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WASHINGTON, DC

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

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

RESERVATIONS: 202–523–4538

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 27 and 28

[Docket No. CN–00–001]

RIN 0581–AB67

Revision of Cotton Classification Procedures for Determining Upland Cotton Color Grade

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is revising the procedure for determining the official color grade for Upland cotton. The color grade for Upland cotton is a part of the official classification which denotes cotton fiber quality used in the marketing and manufacturing of cotton. Previously, the color grade was determined by visual examination and comparison to the Official Cotton Standards by qualified cotton classers. The revision replaces the classer's color determination with the instrument color measurement made by the High Volume Instrument (HVI) system used for official cotton classification for Upland Cotton since 1991.

EFFECTIVE DATE: July 1, 2000.

FOR FURTHER INFORMATION CONTACT: Lee Cliburn, 202–720–2145.

SUPPLEMENTARY INFORMATION: A proposed rule detailing the revision was published in the **Federal Register** on March 1, 2000 (65 FR 10979). A 30-day comment period was provided for interested persons to respond to the proposed rule. No comments were received.

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

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

Regulatory Flexibility Act

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

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be disproportionately burdened. There are an estimated 35,150 cotton growers, merchants, and textile manufacturers in the U.S. who voluntarily use the AMS cotton classing services annually under the United States Cotton Standards Act, the Cotton Statistics and Estimates Act, and the Cotton Futures Act. The majority of these entities are small businesses under the criteria established by the Small Business Administration (13 CFR § 121.601). The change in procedure will not significantly affect small businesses as defined in the RFA because:

(1) Classification will continue to be based upon the Official Standards for Upland Cotton Color Grade established and maintained by the Department;

(2) The High Volume Instrument color measurement has been a part of the official classification record since 1991. Implementation of the revision for all cotton classification will not affect competition in the marketplace or adversely impact on cotton classification fees; and

(3) The use of cotton classification services is voluntary. For the 1999 crop, 15,825,000 running bales were produced by growers, and virtually all of them were voluntarily submitted for USDA classification. Classification services provided for merchants and manufacturers during the same period totaled approximately 404,000 bales.

Paperwork Reduction Act

In compliance with OMB regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), the information collection requirements contained in the provisions amended by this final rule have been previously approved by OMB and were assigned OMB control number 0581–0009 under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Background

Pursuant to the authority contained in the United States Cotton Standards Act, the Secretary of Agriculture maintains official cotton standards of the United States and provides classification and testing services to cotton producers, textile manufacturers, merchants, and others in the domestic and international cotton industry. The standards are used for the classification of American upland cotton and provide a basis for the determination of value for commercial purposes. Classification services provide information on quality of cotton. The National Cotton Council represents the interests of all seven segments of the U.S. cotton industry: growers, ginners, warehousers, merchants, cooperatives, manufacturers, and cottonseed oil crushers.

Need for Revisions

High Volume Instrument classification was adopted for all USDA classification of American upland cotton in 1991. The color grade is a component of the official USDA classification. Although High Volume Instrument colormeter readings have been reported since 1991, at the request of the industry, USDA continued the procedure of determining the official color grade by human cotton classers because of the historical importance of color in determining the quality of cotton. With the passage of time, confidence in USDA High Volume Instrument measurements of fiber quality characteristics for classification of cotton grew to the extent that industry representatives requested that High Volume Instrument colormeter readings be used for the official determination of color grade.

AMS conducted a pilot project during the 1998 and 1999 cotton classing seasons to implement an adjustment to the existing High Volume Instrument color measurement so that it would

more closely match the Official Cotton Standards used by classers for official color grade determination. Data from the project, which the AMS Cotton Program conducted in cooperation with the National Cotton Council's Quality Task Force, showed that the HVI color measurement closely matched the Official Cotton Grade Standards for color. Results from the 1998 and 1999 crops showed that the HVI colormeter determines Official color grades as accurately as cotton classers. In December of 1999, the National Cotton Council Quality Task Force recommended that AMS replace the cotton classer determination with the HVI colormeter determination for color grade. AMS will now use the HVI colormeter determination as the official component of classification of American Upland cotton for color grade.

For the reasons set forth above, this proposal amends the sections in Parts 28—Cotton Classing, Testing, and Standards, Subpart A—Regulations Under the United States Cotton Standards Act, which establish the procedures for determining official cotton classification based on the Official Cotton Grade Standards. Since cotton classification services under the United States Cotton Futures Act must conform to the requirements of the Cotton Standards Act, this final rule also amends the sections in Part 27—Cotton Classification Under Cotton Futures Legislation which establish the procedures for determining cotton classification for cotton submitted for futures certification.

Accordingly, under Part 27, in § 27.2 (n), the definition of the term "classification" is revised to reflect the changes in procedures made under Part 28.

Also under Part 27, § 27.31 is revised to reflect the deletion of the requirement for cotton classers to determine color grade. The revised heading and section reflect the changes made in procedures for determination of cotton quality in accordance with the official standards.

In Part 28, § 28.8 is revised to reflect the change in cotton classification procedures which replaces classer visual examinations to fix color with instrument color measurement by High Volume Instruments. Miscellaneous other changes are made to the sections to better reflect current procedures in view of color determination change. For example, those determinations made by cotton classers or by authorized Cotton Program employees will be specified.

These changes will be made effective on July 1, 2000, when classification of newly harvested 2000 crop cotton will begin.

List of Subjects

7 CFR Part 27

Commodity Futures, Cotton.

7 CFR Part 28

Administrative practice and procedure, Cotton, Reporting and recordkeeping requirements, Warehouses.

For the reasons set forth in the preamble, 7 CFR parts 27 and 28 is revised to read as follows:

PART 27—[AMENDED]

1. The authority citation for 7 CFR part 27 continues to read as follows:

Authority: 7 U.S.C. 15b, 7 U.S.C. 4736, 7 U.S.C. 1622(g).

2. In § 27.2, paragraph (n) is revised to read as follows:

§ 27.2 Terms defined.

* * * * *

(n) Classification. The classification of any cotton shall be determined by the quality of a sample in accordance with Official Cotton Standards of the United States for the color grade and the leaf grade of American upland cotton, the length of staple, and fiber property measurements such as micronaire. High Volume Instruments will determine all fiber property measurements except leaf grade and extraneous matter. High Volume Instrument colormeter measurements will be used for determining the official color grade. Cotton classers, designated as such by the Director, will determine the official leaf grade and extraneous matter, and authorized Cotton Program employees will determine all fiber property measurements using High Volume Instruments.

* * * * *

3. Section 27.31 is revised to read as follows:

§ 27.31 Classification of Cotton.

For the purposes of subsection 15b (f) of the Act, classification of cotton is the determination of the quality of a sample in accordance with the Official Cotton Standards of the United States for the color grade and the leaf grade of American upland cotton, the length of staple, and fiber property measurements such as micronaire. High Volume Instruments will determine all fiber property measurements except leaf grade and extraneous matter. High Volume Instrument colormeter measurements will be used for determining the official color grade. Cotton classers, designated as such by the Director, will determine the official leaf grade and extraneous matter, and authorized Cotton Program employees will determine all fiber property measurements using High Volume Instruments.

PART 28—[AMENDED]

1. The authority citation for 7 CFR part 28, Subpart A is revised to read as follows:

Authority: 7 U.S.C. 55 and 61.

2. Section 28.8 is revised to read as follows:

§ 28.8 Classification of cotton; determination.

For the purposes of the Act, the classification of any cotton shall be determined by the quality of a sample in accordance with Official Cotton Standards of the United States for the color grade and the leaf grade of American upland cotton, the length of staple, and fiber property measurements such as micronaire. High Volume Instruments will determine all fiber property measurements except leaf grade and extraneous matter. High Volume Instrument colormeter measurements will be used for determining the official color grade. Cotton classers will determine the official leaf grade and extraneous matter, and authorized Cotton Program employees will determine all fiber property measurements using High Volume Instruments. The classification record of a classing office or the Quality Assurance Unit with respect to any cotton shall be deemed to be the classification record of the Department.

Dated: June 6, 2000.

Kathleen A. Merrigan,

Administrator, Agricultural Marketing Service.

[FR Doc. 00–14693 Filed 6–8–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

[Docket No. CN–00–003]

RIN 0581–AB82

Grade Standards and Classification for American Pima Cotton

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is revising the official standards for the grade of American Pima to provide for the separation of

grade into its chief components of color and leaf. This change was requested by representatives of the American Pima industry. Each component of the composite grade will stand on its own so that its effect on end use value or processing capability can be fully and separately evaluated. The separation of grade into color and leaf will require a change in three of the physical standards for American Pima cotton as currently maintained by USDA. This change will enhance the Agency's ability to provide useful and cost-effective classification, standardization and market news services for American Pima cotton.

EFFECTIVE DATE: June 11, 2001.

FOR FURTHER INFORMATION CONTACT: Lee Cliburn, Cotton Program, AMS, USDA, 202–720–2145.

SUPPLEMENTARY INFORMATION: A proposed rule detailing the revisions was published in the **Federal Register** on April 4, 2000 (FR 65 17609). A 30-day comment period was provided for interested persons to respond to the proposed rule. Four comments were received asking for modifications to section 28.522, explanatory terms of the proposed rule. Three comments, from ginning associations, disagreed that preparation describes the roughness or smoothness with which cotton is ginned. They argued that the statement insinuates that "preparation" is a result of the ginning of cotton, and that cotton classification can measure the nappiness or neppiness of cotton, but cannot determine the cause of that condition. They suggested that cultural practices in the growing of cotton as well as harvesting of cotton can also contribute to nappiness or neppiness. This suggestion has merit. Accordingly, the definition of "preparation" has been rewritten in section 28.522 (a) to clarify that it describes the degree of smoothness or roughness of the ginned lint (cotton) without addressing any possible cause. The fourth comment, from a merchant association, suggested that spindle twist be included on the classification record. The agency agrees with this comment and has rewritten section 28.522 (b), to add spindle twist and preparation as explanatory terms to be entered on the classification record.

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

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

Regulatory F'exibility Act

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

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be disproportionately burdened. There are an estimated 1,000 growers of Pima cotton in the U.S. who voluntarily use the AMS cotton classing services annually, and the majority of these entities are small businesses under the criteria established by the Small Business Administration (13 CFR 121.201). The change in procedure will not significantly affect small entities as defined in the RFA because:

(1) Classification will continue to be based upon the Official Standards for American Pima Cotton established and maintained by the Department;

(2) The change in official American Pima cotton standards will be consistently implemented for all American Pima cotton classed by USDA, with each component, color and leaf, standing on its own so that its effect on end use value or processing capability can be fully and separately evaluated. Therefore, it will not adversely affect competition in the marketplace; and

(3) The use of cotton classification services is voluntary. In 1999, 645,000 bales of American Pima cotton were produced—the largest Pima crop on record, and virtually all of them were submitted by growers for USDA classification. Over the last ten years, U.S. production of Pima has averaged 440,000 bales annually.

Paperwork Reduction Act

In compliance with OMB regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), the information collection requirements contained in the provisions to be amended by this final rule have been previously approved by OMB and were assigned OMB control number 0581–0009 under the Paperwork Reduction Act.

Background

Pursuant to the authority contained in the United States Cotton Standards Act (7 U.S.C. 51 *et seq.*), the Secretary of Agriculture maintains official cotton standards of the United States for the grades of American Pima cotton. These standards are used for the classification of American Pima cotton and provide a basis for the determination of value for commercial purposes. American Pima cotton is extra long staple cotton—1¼ to 1⁹⁄₁₆ inches—from the botanical group Gossypium barbadense, and it accounts for only 3–5 percent of the total U.S. cotton crop each year.

The existing official cotton standards for the grades of American Pima cotton are listed and described in the regulation at 7 CFR 28.501–28.507. There are six physical standards represented by practical forms, and one descriptive standard for which practical forms are not made. The descriptive standard describes cotton which is lower in grade than that represented by the physical standards.

The first grade standards for American Pima (American Egyptian) cotton were promulgated by USDA in 1918. They have been revised several times since, mainly because of changing varietal characteristics and harvesting and ginning practices. The last complete revision of the standards was published in the **Federal Register** of June 18, 1985 (50 FR 25198), and became effective in 1986.

Pursuant to the United States Cotton Standards Act, any standard change or replacement to the standards shall become effective not less than one year after the date promulgated. It is anticipated that the changes proposed in this document, if adopted, would be implemented to coincide with the beginning of the 2001 crop year.

Need for Revisions

The current classification system for American Pima combines color and leaf and some extraneous matter into a composite grade, complicating the individual evaluation of the two primary components of color and leaf. Separation of the composite grade into its chief components of color and leaf and removal of any extraneous matter from the component standards will permit each quality factor to be recognized clearly on its own, and its effect on end use value or processing capability will be fully and separately evaluated. Manufacturers will be able to determine the utility value of each component and any premiums and discounts. American Upland cotton has been classified by separate color and

leaf grades since 1993. The success of this separation for American Upland cotton prompted the representatives of the American Pima industry to request this change in the standards for American Pima. The USDA's ability to provide useful and cost-effective cotton classification, standardization, and market news services will be enhanced by this change.

Revisions to Standards

The existing official cotton standards for the grades of American Pima cotton listed and described in the regulations at (7 CFR 28.501–28.507) will be revised.

There will be established seven official cotton standards for color grades of American Pima cotton. Of these seven standards, six will be physical standards represented by practical forms and one will be descriptive for the lowest quality color for which practical forms are not made. The six practical forms will have the same color ranges as currently maintained in the corresponding physical standards for the grades of American Pima cotton for Grade No. 1, Grade No. 2, Grade No.3, Grade No. 4, Grade No. 5, and Grade No. 6 described at 7 CFR 28.501, 28.502, 28.503, 28.504, 28.505, and 28.506. The descriptive color standard for which practical forms will not be made will have the same color as currently described in the standards for the grade of American Pima cotton for Grade No. 7 at 7 CFR 28.507, which is any color inferior to Grade No. 6.

There will be established seven official cotton standards for leaf grade of American Pima cotton. Of these, six will be physical standards represented by practical forms and one will be a descriptive standard to describe the lowest quality cotton for which practical forms will not be made. The physical standards for leaf grades will each have the same leaf content ranges as currently maintained in the corresponding physical standards for the grades of American Pima cotton for Grade No. 1, Grade No. 2, Grade No.3, Grade No. 4, Grade No. 5, and Grade No. 6 described at 7 CFR 28.501, 28.502, 28.503, 28.504, 28.505, and 28.506. Grade No. 7 is described at § 28.507, and no physical standard will be made for it because it will continue to include all ranges of leaf content inferior to Grade No. 6. The standards for Grade No. 4, Grade No. 5, Grade No. 6, and Grade No. 7 will also be changed to remove the bark now present in those standards. After removal of bark from the standards, the presence of bark, which is extraneous matter, will be noted on classification records without regard to the grades assigned as any other extraneous matter is listed under the current standard. American Pima cotton will not be reduced in grade due to the presence of any extraneous matter when it is present in any grade.

For practical considerations the color standards and the leaf standards will be represented by the same set of physical samples. There will be one container for Grade No. 1 Color and Grade No. 1 Leaf, one container for Grade No. 2 Color and Grade No. 2 Leaf, one container for Grade No. 3 Color and Grade No. 3 Leaf, one container for Grade No. 4 Color and Grade No. 4 Leaf, one container for Grade No. 5 color and Grade No. 5 Leaf, and one container for Grade No. 6 Color and Grade No. 6 Leaf.

The definition of official standards in § 28.2 (p) will be changed to reflect the separation of color and leaf grades for American Upland and American Pima cotton.

A new section, § 28.521, will be added to state that Color Grade designation shall be made independently of the leaf content, and Leaf Grade designation shall be made independently of the color content. Section 28.522 will be added for explanatory terms that include preparation and extraneous matter.

The table of symbols and code numbers used in lieu of cotton grade names in 7 CFR 28.525 will be revised to reflect these changes.

The changes in this document will be implemented to coincide with the beginning of the 2001 crop year.

List of Subjects in 7 CFR Part 28

Administrative practice and procedure, Cotton, Cotton samples, Grades, Market news, Reporting and recordkeeping requirements, Standards, Staples, Testing, Warehouses.

For the reasons set out in the preamble, title 7 CFR Part 28, subpart A and C, is amended as follows:

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

1. The authority citation for 7 CFR part 28, Subpart A continues to read as follows:

Authority: Sec. 5, 50 Stat. 62, as amended (7 U.S.C. 55); sec. 10, 42 Stat. 1519 (7 U.S.C. 61).

2. In § 28.2, paragraph (p) is revised to read as follows:

§ 28.2 Terms defined.

* * * * *

(p) Official Cotton Standards. Official Cotton Standards of the United States for the color grade and the leaf grade of American upland cotton, the color grade and the leaf grade of American Pima cotton, the length of staple, and fiber property measurements, adopted or established pursuant to the Act, or any change or replacement thereof.

* * * * *

3. The authority citation for Part 28, Subpart C—Standards, Official Cotton Standards of the United States for the Grade of American Pima Cotton, will continue to read as follows:

Authority: Sections 28.501 to 28.507 and 28.511 to 28.517 issued under Sec. 10, 42 Stat. 1519 (7 U.S.C. 61). Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580;7 U.S.C. 56, 26 U.S.C. 4854.

