damage by nickel carbonyl.

There are limited, equivocal data showing the development of pulmonary tumors in rats exposed chronically to nickel carbonyl and equivocal data suggestive of a tumorigenic response following a single massive exposure of rats to nickel carbonyl. However, a quantitative cancer assessment was not feasible.

SUMMARY OF PROPOSED AEGL VALUES FOR NICKEL CARBONYL [PPM MG/M^3)]

Classification	10 mins.	30 mins.	1 hr.	4 hrs.	8 hrs.	Endpoint (Reference)
AEGL–1 (Nondisabling)	NR	NR	NR	NR	NR	Not recommended
AEGL–2 (Disabling)	0.096 (0.66)	.042 (0.29)	0.021 (0.14)	0.0053 (0.037)	NA	Developmental toxicity in hamsters; gestational exposure (15 mins., 8.4 ppm)
AEGL–3 (Lethal)	0.46 (3.2)	0.32 (2.2)	0.16 (1.1)	0.040 (0.27)	NA	Estimated lethality threshold (LC_{01} of 3.17 ppm); mouse lethality data (Kincaid et al., 1953)

NR: Not recommended. Numeric values for AEGL–1 are not recommended because:
1. The lack of available data,
2. An inadequate margin of safety exists between the derived AEGL–1 and the AEGL–2, or
3. The derived AEGL–1 is greater than the AEGL–2. Absence of an AEGL–1 does not imply that exposure below the AEGL–2 is without adverse effects.
NA. Not appropriate. AEGL values for 8 hrs. were not developed due to the rapid decomposition of nickel carbonyl under ambient atmospheric conditions.

2. *References*—i. Kincaid, J.F., Strong, J.S., and Sunderman, F.W. 1953. Nickel poisoning. Experimental study of the effects of acute and subacute exposure to nickel carbonyl. *Archives of Industrial Hygiene and Occupational Medicine.* 8:48–60.

ii. Sunderman, F.W., Jr., Shen, S.K., Reid, M.C., and Alpist, P.R. 1980. Teratogenicity and embryotoxicity of nickel carbonyl in Syrian hamsters. *Teratogenicity Carcinogenicity Mutagenicity.* 1:223–233.

N. Iron Pentacarbonyl

1. *Description.* Iron pentacarbonyl is one of several iron carbonyls. It is formed by the interaction of carbon monoxide with finely divided iron. Iron pentacarbonyl is used in the manufacture of powdered iron cores for electronic components, as a catalyst and reagent in organic reactions, and as an anti-knock agent in gasoline. Iron pentacarbonyl is pyrophoric in air (−15°C flashpoint), burning to ferric oxide.

Quantitative toxicity data and odor detection data for humans are unavailable. Qualitative descriptions of the signs and symptoms of iron pentacarbonyl exposure include giddiness and headache, and occasionally dyspnea and vomiting. With the exception of dyspnea, these signs and symptoms are alleviated upon removal from exposure but fever, cyanosis, and coughing may occur at 12 to 36 hrs. after exposure. This information could not be validated and additional details were unavailable.

Animal data are limited to lethality findings in rats, mice, and rabbits. Based upon the limited data available, the rat appears to be the most sensitive species as determined by the 30-min. LC_{50} of 118 ppm and a 4-hr LC_{50} of 10 ppm relative to the 30- min. LC_{50} of 285 ppm for the mouse. A steep exposure-response relationship is suggested by data showing 50% lethality in rats following only two 6-hr exposures to 3 ppm. For mice, a 1.35-fold increase in the LC_{50} results in near 100% mortality for the same exposure duration, suggesting a steep exposure-response relationship for this species as well. Similarly, a 2.8-fold increase in exposure concentration (86–244 ppm) results in a mortality rate in rats of 4/12 to 11/12. No reproductive/developmental toxicity, genotoxicity, or carcinogenicity data are available for iron pentacarbonyl.