4. The undesignated centerheading following § 28.482 and §§ 28.501 through 28.507 will be revised to read as follows [§§ 28.508 through 28.510 continue to be reserved]:

Official Cotton Standards of the United States for the Color Grade of American Pima Cotton

28.501 Color Grade No. 1.
28.502 Color Grade No. 2.
28.503 Color Grade No. 3.
28.504 Color Grade No. 4.
28.505 Color Grade No. 5.
28.506 Color Grade No. 6.
28.507 Color Grade No. 7.
28.508–28.510 [Reserved]

Official Cotton Standards of the United States for the Color Grade of American Pima Cotton

§ 28.501 Color Grade No. 1.

Color grade No. 1 shall be American Pima cotton which in color is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Color Grade No. 1, effective July 1, 1986."

§ 28.502 Color Grade No. 2.

Color grade No. 2 shall be American Pima cotton which in color is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Color Grade No. 2, effective July 1, 1986."

§ 28.503 Color Grade No. 3.

Color grade No. 3 shall be American Pima cotton which in color is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Color Grade No. 3, effective July 1, 1986."

§ 28.504 Color Grade No. 4.

Color grade No. 4 shall be American Pima cotton which in color is within the range represented by a set of samples in

the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Color Grade No. 4, effective July 1, 1986."

§ 28.505 Color Grade No. 5.

Color grade No. 5 shall be American Pima cotton which in color is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Color Grade No. 5, effective July 1, 1986."

§ 28.506 Color Grade No. 6.

Color grade No. 6 shall be American Pima cotton which in color is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Color Grade No. 6, effective July 1, 1986."

§ 28.507 Color Grade No. 7.

American Pima cotton which in color is inferior to Color Grade No. 6 shall be designated as "Color Grade No. 7."

5. An undesignated centerheading following §§ 28.508—28.510 [Reserved] and §§ 28.511 through 28.517 would be added to read as follows:

Official Cotton Standards of the United States for the Leaf Grade of American Pima Cotton

28.511 Leaf Grade No. 1.
28.512 Leaf Grade No. 2.
28.513 Leaf Grade No. 3.
28.514 Leaf Grade No. 4.
28.515 Leaf Grade No. 5.
28.516 Leaf Grade No. 6.
28.517 Leaf Grade No. 7.

Official Cotton Standards of the United States for the Leaf Grade of American Pima Cotton

§ 28.511 Leaf Grade No. 1.

Leaf grade No. 1 shall be American Pima cotton which in leaf is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Leaf Grade No. 1, effective July 1, 1986."

§ 28.512 Leaf Grade No. 2.

Leaf grade No. 2 shall be American Pima cotton which in leaf is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Leaf Grade No. 2, effective July 1, 1986."

§ 28.513 Leaf Grade No. 3.

Leaf grade No. 3 shall be American Pima cotton which in leaf is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Leaf Grade No. 3, effective July 1, 1986."

§ 28.514 Leaf Grade No. 4.

Leaf grade No. 4 shall be American Pima cotton which in leaf is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Leaf Grade No. 4, effective July 1, 2001."

§ 28.515 Leaf Grade No. 5.

Leaf grade No. 5 shall be American Pima cotton which in leaf is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Leaf Grade No. 5, effective July 1, 2001."

§ 28.516 Leaf Grade No. 6.

Leaf grade No. 6 shall be American Pima cotton which in leaf is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Leaf Grade No. 6, effective July 1, 2001."

§ 28.517 Leaf Grade No. 7.

American Pima cotton which in leaf is inferior to Leaf Grade No. 6 shall be designated as "Leaf Grade No. 7."

6. An undesignated centerheading following § 28.517 and §§ 28.521 and 28.522 would be added to read as follows:

Application of Standards and Explanatory Terms

§ 28.521 Application of color and leaf grade standards.

American Pima cotton which in color is within the range of the color standards established in this part shall be designated according to the color standard irrespective of the leaf content. American Pima cotton which in leaf is within the range of the leaf standards established in this part shall be designated according to the leaf standard irrespective of the color content.

§ 28.522 Explanatory terms.

(a) The term preparation is used to describe the degree of smoothness or roughness of the ginned lint. Normal preparation for any color grade of American Pima cotton for which there is a physical color standard shall be that found in the physical color standard. If the preparation is other than normal, it shall be entered on the classification record.

(b) Explanatory terms considered necessary to adequately describe the presence of preparation, spindle twist, and extraneous matter such as bark, grass, seed coat fragments, oil, etc. in the sample, shall be part of the classification record.

7. The authority citation for § 28.525, would continue to read as follows:

Authority: Sec. 28.525 issued under Sec. 10, 42 Stat. 1519 (U.S.C. 61). Interpret or apply Sec. 6, 42 Stat. 1518, as amended (7 U.S.C. 56).

8. In § 28.525, paragraph (d) would be redesignated as paragraph (e), paragraph (c) would be revised, and a new paragraph (d) would be added to read as follows:

§ 28.525 Symbols and code numbers.

* * * * *

(c) Symbols and Code Numbers for Color Grades of American Pima Cotton.

Full grade name	Symbol Code	No.
Color Grade No. 1	AP C1	01
Color Grade No. 2	AP C2	02
Color Grade No. 3	AP C3	03
Color Grade No. 4	AP C4	04
Color Grade No. 5	AP C5	05
Color Grade No. 6	AP C6	06
Color Grade No. 7	AP C7	07

(d) Symbols and Code Numbers for Leaf Grades of American Pima Cotton.

Full grade name	Symbol Code	No.
Leaf Grade No. 1	AP L1	1
Leaf Grade No. 2	AP L2	2
Leaf Grade No. 3	AP L3	3
Leaf Grade No. 4	AP L4	4
Leaf Grade No. 5	AP L5	5
Leaf Grade No. 6	AP L6	6
Leaf Grade No. 7	AP L7	7

* * * * *

Dated: June 6, 2000.

Kathleen A. Merrigan,

Administrator, Agricultural Marketing Service.

[FR Doc. 00–14694 Filed 6–8–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ACE–9]

Amendment to Class E Airspace; Orange City, IA; Confirmation of Effective Date and Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date and correction.

SUMMARY: This document confirms the effective date of a direct final rule which revises the Class E airspace at Orange City, IA, and corrects an error in the airspace designation for Orange City Municipal Airport as published in the **Federal Register** April 18, 2000 (65 FR 20723), Airspace Docket No. 00–ACE–9.

DATES: The direct final rule published at 65 FR 20723 is effective on 0901 UTC, August 10, 2000. This correction is effective on August 10, 2000.

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

SUPPLEMENTARY INFORMATION:

History

On April 18, 2000, the FAA published in the **Federal Register** a direct final rule; request for comments which revises the Class E airspace at Orange City, IA (FR Doc. 00–9548, 65 FR 20723, Airspace Docket No. 00–ACE–9). An error was subsequently discovered in the airspace designation for Orange City Municipal Airport. This action corrects that error. After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require adoption of the rule. The FAA has determined that this correction will not change the meaning of the action nor add any additional burden on the public beyond that already published. This action corrects the error in the airspace designation and confirms the effective date to the direct final rule.

The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on August 10, 2000. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Correction to the Direct Final Rule

Accordingly, pursuant to the authority delegated to me, the airspace designation for Orange County Airport, as published in the **Federal Register** on April 18, 2000 (65 FR 20723), FR Doc. 00–9548 is corrected as follows:

§ 71.1 [Corrected]

ACE IA E5 Orange City, IA [Corrected]

1. On page 20724, in the second column, line 10 of the airspace designations, correct "north" to read "south".

Issued in Kansas City, MO on May 24, 2000.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–14047 Filed 6–8–00; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249b

[Release No. 34–42892; File No. S7–11–99]

RIN 3235–AH44

Revised Transfer Agent Form and Related Rule

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission is adopting amendments to Rule 17Ac2–2 and to related Form TA–2 and rescinding Rule 17a–24 under the Securities Exchange Act of 1934. The amendments are designed to clarify filing requirements and instructions; eliminate or change ambiguous terms and phrases; delete certain redundant or unnecessary questions; and add questions that will help the Commission to more effectively monitor the transfer agent industry.

EFFECTIVE DATE: July 10, 2000.

FOR FURTHER INFORMATION CONTACT: Jerry W. Carpenter, Assistant Director, Lori R. Bucci, Special Counsel, or Michael G. Rae, Staff Attorney, at 202/942–4187, Office of Risk Management and Control, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549–1001.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Rule 17Ac2–2 and Form TA–2

In 1986, the Securities and Exchange Commission (Commission) adopted Rule 17Ac2–2 [1] under the Securities Exchange Act of 1934 (Exchange Act), which requires all registered transfer agents to file an annual report of their business activities on Form TA–2.[2] Rule 17Ac2–2 and Form TA–2 have not been revised since their adoption.

On March 23, 1999, as part of the Commission's continuing efforts to improve and simplify rules and forms, the Commission proposed for comment amendments to Rule 17Ac2–2 and Form TA–2.[3] The Commission and the other appropriate regulatory agencies (ARA) have direct oversight responsibility for transfer agents, and there is no self-regulatory organization for transfer agents.[4] The receipt by ARAs of annual information about transfer agent activities is therefore an essential component of their oversight of transfer agents. The proposed amendments were intended to allow the Commission to obtain clearer and more comprehensive information from transfer agents about their activities.

B. Lost Securityholders

To help address the problem of lost securityholders, on October 1, 1997, the Commission adopted Rules 17Ad–17 and 17a–24.[5] Rule 17Ad–17 requires transfer agents to conduct database searches in an effort to locate lost securityholders. Rule 17a–24 requires

[1] 17 CFR 240.17Ac2–2.

[2] Securities Exchange Act Release No. 23084 (March 27, 1986), 51 FR 12124. Form TA–2 is referenced in 17 CFR 249b.102.

[3] Securities Exchange Act Release No. 41204 (March 23, 1999), 64 FR 15310 (March 31, 1999).

[4] "ARA" is defined in Section 3(a)(34) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(34), and includes the Commission, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency.

[5] Securities Exchange Act Release No. 39176 (October 1, 1997), 62 FR 52229. "Lost securityholder," as defined in Rule 17Ad–17, means a securityholder: (i) to whom an item of correspondence that was sent to the securityholder at the address contained in the transfer agent's master securityholder file has been returned as undeliverable; provided, however, that if such item is re-sent within one month to the lost securityholder, the transfer agent may deem the securityholder to be a lost securityholder as of the day the re-sent item is returned as undeliverable; and (ii) for whom the transfer agent has not received information regarding the securityholder's new address. The Commission also adopted amendments to Rule 17Ad–7 incorporating the time periods for retention of records required by Rule 17Ad–17.

transfer agents to submit on Form TA–2 aggregate data regarding the accounts of lost securityholders.[6] The purpose of Rule 17a–24 is to gather data to assess the effectiveness of the search requirements of Rule 17Ad–17. As a result of its continuing review of the lost securityholder issue, the Commission is reviewing the information that transfer agents must submit to help the Commission assess the effectiveness of the search requirements of Rule 17Ad–17. Therefore, the Commission proposed to require transfer agents to report on Form TA–2 specific information about the results of the required database searches for lost securityholders and proposed to rescind Rule 17a–24 and its reporting requirements.

II. Discussion

The Commission received 12 comment letters on the proposal, most of which were favorable.[7] As discussed below, the Commission has decided to adopt the amendments to Rule 17Ac2–2 and Form TA–2 and to rescind Rule 17a–24 substantially as proposed but with certain modifications suggested by the commenters.

A. Rule 17Ac2–2

1. Elimination of Filing Exception

The Commission proposed several modifications to Rule 17Ac2–2. Rule 17Ac2–2 currently provides that a transfer agent that engages a service company to perform all of its transfer and processing functions is not required to file Form TA–2.[8] As a consequence, in processing Form TA–2 filings, the Commission's staff frequently cannot determine whether a transfer agent that did not file Form TA–2 is properly using the exception or has simply neglected to file. To address this problem, we proposed to eliminate the exception and to require a transfer agent that engaged a service company to perform all of its transfer and processing functions to answer four questions on Form TA–2 about the service company relationship.[9]

Two comment letters received on the elimination of the filing exception were favorable.[10] Three commenters, however, expressed concern that asking for information other than the service company's name was redundant.[11] One commenter argued that if the service company and the transfer agent for which it acts as the service agent both are required to submit data about the number of items it received for transfer, the Commission will receive duplicative information.[12]

The Commission has decided that in order to strike a balance between obtaining more comprehensive information from transfer agents about their activities and not imposing unnecessary burdens on transfer agents that outsource all of their transfer agent functions, the Commission is adopting this provision with several changes.[13] As adopted, transfer agents that hire service companies to perform all of their transfer agent functions will not be required to provide the number of items it received for transfer during the reporting period. In addition, in order to obtain the most current and complete information regarding a transfer agent's use of a service company, the Commission is adopting an additional question that requires the transfer agent to state whether it has been engaged as a service company during the reporting period.

2. Reporting Period

Current Rule 17Ac2–2 states that every registered transfer agent shall file an annual report on Form TA–2 in accordance with the instructions contained therein by August 31 of each calendar year. Most of the data reported on the pre-amended Form TA–2 is as of June 30, but some of the data reported is as of December 31. In order to have a uniform annual reporting period, the Commission proposed that the term "reporting period" mean the 12 months ended June 30 of the year for which the form was filed. The June 30 date was chosen to avoid increasing the year-end reporting burden on transfer agents.

No commenters supported June 30 as the reporting period. Three commenters suggested that it made more sense for Rule 17Ac2–2 to require that data be reported on Form TA–2 as of the end of the calendar year, or December 31.[14] For example, one commenter explained that year-end reporting would not only "coincide with the usual corporate accounting standards, it should make the information more accurate and consistent and would likely lessen the burden of creating reports from mid-stream data."[15] This commenter pointed out that because the employees that prepare Form TA–2 are usually different from those that prepare other general corporate reporting, compiling data for Form TA–2 reporting at year-end would not create significant additional work. In response to these comments, the Commission has modified the definition of the reporting period to require that, beginning with the reporting period for the Year 2000, each transfer agent registered on December 31 must file a report on Form TA–2 by March 31[16] covering the prior calendar year.[17]

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[6] Rule 17a–24 requires registered transfer agents to report the number of lost securityholder accounts as of June 30 of each year and the percentage of total accounts represented by such lost securityholder accounts. These figures are broken down by the length of time the securityholder was classified as lost: one year or less; three years or less; five years or less; or more than five years. Rule 17a–24 also requires that transfer agents annually report information on lost securityholder accounts that were remitted to state unclaimed property administrators.

[7] Letters from Lynette M. States, Assistant Director, Arizona Department of Revenue (May 14, 1999); Scott Muirhead, Vice President, Bankers Trust (May 17, 1999); Robert E. Smith, President, Corporate Transfer Agents Association, Inc. (CTA) (July 29, 1999); Charles V. Rossi, President, EquiServe (May 17, 1999); Nancy C. Ashcom, Corporate Secretary, FirstEnergy (May 14, 1999); Kathleen C. Joaquin, Director—Transfer Agency & International Operations, Investment Company Institute (May 17, 1999); Jessie Baker, President, National Association of Unclaimed Property Administrators (NAUPA) (May 17, 1999); Thomas L. Montrone, President and Chief Executive Officer, Registrar and Transfer Company (RTC) (May 5, 1999); Robert Dietz, President, Securities Transfer Association, Inc. (STA) (May 17, 1999); James R. Alden, Manager and Assistant Secretary, Shareholder Services (April 27, 1999); and James R. Alden, Assistant Secretary and Manager of Shareholder Services, Southern California Edison (April 27, 1999). The comment letters and a Commission staff summary of the comments are contained in File No. S7–11–99 and are available for inspection in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549.

[8] "Named transfer agent" is defined in Rule 17Ad–9(j) as the registered transfer agent that is engaged by an issuer to perform transfer agent functions for an issue of securities but has engaged a service company to perform some or all of those functions. 17 CFR 240.17Ad–9(j).

"Service company" is defined in Rule 17Ad–9(k) as the registered transfer agent engaged by a named transfer agent to perform transfer agent functions for that named transfer agent. 17 CFR 240.17Ad–9(k).

[9] As proposed, the portion of Form TA–2 such a transfer agent would be required to complete would provide basic information such as the transfer agent's name, its use of a service company, the name of its ARA, whether it filed any amendments to its registration, and the number of items it received for transfer and processing during the reporting period.

[10] Letters from CTA and RTC.

[11] Letters from CTA, EquiServe, and STA.

[12] Letter from EquiServe.

[13] Rule 17Ac2–2 requires a named transfer agent that engages a service company to perform some but not all of its transfer and processing functions to file a Form TA–2 and to enter zero for those questions that relate to transfer agent activities performed by the service company on behalf of the named transfer agent. These requirements would not be changed.

[14] Letters from CTA, FirstEnergy, and STA.

[15] Letter from CTA.

[16] While some transfer agents have said they prefer a later reporting date because of other year-end processing, the Commission believes that a reporting date past March 31 would make the data less useful.

[17] As a transition measure, transfer agents' next required From TA–2 filing will be on March 31, 2001, which will cover their activities during calendar Year 2000. This will eliminate the filing for the period ending June 30, 2000 (which would have been due on August 31, 2000).

3. Clarification on Filing Requirements

The Commission proposed that Rule 17Ac2–2 be amended to require every transfer agent that is registered on June 30 to file Form TA–2 by August 31 of that calendar year. The Commission received no comment letters on this provision. We are adopting this provision with modifications to conform it to the new reporting period. As adopted, Rule 17Ac2–2 states that every transfer agent registered on December 31 must file Form TA–2. Therefore, a transfer agent that withdraws from registration prior to December 31 is not required to file Form TA–2 for the portion of the year that it was registered.

4. Items Received for Transfer and Processing

Current Rule 17Ac2–2 provides that a registered transfer agent is required to complete only Items 1 through 4 of Form TA–2 if it: Received fewer than 500 items for transfer and fewer than 500 items for processing in the six months ending June 30 and did not maintain master securityholder files for more than 1,000 individual securityholder accounts as of June 30. The Commission proposed to revise this partial exception to conform it to the full 12 month reporting period so that it applied to a registered transfer agent that received fewer than 1,000 items for transfer and fewer than 1,000 items for processing in the 12 months ending June 30 of the year for which the form is being filed.[18]

No commenters objected to this change, although two commenters said that "the receipt of 1,000 items for processing is not adequately defined."[19] The "processing" term refers to transfer agents acting as a registrar. However, today transfer agents are rarely hired to act solely as a registrar. Therefore, the rule as adopted omits the reference to processing but includes the other proposed changes.

B. Form TA–2

This section describes major proposed modifications to Form TA–2, the comments received, and the changes we are adopting.

1. CUSIP Number

Currently, in determining the number of investment company securities for which they act as transfer agents, transfer agents are instructed to count each prospectus as one issue. The Commission proposed that transfer agents count investment company securities as one issue per CUSIP number rather than by prospectuses. We received one favorable comment on this proposal, and are adopting the change.[20]

2. Amendments to Form TA–1

The Commission proposed adding a new question to Form TA–2 which would ask if the transfer agent had amended Form TA–1 as required by existing transfer agent rules.[21] The new question would also require the transfer agent to provide an explanation if it had failed to file a required amendment. The Commission received no comments regarding this provision. We are adopting this provision as proposed.

3. Direct Purchase and Dividend Reinvestment Plans

Currently, Form TA–2 elicits information regarding dividend reinvestment plans for which a transfer agent provides services. The Commission proposed revising Form TA–2 to require transfer agents to include data about direct purchase plans as well.

The Commission received five comments on this proposed change. One commenter stated that it had no objection to the proposed change that would require transfer agents to report separately the number of direct purchase and dividend reinvestment plan accounts.[22] One commenter noted that the question that requests the combined total of the number of direct purchase and dividend reinvestment plan accounts can be interpreted "to mean the number of accounts in issues that have open enrollment plans or the issues that have optional cash investment features included with dividend reinvestment plans."[23] The commenter suggested that in order to clarify what information is requested, the section should be divided into two distinct categories, one for dividend reinvestment plans and one for direct purchase facilities.[24] Three commenters essentially stated that it is common for a dividend reinvestment plan and a direct purchase plan to be the same plan. As a result, there is no need, for recordkeeping purposes, to segregate a dividend reinvestment plan from a direct purchase plan.[25] One commenter also highlighted that Direct Registration System (DRS)[26] shares are also not distinguished from plan shares.[27]

In response to the commenters' concerns, Form TA–2 has been modified to elicit information regarding the number of issues for which dividend reinvestment plan and/or direct purchase plan services are provided. We are requiring that transfer agents provide the number of individual securityholder dividend reinvestment plan and/or direct purchase plan accounts. In addition, Form TA–2 has been modified to elicit information regarding the number of issues for which DRS services are provided. We are also requiring that transfer agents provide the number of individual securityholder DRS accounts.

4. Securityholder Accounts

Currently, Form TA–2 requires transfer agents to set forth the percentage of individual securityholder accounts they maintain broken down into six categories: corporate equity securities, corporate debt securities, investment company securities, limited partnership securities, municipal debt securities, and other securities. For clarification purposes, we proposed that the category of investment company securities be renamed as "open-end investment company securities." In addition, we proposed that closed-end investment company securities be included in the corporate equity category. No comments were received on these proposed changes. We are adopting these changes as proposed.

[18] As proposed, the matter securityholder account element did not change. In addition, as proposed, low volume transfer agents were still required to complete a partial Form TA–2.

[19] Letters from RTC and STA.

[20] Letter from CTA.

[21] Transfer agents registered with the Commission are required by Rule 17Ac2–1(c) to amend Form TA–1 or the SEC Supplements to Form TA–1 within 60 calendar days following the date on which information reported therein became inaccurate, incomplete, or misleading. 17 CFR 240.17Ac2–1(c). Federal bank regulators (FBRs) also require their registrants to amend their Form TA–1 within 60 calendar days following the date on which the reported information became inaccurate, incomplete, or misleading. FBRs send copies of the submitted filings to the Commission on behalf of their registrants.

[22] Letter from EquiServe.

[23] Letter from RTC.

[24] *Id.* The commenter suggested that the categories should include one dealing with dividend reinvestment plans, whether or not they have an optional cash contribution for current participants, and a second for issues that have the open availability/direct purchase functionality. Issues in the later category usually have dividend reinvestment and optional cash features for participants. The commenter further recommended that the questions on dividend reinvestment plans should include only those plans that are not listed under the direct purchase responses.

[25] Letters from CTA, FirstEnergy, and STA.

[26] "Direct Registration System" means the system, as administered by The Depository Trust Company, that allows investors to hold their securities in electronic book-entry from directly on the books of the issuer or its transfer agent. Securities Exchange Act Release No. 37931 (November 7, 1996), 61 FR 58600. DRS securityholdings are growing. Currently, 11 transfer agents service 292 DRS eligible issues.

[27] Letter from CTA.

5. Securities Record Differences Upon Change of Transfer Agents

Form TA–2 requires transfer agents to provide information about the number and aggregate market value of (1) securities record differences that the current transfer agent received as an out of balance issue from the prior transfer agent and (2) securities record differences resulting from the current transfer agent.[28] The Commission proposed requiring transfer agents to report the number and aggregate market value of securities aged record differences with no detail as to whether the securities differences occurred before or after the change in transfer agents. Several commenters expressed concern that the Commission would not be able to differentiate between differences for which the current agent is or may be responsible versus those created by a former agent.[29] In light of these comments, we have determined not to adopt the proposed change.

6. Buy-Ins and Turnaround Time

We proposed to add two sections dealing with buy-ins and turnaround time to Form TA–2. The first section would require the number of quarterly reports of aged record differences that were filed and that should have been filed by the registrant with its ARA during the reporting period pursuant to Rule 17Ad–11(c)(2).[30] These reports contain information such as the size and dollar value of the record difference, the reason for the record difference, and the size and dollar value of any buy-ins executed to remedy the record difference. The second section would require transfer agents to report the number of months during the reporting period in which the registrant was not in compliance with the specified turnaround time for routine items pursuant to Rule 17Ad–2.[31] This section also would require transfer agents to report the number of written notices the transfer agent filed and should have filed during the reporting period documenting its noncompliance with turnaround time for routine items pursuant to Rule 17Ad–2. Lastly, the proposed section would require transfer agents to respond to the same questions with respect to compliance with turnaround times for when the transfer agent acted as an outside registrar.

Three commenters argued that the proposed sections regarding buy-ins and turnaround time seemed unnecessary and redundant, as the Commission or other appropriate regulatory agencies have received and should know the number of reports made to it by a transfer agent.[32] One commenter, however, stated that the additional information requested regarding transfer turnarounds is relevant and easy to report.[33]

While these proposals will elicit information regarding buy-ins and turnaround time that are required to be reported to the Commission or to other appropriate regulatory agencies, the Commission believes that it will be helpful to both issuers and the Commission to have this self-reported information included on the annual summary report, Form TA–2. These reporting elements will assist the ARAs in fulfilling their oversight responsibilities for transfer agents. The annual report would provide a better picture of patterns of a transfer agent's activity, and also would alert the ARA to instances where a transfer agent failed to file required reports. We are adopting these sections as proposed with one change. Consistent with the other changes to the proposal regarding registrar activities, we are not adopting the proposal pertaining to compliance with turnaround time by a transfer agent that acted as an outside registrar.

7. Technical Changes

The proposal also included numerous technical and conforming changes. For example, we proposed: changing the format of the box at the top of Form TA–2 that reflects the reporting period; adding definitions; requesting that the actual amounts be reported instead of abbreviated amounts; eliminating the collection of information about transfer agent custodian (TAC) arrangements;[34] and eliminating requests for certain percentages and figures. We received two comments supporting the changes to these provisions.[35] No negative comments regarding these provisions were received. We are adopting these modifications as proposed.

C. Rule 17a–24

Rule 17a–24 requires registered transfer agents to report the aggregate number of lost securityholder accounts as of June 30 of each year and the percentage of total accounts represented by such lost securityholder accounts. These figures currently must be reported for lost securityholder accounts outstanding for: one year or less, three years or less, five years or less, or more than five years. Rule 17Ad–17 requires transfer agents to conduct periodic searches of databases to obtain current addresses for lost securityholders. We adopted Rule 17a–24 to obtain information on aged lost securityholder accounts in order to assess the effectiveness of searches. Rule 17a–24 also requires information on lost securityholder accounts that were escheated to state unclaimed property administrators. Frequently, transfer agent representatives have told our staff that they have difficulty compiling information on the aging of lost securityholder accounts.

In the proposal, we intended to refine transfer agents' reporting requirements so that the reported information would give a better indication of the effectiveness of the database searches and be less burdensome to compile. We proposed that: (1) Transfer agents be required to report on Form TA–2 the number of lost securityholder accounts for which a first and a second database search has been conducted, and the number of lost securityholder accounts for which a correct address has been obtained as a result of each of these searches; (2) transfer agents continue, as required by Rule 17a–24, to report on Form TA–2 the current number of lost securityholder accounts and the number of lost securityholder accounts that were remitted to the states during the last year; (3) the remaining information (*i.e.*, aging of lost securityholder accounts) would no longer be required to be reported; and (4) Rule 17a–24 would be rescinded.

Several commenters stated that the proposed reporting requirements would not be easier to comply with than the current reporting requirements. Most of the commenters pointed out that, while

[28] "Record difference," as defined in Rule 17Ad–9(g), occurs when either (1) the total number of shares or total principal dollar amount of securities in the master securityholder file does not equal the number of shares or principal dollar amount in the control book, or (2) the security transferred or redeemed contains certificate detail different from the certificate detail currently on the master securityholder file, which difference cannot be immediately resolved.

[29] Letters from EquiServe, RTC, and STA.

[30] 17 CFR 240.17Ad–11(c)(2). Generally, Rule 17Ad–11(c)(2) requires a transfer agent to file a report at the end of each quarter during which it has an aged record difference (*i.e.*, where the number of shares on the securityholder file does not equal the number of shares authorized and issued by the issuer). A buy-in is required when a registered transfer agent overissues shares. The registered transfer agent within 60 days of the discovery of such overissuance buys-in securities equal to the number of shares in the case of equity securities or equal to the principal dollar amount in the case of debt securities. 17 CFR 240.17Ad–10(g).

[31] Turnaround times for routine items are set forth in Rule 17Ad–2. 17 CFR 240.17Ad–2.

[32] Letters from EquiServe, RTC, and STA.

[33] Letter from Bankers Trust.

[34] TAC arrangements, which are more commonly referred to as fast automated securities transfer (FAST) arrangements, exist between large transfer agents and The Depository Trust Company.

[35] Letters from CTA and Banker Trust.

they can determine the number of *different* addresses generated by database searches for lost securityholder accounts, it is virtually impossible to determine the number of lost securityholder accounts for which a *correct* address has been obtained during any specific database search.[36] For example, address changes are received from account holders continuously without the transfer agent knowing the cause or the source of the change. Therefore, transfer agents would have to manually research every address received from an account holder in order to determine if the address change resulted from the transfer agent's actions following a database search or from some other cause.

A few commenters expressed concern that the proposed requirement that transfer agents report the number of lost securityholder accounts that have been remitted to the states needs to be clarified as to whether the Commission wanted information on remittance of funds or securities.[37] These commenters also pointed out that with respect to state escheatment laws some transfer agents do not distinguish between lost and dormant accounts.

Two commenters also essentially argued that the Commission should prohibit a transfer agent from using any service that results in the lost securityholders not receiving the full value of their property.[38] These commenters believe that often the securityholder becomes lost as a result of poor recordkeeping on the transfer agent's books rather than the neglect of the owner. The commenters further suggested that to the extent that search firms are used, the requirements of fee limits and full disclosure to the securityholder would be reasonable.

In response to the comments, we are simplifying the reporting requirements. As adopted, transfer agents will be required to provide the date of each database search for lost securityholders during the reporting period, the number of lost securityholder accounts submitted for each database search, and the number of lost securityholder accounts for which a different address was obtained as a result of each database search. Transfer agents will continue to report on Form TA–2 the number of lost securityholder accounts that were remitted to the states during the reporting period, but will not be required to report aging of lost securityholder accounts. For purposes of clarification, transfer agents should only report those accounts held by securityholders that are defined as lost by Rule 17Ad–17[39] and should only report those accounts where the underlying securities have been remitted to the states. These reporting requirements should provide the Commission with useful information about the number of lost securityholders and the efficiency of the searches, but should not be burdensome for transfer agents to implement.

III. Paperwork Reduction Act

Certain provisions of the amendments to Rule 17Ac2–2 and Form TA–2 contain "collection of information" requirements within the meaning of the Paperwork Reduction Act of 1995,[40] and the Commission has submitted them to the Office of Management and Budget for review in accordance with 44 U.S.C. 3507(d) and 5 CFR 1320.11. The Commission notes that it is rescinding Rule 17a–24. However, the Commission is keeping two questions generated by Rule 17a–24 on Form TA–2 and is adding a question to Form TA–2 about the results of the required database searches for lost securityholders. The title for the collection of information is: "Transfer Agents Annual Report 17 CFR 240.17Ac2–2, Form TA–2." The OMB control number for the collection of information is 3235–0337.

In the proposing release, the Commission requested comment on the proposed collections of information. No comments were received that addressed the PRA submission. In the proposing release, the Commission based its estimates of the collection of information on statistics gathered from 1998. Because transfer agent statistics gained from various filings are now available for the year 1999, the Commission has revised the figures it used in the proposing release to update the collections of information required under the rules, as discussed below.

Under the amendments, Rule 17Ac2–2 requires the collection of additional information on amended Form TA–2. First, the amendments eliminate the filing exception for named transfer agents and require every named transfer agent using a service company for all of its transfer agent functions to complete only the first three questions (which request only simple information) and the signature section of Form TA–2. Second, registered transfer agents that meet the criteria based on volume of transfer business and number of shareholder accounts are required to answer Questions 1 through 5, 11, and the signature section of Form TA–2. Finally, registered transfer agents that file a complete Form TA–2 are required to respond to new questions regarding the use of service companies, amendments to Form TA–1, direct purchase and dividend reinvestment plan accounts, buy-ins, DRS, lost securityholders, and turnaround time for routine items.

The Commission uses the information on Form TA–2 to monitor the annual business activities of registered transfer agents. The proposed collection of information under amended Rule 17Ac2–2 and Form TA–2 is intended to facilitate greater accuracy of transfer agents' records. Furthermore, the information elicited from the additional questions regarding lost securityholder accounts should help the Commission to assess the effectiveness of the search requirements of Rule 17Ad–17 and the scope of the lost securityholder problem.

The collection of information required by the amendments to Rule 17Ac2–2 and Form TA–2 should not result in any new significant burden to transfer agents. All information required by Form TA–2 is available in the internal files of the transfer agents and a large portion of the information is already required to be calculated or maintained by existing Commission transfer agent rules.

The amount of time needed to comply with the requirements of amended Rule 17Ac2–2 and Form TA–2 will vary. There are approximately 1,093 registered transfer agents.[41] From this total number, approximately 270 registrants will be required to complete only Questions 1 through 3 and the signature section of amended Form TA–2, which the Commission estimates will take each registrant about 30 minutes, for a total of 135 hours (270 × .5 hours). Approximately 371 registrants will be required to answer Questions 1 through 5, 11, and the signature section, which the Commission estimates will take about 1 hour and 30 minutes, for a total of 557 hours (371 × 1.5 hours). The remaining registrants, approximately 452, will be required to complete the entire Form TA–2, which the Commission estimates will take about 6

[36] Letters from Bankers Trust, CTA, EquiServe, RTC, Shareholder Services, Southern California Edison, and STA.

[37] Letters from CTA, RTC, and STA.

[38] Letters from Arizona Department of Revenue and NAUPA. 17Ad–17 provides in pertinent part that every recordkeeping transfer agent whose master securityholder file includes accounts of lost securityholders shall exercise reasonable care to ascertain such lost securityholders' current addresses. Each recordkeeping transfer agent shall conduct two database searches without charge to a lost securityholder.

[39] *Supra*, note 4.

[40] 44 U.S.C. 3501 *et seq.*

[41] Since the proposing release, the total number of registered transfer agents has decreased.

hours, for a total of 2,712 hours (452 × 6 hours). The Commission estimates that the total burden will be 3,404 hours (135 + 557 + 2712).[42]

The collection of information pursuant to the amendments to Form TA–2 and Rule 17Ac2–2 does not contain any additional burdensome recordkeeping requirements. Providing the information will be mandatory. Responses to the collection of information will not be kept confidential. 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 Office of Management and Budget control number.