Although exposure-response data for the same toxicity endpoint over multiple time periods were limited to several LC_{50} values, these data suggested a near-linear relationship. Therefore, the value of *n* was set at unity for the exponential temporal scaling equation, $C^n \times t = k$ AEGL values were developed for 10 mins., 30 mins., 1 hr., and 4 hrs. only. AEGL values were not developed for the 8-hr. time point due to the rapid decomposition of iron pentacarbonyl under ambient atmospheric conditions.

Data consistent with AEGL–1 effects were limited to labored breathing and signs of irritation in rats exposed to 5.2 ppm for 4 hrs. and no observable effects in rats exposed for 6 hours/day to 1 ppm for 28 days. However, analysis of the overall data set for iron pentacarbonyl indicated a very steep exposure-response curve with little margin between exposures producing no observable effects and those resulting in lethality. Therefore, it was the consensus of the NAC/AEGL Committee on AEGLs to recommend no AEGL–1 values.

Limited data in rats revealed that there is only a small margin between exposures causing little or no toxicity and those causing more severe effects and death. No effect was observed following exposure of rats to 1 ppm, 6 hours/day for up to 28 days while a single exposure to 2.91 ppm for 6 hours/day caused notable signs of toxicity with a 10% mortality. The occurrence of deaths in laboratory species several days following cessation of exposure is also a factor to consider in the derivation of AEGL–2 values showed. In the absence of exposure-response data for serious and/or possibly irreversible effects, AEGL–2 value were developed by a three-fold reduction in the AEGL–3 values. This 3-fold reduction was justified by the apparently steep exposure-response relationship in rats where there appears to be about a three-fold difference between exposures that produce no lethality and those resulting in 50–100% lethality. The AEGL–2 values also reflect the application of uncertainty factors of 10 for interspecies variability and 3 for intraspecies variability as described for the development of AEGL–3 values.

Animal data consistent with AEGL–3 were limited to 30-min. LC_{50} values for rats (118 ppm) and mice (285 ppm), a 45.5-min. LC_{lo} value for rabbits (250 ppm), and 4-hr. LC_{50} in rats (10 ppm). In addition to a 4-hr. LC_{50} value for rats, Biodynamics (1988) also provided 4-hr. LC_{16} estimate of 6.99 ppm and an estimated lethality threshold (4 hrs) of 5.2 ppm for male and female rats. Data from a study by BASF (1995), however,

showed that a single 6-hr exposure to 2.91 ppm resulted in 10% (1 of 10 rats) mortality and that a second exposure resulted in 50% mortality. Remaining rats, however, survived an additional 26 6-hr. exposures. A total uncertainty factor of 30 was applied. An uncertainty factor of 10 was applied to account for interspecies variability and justified due to the absence of definitive quantitative lethality data in humans and the uncertainties regarding the mechanism of iron pentacarbonyl-induced lethality. An additional factor of 3 was applied to account for uncertainties regarding individual variability in the toxic response to iron pentacarbonyl. The adjustment for this area of uncertainty was limited to 3 because the available data did not indicate a high level of variability among test species and because the mechanism of action for the observed toxic responses appears to be a port-of-entry effect mediated by contact irritation and destruction of pulmonary epithelium. The AEGL values for iron pentacarbonyl are presented in the table below.

Neither quantitative nor qualitative data are available regarding the potential carcinogenicity of iron pentacarbonyl by any route of exposure. Therefore, a quantitative assessment of potential risk is not possible. Genotoxicity tests in several strains of *Salmonella typhimurium* were negative.

SUMMARY OF PROPOSED AEGL VALUES FOR IRON PENTACARBONYL [PPM (MG/M^3)]

Classification	10 mins.	30 mins.	1 hr.	4 hrs.	8 hrs.	Endpoint (Reference)
AEGL–1 (Nondisabling)	NR	NR	NR	NR	NR	Not recommended; insufficient data
AEGL–2 (Disabling)	1.2 (9.6)	0.40 (3.2)	0.19 (1.5)	0.050 (0.40)	NA	Based upon a three-fold reduction in the AEGL–3 values
AEGL–3 (Lethal)	3.5 (28)	1.2 (9.6)	0.58 (4.6)	0.15 (1.2)	NA	Estimated lethality threshold in rats (6-hr. exposure to 2.91 ppm) (BASF, 1995). n = 1; UF = 30 (10 for interspecies variability, 3 for individual variability)

NR: Not recommended. Numeric values for AEGL–1 are not recommended because:
1. The lack of available data,
2. An inadequate margin of safety exists between the derived AEGL–1 and the AEGL–2, or
3. The derived AEGL–1 is greater than the AEGL–2. Absence of an AEGL–1 does not imply that exposure below the AEGL–2 is without adverse effects.