IV. Costs and Benefits of the Proposed Amendments

The Commission believes that significant benefits will result from the amendments to Rule 17Ac2–2 and Form TA–2 and the rescission of Rule 17a–24. To assist the Commission in its evaluation of the costs and benefits that may result from the new rules, commenters were requested to provide analysis and data, if possible, relating to costs and benefits associated with the proposed rule changes. In particular, the Commission requested comment on the potential costs for any necessary modifications to information gathering, management, and recordkeeping systems or procedures. The Commission received three comments that touched on this issue.[43]

Since the proposing release was issued, we have made a few changes to the proposed amendments to further improve the information obtained from the Form TA–2. In particular, we changed the reporting period to year end; shortened the questions on turnaround time; and further simplified the reporting requirements pertaining to lost securityholder information.

A. Benefits

The Commission believes that the rules will provide the following benefits:

- The elimination of the filing exception will help the Commission to keep complete records on all registered transfer agents.
- The additional questions to Form TA–2, including those regarding the use of service companies, amendments to Form TA–1, direct purchase and dividend reinvestment plan accounts, DRS, buy-ins, and turnaround time, will provide more accurate information about transfer agent business activities.
- The uniform reporting period at year-end should eliminate confusion from varying reporting periods.
- The simplification of the reporting requirements regarding lost securityholder accounts and the associated database searches should be less burdensome for transfer agents to report. This information should enable the Commission to assess the scope of the lost securityholder problem and to assess the effectiveness of the search requirements of Rule 17Ad–17 more effectively.

B. Costs

The simplification of Rule 17Ac2–2 and Form TA–2 through the amendments will most likely lead to a reduction of costs to transfer agents. The majority of information required by Form TA–2 is available in the internal files of the transfer agents, and a large portion of the information is already required to be calculated or maintained by other Commission rules.

The primary cost associated with the rule and Form TA–2 is the time that it will take transfer agent personnel to complete the form and file it with the Commission. The Commission estimates that because there is no increase in complexity to Form TA–2, there will be no increase in costs imposed on transfer agents over the amount previously spent in complying with the pre-amended versions of Rule 17Ac2–2 and Form TA–2. The amount of time needed to comply with the requirements of amended Rule 17Ac2–2 and Form TA–2 will vary depending on a particular transfer agent's activity. There are approximately 1,093 transfer agents who are registered with the Commission. Of this number, approximately 270 registrants would be required to complete only Questions 1 through 3 and the signature section of amended Form TA–2.[44] Approximately 371 registrants will be required to answer only Questions 1 through 5, 11 and the signature section due to their low volume of transfer business and number of shareholder accounts. The remaining registrants, approximately 452, would be required to complete the entire Form TA–2.

Additionally, the Commission sought comment and empirical data on the cost associated with modifying computer systems to report all items for a twelve month reporting period, instead of for a six month period. The Commission estimated that this likely would require a simple, one-time change to database reporting functions and would have a negligible cost on transfer agents. Only one commenter directly addressed the Commission's request for information regarding the cost required to modify transfer agents' systems to comply with the reporting changes on Form TA–2. The commenter wrote that the proposed amendments to Rule 17Ac2–2 and Form TA–2 do not pose significant modifications to procedures or systems.[45] The Commission believes that the rule changes are necessary to improve information regarding transfer agent business activities and lost securityholder information.

V. Consideration of Burden on Competition and Promotion of Efficiency, Competition, and Capital Formation

Section 23(a)(2) of the Exchange Act requires that the Commission, when adopting or amending rules under the Exchange Act, consider the anticompetitive effects of those rules, if any, and refrain from adopting a rule that would impose a burden on competition not necessary or appropriate in furthering the purposes of the Exchange Act.[46] Moreover, Section 3(f) of the Exchange Act as amended by the National Securities Markets Improvement Act of 1996 provides that whenever the Commission is engaged in rulemaking and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall consider, in addition to the protection on investors, whether the action will promote efficiency, competition, and capital formation. In the proposing release, the Commission solicited comment on the effects of the proposed amendments to Rule 17Ac2–2 and Form TA–2 on competition, efficiency and capital formation as cited in Sections 3(f) and 23(a)(2). The Commission received no comments in direct response to this solicitation. However, several commenters did suggest that calendar year-end reporting would be more efficient than would a reporting period ending in June.[47]

The Commission has considered the amendments to Rule 17Ac2–2 and Form TA–2 in light of the comments received and the standards cited in Sections 3(f)

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[42] Based on an estimated average administative labor cost of $31.50 per hour, the Commission's staff estimates that the labor cost to the transfer agent industry for complying with Rule 17Ac2–2 and Form TA–2 would be $107,226 annually ($31.50 × 3,404).

[43] Letters from Bankers Trust ("amendments * * * do not pose significant modifications to procedures or systems"), RTC and STA ("costs cannot be accurately estimated").

[44] Registrants that hire service companies to perform all of their transfer agent functions will be required to complete questions one through three and the signature section.

[45] Letter from Bankers Trust.

[46] 15 U.S.C. 78w(a)(2).

[47] Letters from FirstEnergy, STA, and CTA.

and 23(a)(2) of the Exchange Act.[48] The Commission proposed these amendments not only to enhance the Commission's ability to monitor more effectively the transfer agent industry, but to make the Form TA–2 more efficient for both the Commission and transfer agents. Because transfer agents of a similar size and with similar business are required to complete the Form in the same manner, there should be no negative impact on competition.

VI. Final Regulatory Flexibility Analysis

This Final Regulatory Flexibility Analysis ("FRFA") has been prepared in accordance with the provisions of the Regulatory Flexibility Act ("RFA"), as amended by Public Law No. 104–121, 110 Stat. 847, 864 (1996), 5 U.S.C. 604. The FRFA relates to the adoption of the amendments to Rule 17Ac2–2 and Form TA–2 and to the rescission of Rule 17a–24 under the Exchange Act.

An Initial Regulatory Flexibility Analysis (IRFA) summary regarding the proposed amendments to Rule 17Ac2–2 and Form TA–2 and the proposed rescission of Rule 17a–24 appeared in Securities Exchange Act Release No. 41204 (March 23, 1999).

A. Need for and Objectives of Amendments to Rule 17Ac2–2 and Form TA–2 and Rescission of Rule 17a–24

The purpose of the amendments to Rule 17Ac2–2 and Form TA–2 and the rescission of Rule 17a–24 is to allow the Commission to obtain more comprehensive information from transfer agents about their activities while making Form TA–2 clearer and easier for transfer agents to complete. The objectives of the amendments are to: Elicit information regarding transfer agent business activities, such as direct purchase and dividend reinvestment plan accounts, buy-ins, and turnaround time for routine items; obtain more comprehensive lost securityholder information; enhance service company information; eliminate the filing exception; clarify the filing requirements and instructions; conform reporting periods; delete unnecessary questions; and make technical changes.

Prior to being amended, Rule 17Ac2–2 and Form TA–2 required transfer agents to submit information regarding the number of issues for which they provided dividend reinvestment plan services. Because many dividend reinvestment plans can now include, or can be separate from, a direct stock purchase plan, the Commission is now requesting the number of issues and individual securityholder accounts with dividend reinvestment plans and/or direct stock purchase plans on Form TA–2.

In addition, the Commission is now requiring registrants to report the number of Direct Registration System (DRS) accounts that they maintain for securityholders. Because DRS is relatively new in the securities industry, Form TA–2 did not address transfer agent activity concerning it. By requiring registrants to report their involvement with DRS, the Commission will now be in a better position to monitor this new system in the securities industry.

As amended, Rule 17Ac2–2 and Form TA–2 now require two sections dealing with buy-ins and turnaround time. The first section requires the transfer agent to report the number of quarterly reports that were filed and that should have been filed by the transfer agent with its ARA during the reporting period pursuant to Rule 17Ad–11(c)(2). The second section requires transfer agents to report the number of months during the reporting period in which the transfer agent was not in compliance with the specified turnaround time for routine items pursuant to Rule 17Ad–2. This section also requires transfer agents to report the number of written notices the transfer agent filed and should have filed during the reporting period documenting its noncompliance with turnaround time for routine items pursuant to Rule 17Ad–2. The Commission added these sections to Form TA–2 because the information requested will be helpful to issuers and to the Commission in monitoring overissuance and buy-in activities and compliance with turnaround time by registered transfer agents.

In addition, Form TA–2 now requires a registrant to state whether it had amended Form TA–1 during the reporting period if it was required to do so under existing transfer agent rules.[49] The Commission believes that the addition of this information in a year-end report will enable the Commission to monitor more comprehensively transfer agent business activities conducted during the course of a year.

Since 1998, registrants using Form TA–2 have been required to submit information regarding the aging of lost securityholder accounts.[50] Since that time, transfer agent representatives have informed Commission staff that compiling this information is extremely difficult and burdensome and frequently is impossible. In an effort to simplify the reporting requirements, the Commission proposed to eliminate Rule 17a–24, which required the reporting of information on aged lost securityholder accounts, and to require registrants to report on the number of database searches conducted and the results of such searches, and the number of lost securityholder accounts that were remitted to the states during the reporting period. In response to the near unanimity of comment letters opposing the format and content of the requested information, the Commission decided to further simplify the rule's lost securityholder reporting requirements by requiring registrants to report the dates and number of lost securityholder accounts submitted for each database search, and to report the number of lost securityholder accounts for which a different address was obtained as a result of each search. This information is needed for the Commission to assess the effectiveness of transfer agents' efforts to find lost securityholders. Transfer agents will continue to report on Form TA–2 the number of lost securityholder accounts that were remitted to the states during the reporting period.

An additional component of the amended rule and Form TA–2 enhances the Commission's collection of information about registrants' use of service companies. Before the adoption of the amendments to Rule 17Ac2–2 and Form TA–2, a transfer agent that engaged a service company to perform all of its transfer and processing functions was exempt from filing an annual TA–2 form. This exception had the unintended result of making it difficult for the Commission to determine if a transfer agent was actually engaging a service company or whether the transfer agent was merely neglecting to file the TA–2 form as required by the rule. Therefore, in adopting the new rule, the Commission eliminated the filing exception for transfer agents that engage service companies to perform all of their transfer functions. However, such transfer agents must only complete the first three questions of the TA–2 form.

Additional changes to Rule 17Ac2–2 and Form TA–2 seek to clarify the filing requirements and instructions. Before the amendments, some transfer agents were unsure of whether they were required to file if they withdrew during the filing period. The amended rule now clarifies that if a transfer agent is registered as of December 31, then a Form TA–2 must be filed by March 31 of the following calendar year. Additionally, the pre-amended Form

[48] *See* 15 U.S.C. 78w(a)(2).

[49] 17 CFR 240.17Ac2–1(c).

[50] 17 CFR 240.17a–24.

TA–2 lacked definitions for several key terms. As amended, Form TA–2 adds several definitions.

Additionally, some technical changes that make reporting more accurate and informative are incorporated into the amended Rule 17Ac2–2 and Form TA–2. These changes include counting investment company securities by CUSIP number instead of by prospectus and using actual numerical figures on Form TA–2 instead of omitting the zeroes at the end. The Commission believes that these changes are necessary to avoid confusion and to obtain a more accurate assessment of the types of securities that are being serviced by transfer agents.

Another change which the Commission made concerns the reporting period for the TA–2 which formerly ran from June 30 to June 29 of the following year. The amended Rule 17Ac2–2 and Form TA–2 change the reporting period to conform with current accounting and tax preparation methods. This will make it easier for transfer agents to use the information contained within their tax and accounting records for purposes of filing Form TA–2.

B. Significant Issues Raised by Public Comments

The Commission requested comment with respect to the Initial Regulatory Flexibility Analysis ("IRFA") that was prepared when the amendments to Rule 17Ac2–2 and form TA–2 were proposed. While no comment letters were received that directly addressed the IRFA, one commenter wrote that the proposed amendments do not pose significant modifications to procedures or systems.[51]

C. Description and Estimate of the Number of Small Entities Subject to the Amendments

The amended rule and form will affect transfer agents that are small entities pursuant to Rule 0–10(h) under the Exchange Act.[52] Rule 0–10(h) defines the term "small business" or "small organization" to include any transfer agent that: (1) Received less than 500 items for transfer and less than 500 items for processing during the preceding six months (or in the time that it has been in business, if shorter); (2) maintained master shareholder files that in the aggregate contained less than 1,000 shareholder accounts or was the named transfer agent for less than 1,000 shareholder accounts at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); (3) only transferred items of issuers with total assets of $5 million or less; and (4) is not affiliated with any person (other than a natural person) that is not a small business or small organization under Rule 0–10.

When the Commission adopted the new definition of "small entity" with respect to transfer agents in 1998, the Commission estimated that approximately 180 registered transfer agents would qualify as small entities under Rule 0–10. Since that time, the total number of registered transfer agents has fallen. As a result, the Commission is revising its estimate of registered transfer agents that would qualify as small entities under Rule 0–10 from 180 to 163. As a result of the new rule, the Commission now estimates that 163 small entities would be subject to the requirements of the proposed amendments to Rule 17Ac2–2 and Form TA–2.

The amendments to Rule 17Ac2–2 provide that a registered transfer agent that received fewer than 1,000 items for transfer in the twelve months ending December 31, and did not maintain master securityholder files for more than 1,000 individual securityholder accounts as of December 31, would have to complete only a portion of Form TA–2. Therefore, all "small entities" as defined by Rule 0–10 would continue to have reduced reporting requirements under the proposal.

In addition, the proposed amendments will impose different reporting and compliance requirements on certain transfer agents because it eliminates the filing exception for named transfer agents using service companies and requires every registered transfer agent to file Form TA–2 annually. The Commission estimates that the incremental annual burden on all "small entities" will be approximately 73 hours and $2,300.[53]

D. Description of Steps Taken to Minimize the Economic Impact on Small Entities

The RFA directs the Commission to consider significant alternatives to the amendments to Rule 17Ac2–2 and Form TA–2 that would accomplish the stated objectives while minimizing any significant adverse economic impact on small entities. Such alternatives include: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources of small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the proposed amendments for small entities; (3) the use of performance rather than design standards; and (4) an exception from coverage of the rule or any part thereof for small entities.

Taking into account the burden that would be imposed on small transfer agents, the Commission proposed that transfer agents that meet the definition of a "small entity" still be required to respond to only a portion of Form TA–2. Accordingly, the Commission has determined that it is not feasible to further clarify, consolidate, or simplify the rule for "small entities" beyond its current form. The Commission also believes that it would be inconsistent with the purpose of the Exchange Act to exempt "small entities" from the proposed amendments or to use performance standards to specify different requirements for small entities. Therefore, as adopted, the rule will not have an additional significant economic impact on a substantial number of small entities.

E. Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements

The amendments to Rule 17Ac2–2 and Form TA–2 will not result in any significant additional costs to transfer agents. The majority of information required by Form TA–2 is available in the internal files of the transfer agents, and a large portion of the information is already required by the Commission to be calculated or maintained.

The primary cost associated with the rule and Form TA–2 is the time that it will take transfer agent personnel to complete the form and file it with the Commission. The Commission estimates that because there is no increase in complexity to Form TA–2, there will be no increase in costs imposed on transfer agents over the amount previously spent in complying with Rule 17Ac2–2 and Form TA–2. The amount of time needed to comply with the requirements of

[51] *See* letter from Bankers Trust. In addition, the Bankers Trust letter indicated that the proposed changes regarding the lost securityholder accounts would cost Bankers Trust a total of forty person-hours and $6,260 to comply with the rule. However, as the Commission had decided to significantly simplify the reporting requirements for lost securityholder account searches, the Commission believes that the Bankers Trust cost estimate will be greatly reduced.

[52] 17 CFR 240.0–10(h). The Commission recently amended this definition. Securities Exchange Commission Release No.s 33–7548, 34–40122, IC–23272, and IA–1727 (June 24, 1998), 63 FR 35508.

[53] The FRFA arrives at this estimate, which is different then the IRFA estimate, hy using the latest available transfer agent data. The IRFA, using the data available at that time, estimated that the total burden to 180 small entity trasfer agents would be 81 hours (180 × .45) at a cost of $2,552 ($31.5 × 81 hours). The FRFA, with a revised figure of 163 small entity transfer agents, calculate the following burden: 163 × .45=73 hours; and $31.5 × 73 hours=$2300.

amended Rule 17Ac2–2 and Form TA–2 would vary depending on a particular transfer agent's activity. There are approximately 1093 registered transfer agents.[54] Of this number, approximately 270 registrants would be required to complete only Questions 1 through 3 and the signature section of amended Form TA–2. Based on their low volume of transfer business and number of shareholder accounts, approximately 371 registrants would be required to answer only Questions 1 through 5, 11, and the signature section. The remaining registrants, approximately 452, would be required to complete the entire Form TA–2.

Additionally, in order to comply with the rule, transfer agents will make minor modifications to computer systems to report all items for the twelve months ending December 31, instead of the previous six month reporting cycle. The Commission estimates that this likely would require a simple, one-time change to database reporting functions and would have a negligible cost on transfer agents. The only commenter who directly addressed the Commission's request for information regarding this cost agreed with the Commission's assessment and wrote that the proposed amendments to Rule 17Ac2–2 and Form TA–2 do not pose significant modifications to procedures or systems.[55]

VII. Statutory Basis

Pursuant to the Exchange Act and particularly Sections 3(f), 17, 17A, and 23(a) thereof, 15 U.S.C. 78q, 78q–1, and 78w(a), the Commission is adopting amendments to § 240.17Ac2–2 and Form TA–2 (referenced in 17 CFR 249b.102) of Chapter II of Title 17 of the *Code of Federal Regulations* in the manner set forth below.

List of Subjects in 17 CFR Parts 240 and 249b

Reporting and recordkeeping requirements, Securities.

Text of Amendment

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

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78f, 78i, 78j, 78j–1, 78k, 78k–1, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll*(d), 77mm, 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

* * * * *

§ 240.17a–24 [Removed]

2. Section 240.17a–24 is removed.

3. Section 240.17Ac2–2 is revised to read as follows:

§ 240.17Ac2–2 Annual reporting requirement for registered transfer agents.

(a) Every transfer agent registered on December 31 must file a report covering the reporting period on Form TA–2 (§ 249b.102 of this chapter) by March 31 following the end of the reporting period. Form TA–2 must be completed in accordance with the instructions contained in the Form.

(1) A registered transfer agent that received fewer than 1,000 items for transfer in the reporting period and that did not maintain master securityholder files for more than 1,000 individual securityholder accounts as of December 31 of the reporting period must complete Questions 1 through 5, 11, and the signature section of Form TA–2.

(2) A named transfer agent that engaged a service company to perform all of its transfer agent functions during the reporting period must complete Questions 1 through 3 and the signature section of Form TA–2.

(3) A named transfer agent that engaged a service company to perform some but not all of its transfer agent functions during the reporting period must complete all of Form TA–2 but should enter zero (0) for those questions that relate to transfer agent functions performed by the service company on behalf of the named transfer agent.

(b) For purposes of this section, the term *reporting period* shall mean the calendar year ending December 31 for which Form TA–2 is being filed. The term *named transfer agent* shall have the same meaning as defined in § 240.17Ad–9(j). The term *service company* shall have the same meaning as defined in § 240.17Ad–9(k).

(c) As a transition measure, transfer agents' next required Form TA–2 filing will be on March 31, 2001, which will cover their activities during calendar Year 2000. This will eliminate the filing for the period ending June 30, 2000, which would have been due on August 31, 2000.

PART 249b—FURTHER FORMS, SECURITIES EXCHANGE ACT OF 1934

4. The authority citation for Part 249b continues to read in part as follows:

Authority: 15 U.S.C. 78a *et seq.*, unless otherwise noted;

* * * * *

§ 249b.1202 [Amended]

5. Form TA–2 (referenced in § 249b.102) is revised to read as set forth in the attached appendix.

Note: Form TA–2 is attached as an Appendix.)

Dated: June 2, 2000.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

Note: This Appendix to the Preamble will not appear in the Code of Federal Regulations.

United States Securities and Exchange Commission Washington, D.C. 20549

Instructions for Use of Form TA–2

Form TA–2 is to be used by transfer agents registered pursuant to Section 17A of the Securities Exchange Act of 1934 for the annual report of transfer agent activities.

Attention: Certain sections of the Securities Exchange Act of 1934 applicable to transfer agents are referenced below. Transfer agents are urged to review all applicable provisions of the Securities Exchange Act of 1934, the Securities Act of 1933, and the Investment Company Act of 1940, as well as the applicable rules promulgated by the SEC under those Acts.

I. General Instructions for Filing and Amending Form TA–2

A. *Terms and Abbreviations.* The following terms and abbreviations are used throughout these instructions:

1. "Act" means the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.*

2. "Aged record difference," as defined in Rule 17Ad–11(a)(2), 17 CFR 240.17Ad–11(a)(2), means a record difference that has existed for more than 30 calendar days.

3. "ARA" means the appropriate regulatory agency, as defined in Section 3(a)(34)(B) of the Act, 15 U.S.C. 78c(a)(34)(B).

4. "Direct Registration System" means the system, as administered by The Depository Trust Company, that allows investors to hold their securities in electronic book-entry form directly on the books of the issuer or its transfer agent.

5. "Form TA–2" includes the Form TA–2 itself and any attachments.

6. "Lost securityholder," as defined in Rule 17Ad–17, 17 CFR 240.17Ad–17, means a securityholder: (i) to whom an item of correspondence that was sent to

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[54] This figure is different than the figure put forth in the proposing release because data available since publication of the proposing release has shown a decrease in the number of registered transfer agents.

[55] Letter from Bankers Trust.

the securityholder at the address contained in the transfer agent's master securityholder file has been returned as undeliverable; provided, however, that if such item is re-sent within one month to the lost securityholder, the transfer agent may deem the securityholder to be a lost securityholder as of the day the re-sent item is returned as undeliverable; and (ii) for whom the transfer agent has not received information regarding the securityholder's new address.

7. "Named transfer agent" is defined in Rule 17Ad–9(j), 17 CFR 240.17Ad–9(j), and means a registered transfer agent that has been engaged by an issuer to perform transfer agent functions for an issue of securities but has engaged a service company (another registered transfer agent) to perform some or all of those functions.

8. "Record difference" means any of the imbalances described in Rule 17Ad–9(g), 17 CFR 240.17Ad–9(g).

9. "Registrant" means the transfer agent on whose behalf the Form TA–2 is filed.

10. "Reporting period" means the calendar year ending December 31 of the year for which Form TA–2 is being filed.

11. "SEC" means the United States Securities and Exchange Commission.

12. "Service company" is defined in Rule 17Ad–9(k), 17 CFR 240.17Ad–9(k), and means the registered transfer agent engaged by a named transfer agent to perform transfer agent functions for that named transfer agent.

13. "Transfer agent" is defined in Section 3(a)(25) of the Act, 15 U.S.C. 78c(a)(25), and means any person who engages on behalf of an issuer of securities or on behalf of itself as an issuer in at least one of the functions enumerated therein.

B. *Who Must File; When to File.*

1. Every transfer agent that is registered on December 31 must file Form TA–2 in accordance with the instructions contained therein by the following March 31.

a. A registered transfer agent that received fewer than 1,000 items for transfer during the reporting period and that did not maintain master securityholder files for more than 1,000 individual securityholder accounts as of December 31 of the reporting period is required to complete Questions 1 through 5, 11, and the signature section of Form TA–2.

b. A named transfer agent that engaged a service company to perform all of its transfer agent functions during the reporting period is required to complete Questions 1 through 3 and the signature section of Form TA–2.

c. A named transfer agent that engaged a service company to perform some but not all of its transfer agent functions during the reporting period must complete all of Form TA–2 but should enter zero (0) for those questions that relate to functions performed by the service company on behalf of the named transfer agent.

2. The date on which any filing is actually received by the SEC is the Registrant's filing date provided that the filing complies with all applicable requirements. The SEC may reject a filing that does not comply with applicable requirements. The SEC's receipt of a filing, however, shall not constitute a finding that the filing has been filed as required or that the information therein is accurate, current, or complete.

C. *Number of Copies; How and Where to File.* The Registrant must file the original and two copies of Form TA–2 with the SEC. The original copy of Form TA–2 must be manually signed and any additional copies may be photocopies of the signed original copy. All copies must be legible and on good quality 8½ × 11 inch white paper. The Registrant must keep an exact copy of any filing in its records. (For recordkeeping rules see 17 CFR 240.17Ad–6 and 7).

The Registrant must file Form TA–2 directly with the SEC at: Securities and Exchange Commission, 450 5th Street, N.W., Washington, DC 20549–0013.

II. Special Instructions for Filing Form TA–2

A. Indicate the calendar year for which Form TA–2 is filed in the box at the upper left hand corner. A transfer agent registered on December 31 shall file Form TA–2 by the following March 31 even if the transfer agent conducted business for less than the entire reporting period.

B. In answering Question 4, indicate the number of items received for transfer during the reporting period. Omit the purchase and redemption of open-end investment company shares. Report those items in response to Question 10.

C. In answering Questions 5 and 6, include closed-end investment company securities in the corporate equity securities category.

In answering Question 5.a, include Direct Registration System, dividend reinvestment plan and/or direct purchase plan accounts in the total number of individual securityholder accounts maintained. In Question 5.b., include dividend reinvestment plan and/or direct purchase plan accounts only. In Question 5.c., include Direct Registration System accounts only. In Question 5.d., include American Depositary Receipts (ADRs) in the corporate equity or corporate debt category, as appropriate, and include dividend reinvestment plan and/or direct purchase plan accounts in the corporate equity or open-end investment company securities category.

In answering Question 6, debt securities are to be counted as one issue per CUSIP number. Open-end investment company securities portfolios are to be counted as one issue per CUSIP number.

D. In answering Question 7.c., exclude coupon payments and transfers of record ownership as a result of corporate actions.

E. In answering Question 10, exclude non-value transactions such as name or address changes.

F. In answering Question 11.b., include only those accounts held by securityholders that are defined as lost by Rule 17Ad–17 when the underlying securities (*i.e.*, not just dividends and interest) have been remitted to the states.

III. Federal Information Law and Requirements

SEC's Collection of Information: An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. Under Sections 17, 17A(c) and 23(a) of the Act and the rules and regulations thereunder, the SEC is authorized to solicit from registered transfer agents the information required to be supplied on Form TA–2. The filing of this Form is mandatory for all registered transfer agents. The information will be used for the principal purpose of regulating registered transfer agents but may be used for all routine uses of the SEC or of the ARAs. Information supplied on this Form will be included routinely in the public files of the ARAs and will be available for inspection by any interested person. Any member of the public may direct to the SEC any comments concerning the accuracy of the burden estimate on the application facing page of this Form, and any suggestions for reducing this burden. The Office of Management and Budget has reviewed this collection of information in accordance with the clearance requirements of 44 U.S.C. 3507. The applicable Privacy Act system of records is SEC–2. Form TA–2 is subject to the routine uses set forth at 40 FR 39255 (Aug. 27, 1975) and 41 FR 5318 (Feb. 5, 1976).

File Number:	OMB Approval
For the reporting period ended December 31	OMB Number: 3235–0337. Expires: June 30, 2002. Estimated average burden hours per full response: 6.00. Estimated average burden hours per intermediate response: 1.50. Estimated average burden hours per minimum response: .50.

United States Securities and Exchange Commission, Washington, D.C. 20549

Form TA–2—Form for Reporting Activities of Transfer Agents Registered Pursuant to Section 17A of the Securities Exchange Act of 1934

Attention: Intentional misstatements or omissions of fact constitute Federal criminal violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)

1. Full name of Registrant as stated in Question 3 of Form TA–1: (Do not use Form TA–2 to change name or address.)

2. a. During the reporting period, has the Registrant engaged a service company to perform any of its transfer agent functions? (Check appropriate box.)

☐ All ☐ Some ☐ None

b. If the answer to subsection (a) is all or some, provide the name(s) and transfer agent file number(s) of all service company(ies) engaged.

Name:	File No. (beginning with 84– or 85–):

c. During the reporting period, has the Registrant been engaged as a service company by a named transfer agent to perform transfer agent functions?

__Yes ___No

d. If the answer to subsection (c) is yes, provide the name(s) and file number(s) of the named transfer agent(s) for which the Registrant has been engaged as a service company to perform transfer agent functions: (If more room is required, please complete and attach the Supplement to Form TA–2.)

Name:	File No. (beginning with 84– or 85–):

3. a. Registrant's appropriate regulatory agency. (Check one box only.)

__ Comptroller of the Currency
__ Federal Deposit Insurance Corporation
__ Board of Governors of the Federal Reserve System
__ Securities and Exchange Commission

b. During the reporting period, has the Registrant amended Form TA–1 within 60 calendar days following the date on which information reported therein became inaccurate, incomplete, or misleading? (Check appropriate box.)

__ Yes, filed amendment(s)
__ No, failed to file amendment(s)
__ Not applicable

c. If the answer to subsection (b) is no, provide an explanation.

If the response to any of questions 4–11 below is none or zero, enter "0."

4. Number of items received for transfer during the reporting period .....

5. a. Total number of individual securityholder accounts, including accounts in the Direct Registration System (DRS), dividend reinvestment plans and/or direct purchase plans as of December 31 .....

b. Number of individual securityholder dividend reinvestment plan and/or direct purchase plan accounts as of December 31 .....

c. Number of individual securityholder DRS accounts as of December 31 .....

d. Approximate percentage of individual securityholder accounts from subsection (a) in the following categories as of December 31 .....

Corporate equity securities	Corporate debt securities	Open-end investment company securities	Limited partnership securities	Municipal debt securities	Other securities

6. Number of securities issues for which Registrant acted in the following capacities, as of December 31:

	Corporate equity & debt securities		Open-end investment company securities	Limited partnership securities	Municipal debt securities	Other securities
	Equity	Debt				
a. Receives items for transfer and maintains the master securityholder files						
b. Receives items for transfer but does not maintain the master securityholder files						
c. Does not receive items for transfer but maintains the master securityholder files						

7. Scope of certain additional types of activities performed:

a. Number of issues for which dividend reinvestment plan and/or direct purchase plan services were provided, as of December 31 .....

b. Number of issues for which DRS services were provided, as of December 31 .....

c. Dividend disbursement and interest paying agent activities conducted during the reporting period:

i. number of issues .....

ii. amount (in dollars) .....

8. a. Number and aggregate market value of securities aged record differences, existing for more than 30 days, as of December 31:

	Prior transfer agent (If applicable)	Current transfer agent
i. Number of issues	.....	.....
ii. Market value (in dollars)	.....	.....

b. Number of quarterly reports regarding buy-ins filed by the Registrant with its ARA (including the SEC) during the reporting period pursuant to Rule 17Ad–11(c)(2) .....

c. During the reporting period, did the Registrant file all quarterly reports regarding buy-ins with its ARA (including the SEC) required by Rule 17Ad–11(c)(2)? .....

__ Yes __ No

d. If the answers to subsection (c) is no, provide an explanation for each failure to file.

9. a. During the reporting period, has the Registrant always been in compliance with the turnaround time for routine items as set forth in Rule 17Ad–2?

__Yes __No

If the answer to subsection (a) is no, complete subsections (i) through (ii).

i. Provide the number of months during the reporting period in which the Registrant was not in compliance with the turnaround time for routine items according to Rule 17Ad–2

ii. Provide the number of written notices Registrant filed during the reporting period with the SEC and with its ARA that reported its noncompliance with turnaround time for routine items according to Rule 17Ad–2

10. Number of open-end investment company securities purchases and redemptions ("transactions") excluding dividend, interest and distribution postings processed during the reporting period:

a. Total number of transactions processed:

b. Number of transactions processed on a date other than date of receipt of order ("as ofs"):

11. a. During the reporting period, provide the date of all database searches conducted for lost securityholder accounts listed on the transfer agent's master securityholder files, the number of lost securityholder accounts for which a database search has been conducted, and the number of lost securityholder accounts for which a different address has been obtained as a result of a database search.

Date of database search	Number of lost securityholder accounts submitted for database search	Number of different addresses obtained from database search

b. Number of lost securityholder accounts that have been remitted to states during the reporting period .....

SIGNATURE: The Registrant submitting this Form, and the person signing the Form, hereby represent that all the information contained in the Form is true, correct, and complete.

Manual signature of Official responsible for Form	Title: Telephone number:
Name of Official responsible for Form: (First name, Middle name, Last name)	Date signed (Month/Day/Year):
File Number	Supplement to Form TA–2
For the reporting period ended December 31,———	Full Name of Registrant

Use this schedule to provide the name(s) and file number(s) of the named transfer agent(s) for which the Registrant has been engaged as a service company to perform transfer agent functions:

Name:	File No. (beginning with 84– or 85–):

Name:	File No. (beginning with 84– or 85–):

[FR Doc. 00–14594 Filed 6–8–00; 8:45 am]
BILLING CODE 8010–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor's Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor's address for Medicis Dermatologics, Inc.

DATES: This rule is effective June 9, 2000.

FOR FURTHER INFORMATION CONTACT: Thomas J. McKay, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0213.

SUPPLEMENTARY INFORMATION: Medicis Dermatologics, Inc., 4343 East Camelback Rd., suite 250, Phoenix, AZ 85018–2700, has informed FDA of a change of sponsor's address to 8125 North Hayden Rd., Scottsdale, AZ 85258. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the change of sponsor's address.

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

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by revising the entry for "Medicis Dermatologics, Inc." and in the table in paragraph (c)(2) by revising the entry for "099207" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
099207	Medicis Dermatologics, Inc., 8125 North Hayden Rd., Scottsdale, AZ 85258
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
099207	Medicis Dermatologics, Inc., 8125 North Hayden Rd., Scottsdale, AZ 85258
* * * * * * *	

Dated: May 29, 2000.

Claire M. Lathers,

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

[FR Doc. 00–14464 Filed 6–8–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 524 and 556

Ophthalmic and Topical Dosage Form New Animal Drugs; Moxidectin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Fort Dodge Animal Health, Division of American Home Products Corp. The supplemental NADA provides for topical use of a 0.5 percent moxidectin solution on dairy cattle of breeding age for treatment and control of infections and infestations of certain internal and external parasites. FDA is also amending the regulations to establish a tolerance for moxidectin residues in milk.