NA: Not appropriate; AEGL values for 8 hr. were not developed due to the rapid decomposition of iron pentacarbonyl under ambient atmospheric conditions.

2. *References* —i. BASF (Badische Anilin & Soda Fabrik). 1995. Study on the inhalation toxicity of eisenpentacarbonyl as a vapor in rats—28 day test. BASF Department of Toxicology. Environmental Protection Agency/Office of Toxic Substances, Document #89–950000244.

ii. Biodynamics. 1988. An acute inhalation toxicity study of iron pentacarbonyl in the rat. Final Report. Environmental Protection Agency/ Office of Toxic Substances, Document #88–920001300.

V. Next Steps

The NAC/AEGL Committee plans to publish "Proposed" AEGL values for five-exposure periods for other chemicals on the priority list of 85 in groups of approximately 10 to 20 chemicals in future **Federal Register** notices during the calendar year 2000.

The NAC/AEGL Committee will review and consider all public comments received on this notice, with revisions to the "Proposed" AEGL values as appropriate. The resulting AEGL values will be established as "Interim" AEGLs and will be forwarded to the NRC/NAS, for review and comment. The "Final" AEGLs will be published under the auspices of the NRC/NAS following concurrence on the values and the scientific rationale used in their development.

List of Subjects

Environmental protection, Hazardous substances.

Dated: June 16, 2000.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 1953/P.L. 106–216

To authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria. (June 20, 2000; 114 Stat. 343)

H.R. 2484/P.L. 106–217

To provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States. (June 20, 2000; 114 Stat. 344)

H.R. 3639/P.L. 106–218

To designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building". (June 20, 2000; 114 Stat. 345)

H.R. 4542/P.L. 106–219

To designate the Washington Opera in Washington, D.C., as the National Opera. (June 20, 2000; 114 Stat. 346)

S. 291/P L. 106–220

Carlsbad Irrigation Project Acquired Land Transfer Act (June 20, 2000; 114 Stat. 347)

S. 356/P.L. 106–221

Wellton-Mohawk Transfer Act (June 20, 2000; 114 Stat. 351)

S. 777/P.L. 106–222

Freedom to E-File Act (June 20, 2000; 114 Stat. 353)

S. 2722/P.L. 106–223

To authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith. (June 20, 2000; 114 Stat. 356)

H.R. 2559/P.L. 106–224

Agricultural Risk Protection Act of 2000 (June 20, 2000: 114 Stat. 358)

H.R. 3642/P.L. 106–225

To authorize the President to award posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes. (June 20, 2000; 114 Stat. 457)

Last List June 19, 2000

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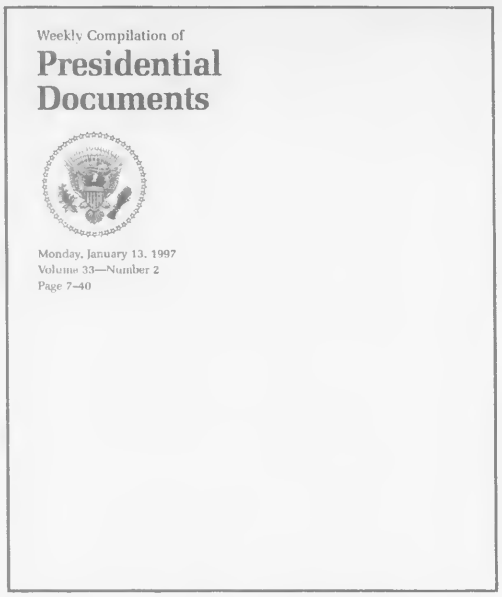

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