DATES: This rule is effective June 9, 2000.

FOR FURTHER INFORMATION CONTACT: Steven D. Vaughn, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7584.

SUPPLEMENTARY INFORMATION: Fort Dodge Animal Health, Division of American Home Products Corp., 800 Fifth St. NW., Fort Dodge, IA 50501, filed supplemental NADA 141–099 that provides for use of Cydectin® (moxidectin) 0.5 percent pouron for dairy cattle at 500 micrograms moxidectin per kilogram of body weight for treatment and control of infections and infestations of certain gastrointestinal roundworms, lungworms, cattle grubs, mites, lice, and horn flies. The supplemental NADA is approved as of November 2, 1999, and the regulations are amended in 21 CFR 524.1451 to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In addition, the regulations are amended in 21 CFR 556.426 to add a tolerance for residues of moxidectin in milk and, editorially, to reflect current format.

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

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval qualifies for 3 years of marketing exclusivity beginning November 2, 1999, because the application contains substantial evidence of the effectiveness of the drug involved, any studies of animal safety or, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for approval of the application and conducted or sponsored by the applicant.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

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

List of Subjects

21 CFR Part 524

Animal drugs.

21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 524 and 556 are amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 524 continues to read as follows:

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

§ 524.1451 [Amended]

2. Section 524.1451 *Moxidectin* is amended in the first sentence of paragraph (d)(2) by removing the phrase "Beef and non-lactating dairy cattle" and by adding in its place the phrase "Beef and dairy cattle", and in paragraph (d)(3) by removing the first and second sentences.

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

4. Section 556.426 is revised to read as follows:

§ 556.426 Moxidectin.

(a) *Acceptable daily intake (ADI).* The ADI for total residues of moxidectin is 4 micrograms per kilogram of body weight per day.

(b) *Tolerances.* The tolerance for parent moxidectin (the marker residue) in edible tissues of cattle is 200 parts per billion (ppb) in liver (the target tissue) and 50 ppb in muscle. The tolerance for parent moxidectin is 50 ppb in milk.

Dated. May 29, 2000.

Claire M. Lathers,

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

[FR Doc. 00–14463 Filed 6–8–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

State Plans: Coverage of the United States Postal Service and Other Coverage Issues—Changes to Level of Federal Enforcement for Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, the Virgin Islands, Washington and Wyoming

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Final rule.

SUMMARY: This document amends OSHA's regulations to reflect declination of jurisdiction over the United States Postal Service (U.S. Postal Service or USPS) and its facilities by all twenty-three (23) approved State Plans which cover the private sector. The Postal Employees' Safety Enhancement Act of 1998 (PESEA) amended the Occupational Safety and Health Act of 1970 (the Act) to include the USPS within its definition of "employer." Accordingly, OSHA assumed jurisdiction for the USPS on September 29, 1998. PESEA extends all provisions of the Act to the USPS, including section 18 of the Act, thus granting the OSHA-approved State plans the authority to regulate the USPS. Subsequently, OSHA required the State plan States to either elect to amend their State plans to cover the USPS, or to decline to exercise such coverage, in which case coverage would remain a Federal OSHA responsibility. All affected State plans declined. OSHA is hereby amending pertinent sections of its regulations on approved State plans to reflect the declination of State jurisdiction and the continuation of Federal OSHA enforcement authority over the USPS, including contract employees and contractor-operated facilities engaged in USPS mail operations, in all of the twenty-three (23) States operating OSHA-approved State plans covering the private sector, and notifying affected employers and employees of this action. As a result, Federal OSHA is responsible for safety and health enforcement with respect to the USPS and its facilities in all States nationwide. In addition, technical corrections are being made pertaining to maritime jurisdiction in several of the States; military jurisdiction in the State of Washington; coverage on Indian Reservations in the State of Oregon; and information on where the plan documents for the various State plans may be inspected.

EFFECTIVE DATE: June 9, 2000.

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3637, 200 Constitution Avenue NW, Washington, D.C. 20210, (202) 693–1999.

SUPPLEMENTARY INFORMATION:

Introduction

Section 18 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 667, provides that States which wish to assume responsibility for developing and enforcing their own occupational safety and health standards may do so by submitting and obtaining Federal approval of a State plan. State plan approval occurs in stages which include initial approval under section 18(c) of the Act and ultimately, final approval under section 18(e) of the Act. In the interim, between initial approval and final approval, there is a period of concurrent Federal/State jurisdiction within a State operating an approved plan. In the following States which have not received section 18(e) final approval, concurrent Federal enforcement authority remains in effect but has been suspended voluntarily in accordance with operational status agreements between OSHA and the individual States. See 29 CFR 1954.3 for guidelines and procedures. These States are: California, Michigan, New Mexico, Oregon, Puerto Rico, Vermont and Washington. In the following States which have received final approval pursuant to section 18(e) of the Act, Federal OSHA standards and enforcement authority have been relinquished. These States are: Alaska, Arizona, Hawaii, Indiana, Iowa, Kentucky, Maryland, Minnesota, Nevada. North Carolina, South Carolina, Tennessee, Utah, Virginia, and Wyoming. (Concurrent Federal enforcement authority is currently being exercised in the Virgin Islands. Connecticut and New York operate State plans limited in coverage to State and local government employees and are not affected by this rule.)

Background

United States Postal Service

States ordinarily cannot exercise regulatory authority over Federal agencies or other Federal institutions or

instrumentalities, unless specifically authorized by Congress. The Postal Employees' Safety Enhancement Act (Public Law 105–241) (PESEA), enacted on September 28, 1998, subjects the United States Postal Service (U.S. Postal Service or USPS) to all provisions of the Occupational Safety and Health Act (the Act) in the same manner as a private sector employer. PESEA amends two sections of the Act to provide full private-sector coverage of the USPS. The first provision amends section 3(5) of the Act, 29 U.S.C. 652(5), to exclude the USPS from the existing exemption of the United States from the definition of "employer." As a result, the USPS is now covered by OSHA in the same manner as a private sector employer. The second provision clarifies the status of the USPS under section 19 of the OSH Act, 29 U.S.C. 668(a), which deals with Federal agency safety and health programs. The new provision affirmatively states that the USPS is not to be considered a "Federal agency" for purposes of section 19. Thus, PESEA makes the USPS subject to coverage under all provisions of the federal OSHAct which are applicable to private sector employment, including the State plan provisions of section 18 of the Act, thus granting the States with OSHA-approved State plans the authority to regulate this Federal instrumentality. (Prior to enactment, a colloquy on the floor of the House of Representatives confirmed this intent.)

Federal OSHA now regulates the working conditions of USPS employees as well as contract employees engaged in official USPS mail operations, e.g., contract mail carriers and truck drivers transporting and unloading mail. (OSHA notes that pursuant to section 4(b)(1), OSHA standards do not apply to working conditions regulated by the Department of Transportation, Office of Motor Carrier and Highway Safety.) Federal OSHA also regulates the working conditions of postal stations located in other public or commercial facilities.

In a memorandum dated October 20, 1998, OSHA offered the State plan States the opportunity to amend their State plans to extend State jurisdiction to the USPS, as authorized by PESEA, or to decline to exercise such jurisdiction, in which case coverage would remain a Federal OSHA responsibility. All 23 State plan States with private sector responsibility determined they would not assume responsibility for coverage of USPS employees and contractors engaged in USPS mail handling operations. OSHA is hereby amending pertinent sections of its regulations on approved State plans to reflect this declination of State jurisdiction and continuation of Federal OSHA enforcement authority over this occupational safety and health issue in the twenty-three (23) States operating approved State plans. This rule modifies each State's subpart at 29 CFR 1952 to document that coverage of USPS workplaces and employees is not an issue covered by the State plan and remains a Federal OSHA responsibility. Federal coverage in State plan States encompasses USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations. State plan States will continue to exercise jurisdiction, where permitted by State law, over all other private sector contractors and employees working on USPS sites but not engaged in USPS mail operations, such as building maintenance and construction workers.

Connecticut and New York operate State plans limited in coverage to State and local government employees and are not affected by this rule

Other Technical Corrections

Five (5) States (California, Washington, Oregon, Minnesota, Vermont) include some aspects of private sector maritime operations (shipyards, longshoring, marine terminals, gear certification) within the scope of their plans. All State plans provide coverage to State and local government employees engaged in maritime activities. This rule modifies pertinent sections of 29 CFR 1952 to reflect, in more uniform language, the extent of State Plan and Federal OSHA maritime jurisdiction. This rule also makes other technical corrections and updates with regard to military jurisdiction in the State of Washington and coverage on Indian Reservations in the State of Oregon. Finally, this rule updates information in each State's subpart regarding where the plan documents for that State are made available to the public.

Decision

29 CFR Part 1953 sets forth the procedures by which the Assistant Secretary will review changes to State plans approved in accordance with section 18(c) of the Act and Part 1902. Upon review of the twenty-three State plan decisions in accordance with these procedures, OSHA hereby approves these actions and amends each State's subpart in 29 CFR Part 1952 to reflect the State's determination not to extend State Plan jurisdiction to the U.S. Postal Service. Today's rule in the **Federal Register** further provides notice to affected employers and employees of the extent of Federal OSHA enforcement authority over the U.S. Postal Service in each of the 23 State plan States which cover private sector employment. Technical corrections with regard to the extent of State and Federal enforcement authority over safety and health issues in the maritime industry in several of the States; military jurisdiction in the State of Washington; coverage on Indian Reservations in the State of Oregon; and information on where the plan documents for the various State plans may be inspected are also approved, and the pertinent subparts of Part 1952 amended. (Note: In the interest of clarity, the full text of each of the amended sections, including unchanged provisions which reflect previously approved determinations by the affected States, is included in the following amendments to Part 1952.)

Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. As these State actions impose no new responsibilities or requirements on employers, employees or the State, no opportunity for public comment is required.

Regulatory Flexibility Act

OSHA certifies pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) that this action will not have a significant economic impact on a substantial number of small entities. No additional burden will be placed upon the State government beyond the responsibilities already assumed as part of the approved State plan.

Federalism

Executive Order 13132 on "Federalism" emphasizes consultation between Federal agencies and the States and establishes specific review procedures the Federal government must follow as it carries out policies which affect State or local governments. OSHA has included in the Supplementary Information section of today's notice a general explanation of the relationship between Federal OSHA and the State Plan States under the Occupational Safety and Health Act and the effect of the Postal Employees' Safety Enhancement Act and other issues on this relationship. OSHA has consulted extensively with the States on their individual decisions on these issues. Although OSHA has determined that the requirements and consultation procedures provided in Executive Order

13132 are not applicable to State decisions on the extent of State Plan coverage under the OSH Act which have no effect outside the particular State, OSHA has reviewed the decisions approved today and believes they have been made in a manner consistent with the principles and criteria set forth in the Executive Order.

This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under section 18 of the OSH Act, (29 U.S.C. 667), 29 CFR Part 1902, and Secretary of Labor's Order No. 1–90 (55 FR 9033).

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health, Reporting and recordkeeping requirements.

Signed at Washington, D.C. this 30th day of May 2000.

Charles N. Jeffress,

Assistant Secretary.

For the reasons set out in the preamble, 29 CFR Part 1952 is hereby amended as set forth below:

PART 1952—[AMENDED]

1. The authority citation for part 1952 continues to read as follows:

Authority: Sec 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR Part 1902, Secretary of Labor's Order No. 1–90 (55 FR 9033).

Subpart C—South Carolina

2. Section 1952.94 is amended by revising paragraph (b) to read as follows:

§ 1952.94 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in South Carolina. The plan does not cover private sector maritime employment; military bases; Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; private sector employment at Area D of the Savannah River Site (power generation and transmission facilities operated by South Carolina Electric and Gas) and at the Three Rivers Solid Waste Authority; the enforcement of the field sanitation standard, 29 CFR 1928.110, and the temporary labor camps standard, 29 CFR 1910.142, with respect to any agricultural establishment where employees are engaged in "agricultural employment" within the meaning of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1802(3), regardless of the number of employees, including employees engaged in hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed, except that South Carolina retains enforcement responsibility over agricultural temporary labor camps for employees engaged in egg, poultry, or red meat production, or the post-harvest processing of agricultural or horticultural commodities.

* * * * *

3. Section 1952.95 is amended by revising paragraph (b)(1) to read as follows:

§ 1952.95 Level of Federal enforcement.

* * * * *

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the South Carolina plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities, and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification), as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments; employment on military bases; and private sector employment at Area D of the Savannah River Site (power generation and transmission facilities operated by South Carolina Electric and Gas) and at the Three Rivers Solid Waste Authority. Federal jurisdiction is retained and exercised by the Employment Standards Administration, U.S. Department of Labor, (Secretary's Order 5–96, dated December 27, 1996) with respect to the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, in agriculture, as described in § 1952.94(b). Federal jurisdiction is also retained with respect to Federal government employers and employees; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

* * * * *

4. Section 1952.96 is revised to read as follows:

§ 1952.96 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Atlanta Federal Center, 61 Forsyth Street, SW, Room 6T50, Atlanta, Georgia 30303; and

Office of the Director, South Carolina Department of Labor, Licensing and Regulation, Koger Office Park, Kingstree Building, 110 Centerview Drive, P.O. Box 11329, Columbia, South Carolina 29210.

Subpart D—Oregon

5. Section 1952.105 is amended by revising paragraphs (a)(2), (a)(7), (a)(8), (a)(9) and (a)(10) to read as follows:

§ 1952.105 Level of Federal enforcement.

(a) * * *

(2) Standards in the maritime issues covered by 29 CFR Parts 1915, 1917, 1918, and 1919 (shipyards, marine terminals, longshoring, and gear certification), and enforcement of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments, which have been specifically excluded from coverage under the plan. This includes: employment on the navigable waters of the U.S.; shipyard and boatyard employment on or immediately adjacent to the navigable waters—including floating vessels, dry docks, graving docks and marine railways—from the front gate of the work site to the U.S. statutory limits; longshoring, marine terminal and marine grain terminal operations, except production or manufacturing areas and their storage facilities; construction activities emanating from or on floating vessels on the navigable waters of the U.S.; commercial diving originating from an object afloat a navigable waterway; and all other private sector places of employment on or adjacent to navigable waters whenever the activity occurs on or from the water;

* * * * *

(7) Enforcement of occupational safety and health standards at all private sector establishments, including tribal and Indian-owned enterprises, on all Indian and non-Indian lands within the currently established boundaries of all Indian reservations, including the Warm Springs and Umatilla reservations, and on lands outside these reservations that are held in trust by the Federal government for these tribes. (Businesses owned by Indians or Indian tribes that conduct work activities outside the tribal reservation or trust lands are subject to the same jurisdiction as non-Indian owned businesses.);

(8) Enforcement of occupational safety and health standards at worksites located within Federal military reservations, except private contractors working on U.S. Army Corps of Engineers dam construction projects, including reconstruction of docks or other appurtenances;

(9) Investigations and inspections for the purpose of the evaluation of the plan under sections 18(e) and (f) of the Act (29 U.S.C. 667(e) and (f)); and

(10) Enforcement of occupational safety and health standards with regard to all Federal government employers and employees; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

* * * * *

6. Section 1952.107 is amended by adding a new paragraph (g) to read as follows:

§ 1952.107 Changes to approved plans.

* * * * *

(g) Oregon's State plan changes extending Federal enforcement jurisdiction to shore side shipyard and boatyard employment, as described in a 1998 Memorandum of Understanding and addendum to the State's operational status agreement; and to all private sector employment, including tribal and Indian-owned enterprises, on all Indian reservations, including establishments on trust lands outside of reservations, as described in a separate 1998 addendum, were approved by the Assistant Secretary on January 6, 1999.

Subpart E—Utah

7. Section 1952.114 is amended by revising paragraph (b) to read as follows:

§ 1952.114 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Utah. The plan does not cover private sector maritime employment; employment on Hill Air Force Base; Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; the enforcement of the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, with respect to any agricultural establishment where employees are engaged in "agricultural employment" within the meaning of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1802(3), regardless of the number of employees, including employees engaged in hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed, except that Utah retains enforcement responsibility over agricultural temporary labor camps for employees engaged in egg, poultry, or red meat production, or the post-harvest processing of agricultural or horticultural commodities.

* * * * *

8. Section 1952.115 is amended by revising paragraph (b) to read as follows:

§ 1952.115 Level of Federal enforcement.

* * * * *

(b) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Utah plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health enforcement in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification), as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments. Federal jurisdiction is retained and exercised by the Employment Standards Administration, U.S. Department of Labor, (Secretary's Order 5–96, dated December 27, 1996) with respect to the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, in agriculture, as described in § 1952.114(b). Federal jurisdiction is also retained with regard to: all employment on the Hill Air Force Base; Federal government employers and employees; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations. In addition, any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan shall be deemed to be an issue not covered by the finally approved plan, and shall be subject to Federal enforcement. Where enforcement jurisdiction is shared between Federal and State authorities for a particular area, project, or facility, in the interest of administrative practicability, Federal jurisdiction may be assumed over the entire project or facility. In either of the two aforementioned circumstances, Federal enforcement may be exercised immediately upon agreement between Federal and State OSHA.

* * * * *

9. Section 1952.116 is revised to read as follows:

§ 1952.116 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 1999 Broadway Suite 1690, Denver, Colorado 80202–5716; and

Office of the Commissioner, Labor Commission of Utah, 160 East 300 South, 3rd Floor, P.O. Box 146650, Salt Lake City, Utah 84114–6650.

Subpart F—Washington

10. Section 1952.121 is revised to read as follows:

§ 1952.121 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health

Administration, U.S. Department of Labor, Suite 715, 1111 Third Avenue, Seattle, Washington, 98101–3212;
Office of the Director, Washington Department of Labor and Industries, General Administration Building, P.O. Box 44001, Olympia, Washington 98504–4001; and
Office of the Director, Washington Department of Labor and Industries, General Administration Building, 7273 Linderson Way, SW., Tumwater, Washington, 98502.

11. Section 1952.122 is revised to read as follows:

§ 1952.122 Level of Federal enforcement.

(a) Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Washington, effective May 30, 1975, and amended several times effective October 2, 1979, May 29, 1981, April 3, 1987, and October 27, 1989; and based on a determination that Washington is operational in the issues covered by the Washington occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Parts 1910 and 1926, except as provided in this section. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to:

(1) Enforcement of new Federal standards until the State adopts a comparable standard;

(2) Enforcement of all Federal standards, current and future, in the maritime issues covered by 29 CFR Parts 1915, 1917, 1918, and 1919 (shipyards, marine terminals, longshoring, and gear certification), and enforcement of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments, as they relate to employment under the exclusive jurisdiction of the Federal government on the navigable waters of the United States, including but not limited to dry docks or graving docks, marine railways or similar conveyances (*e.g.*, syncrolifts and elevator lifts), fuel operations, drilling platforms or rigs, dredging and pile driving, and diving;

(3) Complaints and violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c));

(4) Enforcement in situations where the State is refused entry and is unable to obtain a warrant or enforce its right of entry;

(5) Enforcement of unique and complex standards as determined by the Assistant Secretary;

(6) Enforcement in situations when the State is unable to exercise its enforcement authority fully or effectively;

(7) Enforcement of occupational safety and health standards within the borders of all military reservations;

(8) Enforcement at establishments of employers who are enrolled members of the Yakima Indian Nation, where such employers' establishments are located within the Yakima reservation;

(9) Enforcement at Tribally-owned establishments or at establishments owned by enrolled members of the Colville Confederated Tribes, where such establishments are located within the Colville reservation;

(10) Investigations and inspections for the purpose of evaluation of the Washington plan under sections 18(e) and (f) of the Act (29 U.S.C. 667(e) and (f)); and

(11) Enforcement of occupational safety and health standards with regard to all Federal government employers and employees; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

(b) The OSHA Regional Administrator will make a prompt recommendation for the resumption of the exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Washington.

Subpart I—North Carolina

12. Section 1952.154 is amended by revising paragraph (b) to read as follows:

§ 1952.154 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in North Carolina. The plan does not cover Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; private sector maritime activities; employment on Indian reservations; enforcement relating to any contractors or subcontractors on any Federal establishment where the land has been ceded to the Federal Government, railroad employment, and enforcement on military bases.

* * * * *

13. Section 1952.155 is amended by revising paragraph (b)(1) to read as follows:

§ 1952.155 Level of Federal enforcement.

* * * * *

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the North Carolina plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to private sector maritime activities (occupational safety and health standards comparable to 29 CFR Parts 1915, shipyard employment; 1917, marine terminals; 1918, longshoring; and 1919; gear certification, as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments); employment on Indian reservations; enforcement relating to any contractors or subcontractors on any Federal establishment where the land has been ceded to the Federal Government; railroad employment, not otherwise regulated by another Federal agency; and enforcement on military bases. Federal jurisdiction is also retained with respect to Federal government employers and employees; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

* * * * *

14. Section 1952.156 is revised to read as follows:

§ 1952.156 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210;
Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Atlanta Federal Center, 61 Forsyth Street, SW, Room 6T50, Atlanta, Georgia 30303; and
Office of the Commissioner, North Carolina Department of Labor, 4 West Edenton Street, Raleigh, North Carolina 27601–1092.

Subpart J—Iowa

15. Section 1952.164 is amended by revising paragraph (b) to read as follows:

§ 1952.164 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Iowa. The plan does not cover private sector maritime employment; Federal government-owned, contractor-operated military/munitions facilities; Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; bridge construction projects spanning the Mississippi and Missouri Rivers between Iowa and other States; the enforcement of the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, with respect to any agricultural establishment where employees are engaged in "agricultural employment" within the meaning of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1802(3), regardless of the number of employees, including employees engaged in hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed, except that Iowa retains enforcement responsibility over agricultural temporary labor camps for employees engaged in egg, poultry, or red meat production, or the post-harvest processing of agricultural or horticultural commodities.

* * * * *

16. Section 1952.165 is amended by revising paragraph (b) to read as follows:

§ 1952.165 Level of Federal enforcement.

* * * * *

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Iowa plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification), as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments; Federal government-owned, contractor-operated military/munitions facilities; bridge construction projects spanning the Mississippi and Missouri Rivers between Iowa and other States. Federal jurisdiction is retained and exercised by the Employment Standards Administration, U.S. Department of Labor, (Secretary's Order 5–96, dated December 27, 1996) with respect to the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, in agriculture, as described in § 1952.164(b). Federal OSHA will also retain authority for coverage of all Federal government employers and employees; and of the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

(2) In addition, any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan shall be deemed to be an issue not covered by the finally approved plan, and shall be subject to Federal enforcement. Where enforcement jurisdiction is shared between Federal and State authorities for a particular area, project, or facility, in the interest of administrative practicability, Federal jurisdiction may be assumed over the entire project or facility. In either of the two aforementioned circumstances, Federal enforcement may be exercised immediately upon agreement between Federal and State OSHA.

* * * * *

17. Section 1952.166 is revised to read as follows:

§ 1952.166 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, City Center Square, 1100 Main Street, Suite 800, Kansas City, Missouri 64105; and

Office of the Commissioner, Iowa Division of Labor , 1000 E. Grand Avenue, Des Moines, Iowa 50319.

Subpart K—California

18. Section 1952.171 is revised to read as follows:

§ 1952.171 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 71 Stevenson Street, 4th Floor, San Francisco, California 94105; and

Office of the Director, California Department of Industrial Relations, 455 Golden Gate Avenue, 10th Floor, San Francisco 94102.

19. Section 1952.172 is amended by adding a new paragraph (b)(9) to read as follows:

§ 1952.172 Level of Federal enforcement.

* * * * *

(b) * * *

(9) Federal government employers and employees; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

* * * * *

Subpart N—Minnesota

20. Section 1952.204 is amended by revising paragraph (b) to read as follows:

§ 1952.204 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Minnesota. The plan does not cover private sector offshore maritime employment on the navigable waters of the United States; employment at the Twin Cities Army Ammunition Plant; Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; any tribal or private sector employment within any Indian reservation in the State; the enforcement of the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, with respect to any agricultural establishment where employees are engaged in "agricultural employment" within the meaning of the Migrant and Seasonal

Agricultural Worker Protection Act, 29 U.S.C. 1802(3), regardless of the number of employees, including employees engaged in hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed, except that Minnesota retains enforcement responsibility over agricultural temporary labor camps for employees engaged in egg, poultry, or red meat production, or the post-harvest processing of agricultural or horticultural commodities.

* * * * *

21. Section 1952.205 is amended by revising paragraph (b) to read as follows:

§ 1952.205 Level of Federal enforcement.

* * * * *

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Minnesota plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector offshore maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments, as they relate to employment under the exclusive jurisdiction of the Federal government on the navigable waters of the United States. Federal jurisdiction is retained and exercised by the Employment Standards Administration, U.S. Department of Labor, (Secretary's Order 5–96, dated December 27, 1996) with respect to the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, in agriculture, as described in § 1952.204(b). Federal jurisdiction is also retained over the Twin Cities Army Ammunition Plant; over Federal government employers and employees; over any tribal or private sector employment within any Indian reservation in the State; and over the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

(2) In addition, any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan shall be deemed to be an issue not covered by the finally approved plan, and shall be subject to Federal enforcement. Where enforcement jurisdiction is shared between Federal and State authorities for a particular area, project, or facility, in the interest of administrative practicability, Federal jurisdiction may be assumed over the entire project or facility. In either of the two aforementioned circumstances, Federal enforcement may be exercised immediately upon agreement between Federal and State OSHA.

* * * * *

22. Section 1952.206 is revised to read as follows:

§ 1952.206 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 230 S. Dearborn Street, 32nd Floor, Room 3244, Chicago, Illinois 60604; and

Office of the Commissioner, Minnesota Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155.

Subpart O—Maryland

23. Section 1952.214 is amended by revising paragraph (b) to read as follows:

§ 1952.214 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Maryland. The plan does not cover private sector maritime employment; Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; and employment on military bases.

* * * * *

24. Section 1952.215 is amended by revising paragraph (b) to read as follows:

§ 1952.215 Level of Federal enforcement.

* * * * *

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Maryland plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to private sector maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification), as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments; and employment on military bases. Federal jurisdiction is also retained with respect to Federal government employers and employees; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

(2) In addition, any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan shall be deemed to be an issue not covered by the finally approved plan, and shall be subject to Federal enforcement. Where enforcement jurisdiction is shared between Federal and State authorities for a particular area, project, or facility, in the interest of administrative practicability Federal jurisdiction may be assumed over the entire project or facility. In either of the two aforementioned circumstances, Federal enforcement may be exercised immediately upon agreement between Federal and State OSHA.

* * * * *

25. Section 1952.216 is revised to read as follows:

§ 1952.216 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health

Administration, U.S. Department of Labor, The Curtis Center, 170 South Independence Mall West—Suite 740 West, Philadelphia, Pennsylvania 19106–3309; and

Office of the Commissioner, Maryland Division of Labor and Industry, Department of Labor, Licensing and Regulation, 1100 N. Eutaw Street, Room 613, Baltimore, Maryland 21201–2206.

Subpart P—Tennessee

26. Section 1952.224 is amended by revising paragraph (b) to read as follows:

§ 1952.224 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Tennessee. The plan does not cover private sector maritime employment; Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; railroad employment; employment at Tennessee Valley Authority facilities and on military bases, as well as any other properties ceded to the United States Government.

* * * * *

27. Section 1952.225 is amended by revising paragraph (b) to read as follows:

§ 1952.225 Level of Federal enforcement.

* * * * *

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Tennessee plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments; railroad employment, not otherwise regulated by another Federal agency; employment at Tennessee Valley Authority facilities and on military bases. Federal jurisdiction is also retained with respect to Federal government employers and employees, and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

(2) In addition, any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan shall be deemed to be an issue not covered by the finally approved plan, and shall be subject to federal enforcement. Where enforcement jurisdiction is shared between Federal and State authorities for a particular area, project, or facility, in the interest of administrative practicability Federal jurisdiction may be assumed over the entire project or facility. In either of the two aforementioned circumstances, Federal enforcement may be exercised immediately upon agreement between Federal and State OSHA.

* * * * *

28. Section 1952.226 is revised to read as follows:

§ 1952.226 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Atlanta Federal Center, 61 Forsyth Street, SW, Room 6T50, Atlanta, Georgia 30303; and

Office of the Commissioner, Tennessee Department of Labor, 710 James Robertson Parkway, Nashville, Tennessee 37243–0659.

Subpart Q—Kentucky

29. Section 1952.234 is amended by revising paragraph (b) to read as follows:

§ 1952.234 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Kentucky. The plan does not cover private sector maritime employment; employment at Tennessee Valley Authority facilities; military bases; properties ceded to the U.S. Government; Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; the enforcement of the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, with respect to any agricultural establishment where employees are engaged in "agricultural employment" within the meaning of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1802(3), regardless of the number of employees, including employees engaged in hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed, except that Kentucky retains enforcement responsibility over agricultural temporary labor camps for employees engaged in egg, poultry, or red meat production, or the post-harvest processing of agricultural or horticultural commodities.

* * * * *

30. Section 1952.235 is amended by revising paragraph (b) to read as follows:

§ 1952.235 Level of Federal enforcement.

* * * * *

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Kentucky plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments; employment at Tennessee Valley Authority facilities and on all military bases, as well as any other properties ceded to the U.S. Government. Federal jurisdiction is retained and exercised by the Employment Standards Administration, U.S. Department of Labor, (Secretary's Order 5–96, dated December 27, 1996) with respect to the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, in agriculture, as described in § 1952.234(b). Federal jurisdiction is also retained with respect to Federal government employers and employees; and the U.S. Postal Service (USPS),

including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

(2) In addition, any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan shall be deemed to be an issue not covered by the finally approved plan, and shall be subject to Federal enforcement. Where enforcement jurisdiction is shared between Federal and State authorities for a particular area, project, or facility, in the interest of administrative practicability, Federal jurisdiction may be assumed over the entire project or facility. In either of the two aforementioned circumstances, Federal enforcement may be exercised immediately upon agreement between Federal and State OSHA.

* * * * *

31. Section 1952.236 is revised to read as follows:

§ 1952.96 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Atlanta Federal Center, 61 Forsyth Street, SW., Room 6T50, Atlanta, Georgia 30303; and

Office of the Secretary, Kentucky Labor Cabinet, 1047 U.S. Highway 127 South, Suite 4, Frankfort, Kentucky 40601.

Subpart R—Alaska

32. Section 1952.243 is amended by revising paragraph (b) to read as follows:

§ 1952.243 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Alaska. The plan does not cover private sector maritime employment; worksites located on the navigable waters, including artificial islands; operations of private sector employers within the Metlakatla Indian Community on the Annette Islands; operations of private sector employers within Denali (Mount McKinley) National Park; Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; or the enforcement of the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, with respect to any agricultural establishment where employees are engaged in "agricultural employment" within the meaning of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1802(3), regardless of the number of employees, including employees engaged in hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed, except that Alaska retains enforcement responsibility over agricultural temporary labor camps for employees engaged in egg, poultry, or red meat production, or the post-harvest processing of agricultural or horticultural commodities.

* * * * *

33. Section 1952.244 is amended by revising paragraph (b) to read as follows:

§ 1952.244 Level of Federal enforcement.

* * * * *

(b) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Alaska plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments. Federal jurisdiction will be retained over marine-related private sector employment at worksites on the navigable waters, such as floating seafood processing plants, marine construction, employments on artificial islands, and diving operations in accordance with section 4(b)(1) of the Act. Federal jurisdiction is also retained and exercised by the Employment Standards Administration, U.S. Department of Labor (Secretary's Order 5–96, December 27, 1996) with respect to the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, in agriculture, as described in § 1952.243(b). Federal jurisdiction is also retained for private sector worksites located within the Annette Islands Reserve of the Metlakatla Indian Community, for private sector worksites located within the Denali (Mount McKinley) National Park, for Federal government employers and employees, and for the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

* * * * *

34. Section 1952.245 is revised to read as follows:

§ 1952.245 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Suite 715, 1111 Third Avenue, Seattle, Washington, 98101–3212; and

Office of the Commissioner, Alaska Department of Labor, 1111 W. 8th Street, Room 306, P.O. Box 24119, Juneau, Alaska 99802–1149.

Subpart S—The Virgin Islands

35. Section 1952.253 is amended by revising paragraph (b) to read as follows:

§ 1952.253 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in the Virgin Islands. The plan does not cover private sector maritime employment; Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; the enforcement of the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, with respect to any agricultural establishment where employees are engaged in "agricultural employment" within the meaning of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1802(3), regardless of the

number of employees, including employees engaged in hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed, except that the Virgin Islands retains enforcement responsibility over agricultural temporary labor camps for employees engaged in egg, poultry, or red meat production, or the post-harvest processing of agricultural or horticultural commodities.

Note: The Virgin Islands' final approval status under section 18(e) of the Act was suspended and full Federal concurrent enforcement authority reinstated on November 13, 1995.

* * * * *

36. Section 1952.254 is amended by revising paragraph (b) to read as follows:

§ 1952.254 Level of Federal enforcement.

* * * * *

(b) Federal OSHA also continues to retain full authority over issues which have not been subject to State enforcement under the Virgin Islands plan. Thus, OSHA retains authority to enforce all provisions of the Act, Federal standards, rules, or orders which relate to occupational health in private sector employment in the Virgin Islands. OSHA also retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, Federal standards, rules, or orders specifically directed to maritime employment (*e.g.*, 29 CFR Part 1915, shipyard employment; 29 CFR Part 1917, marine terminals; 29 CFR Part 1918, longshoring; 29 CFR Part 1919, gear certification), as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments. Federal jurisdiction is retained with respect to Federal government employers and employees; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations. Federal jurisdiction is also retained and exercised by the Employment Standards Administration, U.S. Department of Labor, (Secretary's Order 5–96, dated December 27, 1996) with respect to the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, in agriculture, as described in § 1952.253(b).

* * * * *

37. Section 1952.255 is revised to read as follows:

§ 1952.255 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210;
Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 201 Varick Street, Room 670, New York, New York 10014.
Office of the Commissioner, Virgin Islands Department of Labor, 16–AB Church Street, St. Croix, Virgin Islands 00820–4666.

Subpart T—Michigan

38. Section 1952.265 is revised to read as follows:

§ 1952.265 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Michigan, effective January 6, 1977, and based on a determination that Michigan is operational in the issues covered by the Michigan occupational safety and health plan, discretionary Federal enforcement activity under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Parts 1910 and 1926, except as provided in this section. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in the issues covered under the plan and the agreement until such time as Michigan shall have adopted equivalent standards in accordance with subpart C of 29 CFR Part 1953; private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments; which issues have been specifically excluded from coverage under the Michigan plan; and investigations and inspections for the purpose of the evaluation of the Michigan plan under sections 18(e) and (f) of the Act (29 U.S.C. 667(e) and (f)). Federal OSHA will also retain authority for coverage of Federal government employers and employees; and of the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations. The OSHA Regional Administrator will make a prompt recommendation for the resumption of the exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Michigan.

39. Section 1952.266 is revised to read as follows:

§ 1952.266 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3700, Washington, DC 20210;
Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 230 S. Dearborn Street, 32nd Floor, Room 3244, Chicago, Illinois 60604;
Office of the Director, Michigan Department of Consumer and Industry Services, 4th Floor, Law Building, 525 West Ottawa Street, Lansing, Michigan 48933 (Mailing address: P.O. Box 30004, Lansing, Michigan 48909).

Subpart U—Vermont

40. Section 1952.271 is revised to read as follows:

§ 1952.271 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3700, Washington, DC 20210;
Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, John F. Kennedy Federal Building, Room E–340, Boston, Massachusetts 02203; and
Office of the Commissioner, Vermont Department of Labor and Industry,

National Life Building-Drawer 20, 120 State Street, Montpelier, Vermont 05620–3401.

41. Section 1952.272 is revised to read as follows:

§ 1952.272 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Vermont, effective February 19, 1975, and based on a determination that Vermont is operational in issues covered by the Vermont occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Parts 1910 and 1926, except as provided in this section. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 665(c)), in the issues covered under the plan and the agreement until such time as Vermont shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; in private sector offshore maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments, as they relate to employment under the exclusive jurisdiction of the Federal government on the navigable waters of the United States, including dry docks, graving docks, and marine railways; and investigations and inspections for the purpose of the evaluation of the Vermont plan under sections 18(e) and (f) of the Act (29 U.S.C. 667(e) and (f)). Federal OSHA will also retain authority for coverage of Federal government employers and employees; and of the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations. The OSHA Regional Administrator will make a prompt recommendation for the resumption of the exercise of Federal enforcement authority under Section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Vermont.

Subpart W—Nevada

42. Section 1952.294(b) is revised to read as follows:

§ 1952.294 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Nevada. The plan does not cover Federal government employers and employees; any private sector maritime activities; employment on Indian land; any contractors or subcontractors on any Federal establishment where the land is determined to be exclusive Federal jurisdiction; and the U.S. Postal Service (USPS), including USPS employees, contract employees, and contractor-operated facilities engaged in USPS mail operations.

* * * * *

43. Section 1952.295(b)(1) is revised to read as follows:

§ 1952.295 Level of Federal enforcement.

* * * * *

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Nevada plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to any private sector maritime activities (occupational safety and health standards comparable to 29 CFR Parts 1915, shipyard employment; 1917, marine terminals; 1918, longshoring; and 1919, gear certification, as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments), employment on Indian land, and any contractors or subcontractors on any Federal establishment where the land is determined to be exclusive Federal jurisdiction. Federal jurisdiction is also retained with respect to Federal government employers and employees. Federal OSHA will also retain authority for coverage of the U.S. Postal Service (USPS), including USPS employees, contract employees, and contractor-operated facilities engaged in USPS mail operations.

Subpart Y—Hawaii

44. Section 1952.313 is amended by revising paragraph (b) to read as follows:

§ 1952.313 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Hawaii. The plan does not cover maritime employment in the private sector; Federal government employers and employees; enforcement relating to any contractors or subcontractors on any Federal establishment where the land is determined to be exclusive Federal jurisdiction; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

* * * * *

45. Section 1952.314 is amended by revising paragraph (b) to read as follows:

§ 1952.314 Level of Federal enforcement.

* * * * *

(b) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Hawaii plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments. Federal jurisdiction also remains in effect with respect to Federal government employers and employees, enforcement relating to any contractors or subcontractors on any Federal establishment where the land is determined to be exclusive Federal

jurisdiction; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

* * * * *

46. Section 1952.315 is revised to read as follows:

§ 1952.315 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 71 Stevenson Street, 4th Floor, San Francisco, California 94105; and

Office of the Director, Hawaii Department of Labor and Industrial Relations, 830 Punchbowl Street, Honolulu, Hawaii 96831.

Subpart Z—Indiana

47. Section 1952.324 is amended by revising paragraph (b) to read as follows:

§ 1952.324 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Indiana. The plan does not cover maritime employment in the private sector; Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; the enforcement of the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, with respect to any agricultural establishment where employees are engaged in "agricultural employment" within the meaning of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1802(3), regardless of the number of employees, including employees engaged in hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed, except that Indiana retains enforcement responsibility over agricultural temporary labor camps for employees engaged in egg, poultry, or red meat production, or the post-harvest processing of agricultural or horticultural commodities.

* * * * *

48. Section 1952.325 is amended by revising paragraph (b)(1) to read as follows:

§ 1952.325 Level of Federal enforcement.

* * * * *

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Indiana plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification), as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments. Federal jurisdiction is retained and exercised by the Employment Standards Administration, U.S. Department of Labor, (Secretary's Order 5–96, dated December 27, 1996) with respect to the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, in agriculture, as described in § 1952.324(b). Federal jurisdiction is also retained with respect to Federal government employers and employees, and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

49. Section 1952.326 is revised to read as follows:

§ 1952.326 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3700, Washington, DC 20210;

Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 230 S. Dearborn Street, 32nd Floor, Room 3244, Chicago, Illinois 60604; and

Office of the Commissioner, Indiana Department of Labor, State Office Building, 402 West Washington Street, Room W195, Indianapolis, Indiana 46204.

Subpart BB—Wyoming

50. Section 1952.344 is amended by revising paragraph (b) to read as follows:

§ 1952.344 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Wyoming. The plan does not cover private sector maritime employment; employment on the Warren Air Force Base; Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; the enforcement of the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, with respect to any agricultural establishment where employees are engaged in "agricultural employment" within the meaning of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1802(3), regardless of the number of employees, including employees engaged in hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed, except that Wyoming retains enforcement responsibility over agricultural temporary labor camps for employees engaged in egg, poultry, or red meat production, or the post-harvest processing of agricultural or horticultural commodities.

* * * * *

51. Section 1952.345 is amended by revising paragraph (b) to read as follows:

§ 1952.345 Level of Federal enforcement.

* * * * *

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Wyoming plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, Federal standards, rules, or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917,

marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments. Federal jurisdiction is retained and exercised by the Employment Standards Administration, U.S. Department of Labor, (Secretary's Order 5–96, dated December 27, 1996) with respect to the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, in agriculture, as described in § 1952.344(b). Federal jurisdiction is also retained for employment at Warren Air Force Base; Federal government employers and employees; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

(2) In addition, any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan shall be deemed to be an issue not covered by the finally approved plan, and shall be subject to Federal enforcement. Where enforcement jurisdiction is shared between Federal and State authorities for a particular area, project, or facility, in the interest of administrative practicability, Federal jurisdiction may be assumed over the entire project or facility. In either of the two aforementioned circumstances, Federal enforcement may be exercised immediately upon agreement between Federal and State OSHA.

* * * * *

52. Section 1952.346 is revised to read as follows:

§ 1952.346 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 1999 Broadway Suite 1690, Denver, Colorado 80202–5716; and

Office of the Assistant Administrator, Worker's Safety and Compensation Division, Wyoming Department of Employment, Herschler Building, 2nd Floor East, 122 West 25th Street, Cheyenne, Wyoming 82002.

Subpart CC—Arizona

53. Section 1952.354 is amended by revising paragraph (b) to read as follows:

§ 1952.354 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Arizona. The plan does not cover private sector maritime employment; Federal government employers and employees; enforcement relating to any contractors or subcontractors on any Federal establishment where the land is determined to be exclusive Federal jurisdiction; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; copper smelters; concrete and asphalt batch plants that are physically connected to a mine or so interdependent with a mine as to form one integral enterprise; and Indian reservations.

* * * * *

54. Section 1952.355 is amended by revising paragraph (b) to read as follows:

§ 1952.355 Level of Federal enforcement.

* * * * *

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Arizona plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments. Federal jurisdiction is also retained with respect to Federal government employers and employees; enforcement relating to any contractors or subcontractors on any Federal establishment where the land is determined to be exclusive Federal jurisdiction; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; in copper smelters; in concrete and asphalt batch plants which are physically connected to a mine or so interdependent with the mine as to form one integral enterprise; and within Indian reservations.

(2) In addition, any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan shall be deemed to be an issue not covered by the finally approved plan, and shall be subject to Federal enforcement. Where enforcement jurisdiction is shared between Federal and State authorities for a particular area, project, or facility, in the interest of administrative practicability, Federal jurisdiction may be assumed over the entire project or facility. In either of the two aforementioned circumstances, Federal enforcement may be exercised immediately upon agreement between Federal and State OSHA.

* * * * *

55. Section 1952.356 is revised to read as follows:

§ 1952.356 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 71 Stevenson Street, 4th Floor, San Francisco, California 94105; and

Office of the Director, Industrial Commission of Arizona, 800 W. Washington, Phoenix, Arizona 85007.

Subpart DD—New Mexico

56. Section 1952.365 is amended by removing "and" at the end of paragraph (a)(8), by revising paragraph (a)(9), and by adding paragraph (a)(10) to read as follows:

§ 1952.365 Level of Federal enforcement.

* * * * *

(a) * * *

(9) Enforcement of occupational safety and health standards with regard to Federal government employers and employees; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; and

(10) Investigations and inspections for the purpose of the evaluation of the New Mexico plan under sections 18(e)

and (f) of the Act (29 U.S. C. 667 (e) and (f)).

* * * * *

Subpart EE—Virginia

57. Section 1952.374 is amended by revising paragraph (b) to read as follows:

§ 1952.374 Final approval determination.

* * * * *

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Virginia. The plan does not cover private sector maritime employment; worksites located within Federal military facilities as well as on other Federal enclaves where civil jurisdiction has been ceded by the State to the Federal government; Federal government employers and employees; and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

* * * * *

58. Section 1952.375 is amended by revising paragraph (b)(1) to read as follows:

§ 1952.375 Level of Federal enforcement.

* * * * *

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Virginia plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments, and employment at worksites located within Federal military facilities as well as on other Federal enclaves where civil jurisdiction has been ceded by the State to the Federal government. Federal jurisdiction is also retained with respect to Federal government employers and employees, and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations.

* * * * *

59. Section 1952.376 is revised to read as follows:

§ 1952.376 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3700, Washington, DC 20210;

Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, The Curtis Center, 170 South Independence Mall West—Suite 740 West, Philadelphia, Pennsylvania 19106–3309; and

Office of the Commissioner, Virginia Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, Virginia 23219.

Subpart FF—Puerto Rico

60. Section 1952.381 is revised to read as follows:

§ 1952.381 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations:

Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3700, Washington, DC 20210;

Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 201 Varick Street, Room 670, New York, New York 10014.

Office of the Secretary, Puerto Rico Department of Labor and Human Resources, Prudencio Rivera Martinez Building, 505 Munoz Rivera Avenue, Hato Rey, Puerto Rico 00918.

61. Section 1952.382 is revised to read as follows:

§ 1952.382 Level of Federal enforcement.

* * * * *

Pursuant to § 1902.20(b)(1)(iii) and § 1954.3 of this chapter under which an agreement has been entered into with Puerto Rico, effective December 8, 1981, and based on a determination that Puerto Rico is operational in the issues covered by the Puerto Rico occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Parts 1910 and 1926 except as provided in this section. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: complaints filed with the U.S. Department of Labor alleging discrimination under section 11(c) of the Act (29 U.S.C. 660(c)); safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules of orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments; enforcement relating to any contractors or subcontractors on any Federal establishment where the State cannot obtain entry; enforcement of new Federal standards until the State adopts a comparable standard; situations where the State is refused entry and is unable to obtain a warrant or enforce the right of entry; enforcement of unique and complex standards as determined by the Assistant Secretary; situations when the State is temporarily unable to exercise its enforcement authority fully or effectively; completion of enforcement actions initiated prior to the effective date of the agreement; and investigations and inspections for the purpose of the evaluation of the Puerto Rico plan under sections 18(e) and (f) of the Act (29 U.S.C. 667(e) and (f)). Federal OSHA will also retain authority for coverage of Federal employers and employees, and the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations. The OSHA Regional Administrator will make a prompt recommendation for the resumption of the exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Puerto Rico.

[FR Doc. 00–14150 Filed 6–8–00; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[USCG–2000–7386]

Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules adopted by the Coast guard and temporarily effective between January 1, 2000 and March 31, 2000 which were not published in the **Federal Register**. This quarterly notice lists temporary local regulations, security zones, and safety zones of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This notice lists temporary Coast Guard regulations that became effective and were terminated between January 1, 2000 and March 31, 2000.

ADDRESSES: The docket Management Facility maintains the public docket for this notice. Documents indicated in this notice will be available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, Room PL–401, 400 Seventh Street SW., Washington, DC 20593–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. You may electronically access the public docket for this notice on the Internet at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: For questions on this notice contact Lieutenant Bruce Walker, Office of Regulations and Administrative Law, telephone (202) 267–6233. For questions on viewing, or on submitting material to the docket, contact Dorothy Beard, Chief, Dockets, Department of Transportation (202) 866–9329.

SUPPLEMENTARY INFORMATION: District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage. Special local regulations are issued to enhance the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the **Federal Register** is often precluded when a regulation responds to an emergency, or when an event occurs without sufficient advance notice. However, the affected public is informed of these regulations through Local Notices to mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation. Because mariners are notified by Coast Guard officials on-scene prior to enforcement action, **Federal Register** notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary special local regulations, security zones, and safety zones. Permanent regulations are not included in this list because they are published in their entirety in the **Federal Register**. Temporary regulations may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. The safety zones, special local regulations and security zones listed in this notice have been exempted from review under Executive Order 12866 because of their emergency nature, or limited scope and temporary effectiveness.

The following regulations were placed in effect temporarily during the period January 1, 2000 and March 31, 2000, unless otherwise indicated.

Dated: June 2, 2000.

Pamela M. Pelcovits,

Chief, Office of Regulations and Administrative Law.

COTP Quarterly Report

COPT Docket	Location	Type	Effective date
GUAM 00–018	TINIAN ENTRANCE CHANNEL	SAFETY ZONE	01/22/2000
HOUSTON-GALVESTON 00–001	HOUSTON, TX	SAFETY ZONE	02/17/2000
HOUSTON-GALVESTON MSU 00–001	GULF INTRACOASTAL WATERWAYS, M. 440 TO 442.	SAFETY ZONE	01/25/2000
HOUSTON-GALVESTON MSU 00–002	HOUSTON SHIP CHANNEL BETWEEN BUOYS 38–42.	SAFETY ZONE	01/29/2000
HOUSTON-GALVESTON MSU 00–003	GULF INTRACOASTAL WATERWAY, MILE MARKER 396.	SAFETY ZONE	03/10/2000
LA/LB 00–002	PORT HUENEME HARBOR, CA	SECURITY ZONE	01/31/2000
LOUISVILLE 00–001	OHIO RIVER M. 472 TO 476	SAFETY ZONE	01/03/2000
MEMPHIS 00–013	WHITE RIVER	SAFETY ZONE	02/03/2000
NEW ORLEANS 00–001	LWR MISSISSIPPI RIVER, M. 94 TO 96	SAFETY ZONE	02/08/2000
NEW ORLEANS 00–002	LWR MISSISSIPPI RIVER, M. 430 TO 0	SAFETY ZONE	02/26/2000
NEW ORLEANS 00–003	LWR MISSISSIPPI RIVER, M. 228 TO 231	SAFETY ZONE	03/24/2000
NEW ORLEANS 00–004	LWR MISSISSIPPI RIVER, M. 94 TO 96	SAFETY ZONE	03/22/2000
NEW ORLEANS 00–005	LWR MISSISSIPPI RIVER, M. 94.4 TO 97.2	SAFETY ZONE	03/22/2000
NEW ORLEANS 00–006	LWR MISSISSIPPI RIVER, M. 94 TO 96	SAFETY ZONE	03/29/2000
NEW ORLEANS 99–034	HARVEY CANAL, M. 3.4 TO 5.5	SAFETY ZONE	01/01/2000
PADUCAH 00–002	OHIO RIVER	SAFETY ZONE	01/05/2000
PADUCAH 00–003	M/V W.H.ZIMMER, OHIO RIVER, M 973 TO 981.	SAFETY ZONE	02/26/2000
PADUCAH 00–004	M/V W.H.ZIMMER, OHIO RIVER, 977.8 TO 980.5.	SAFETY ZONE	02/26/2000
PITTSBURGH 00–001	ALLEGHENY RIVER, M. 1, W. END BRIDGE, OH.	SAFETY ZONE	01/01/2000
SAN JUAN 00–002	SAN JUAN HARBOR, PR	SAFETY ZONE	01/06/2000

COTP QUARTERLY REPORT—Continued

COPT Docket	Location	Type	Effective date
SAN JUAN 00–003	SAN JUAN HARBOR, PR	SAFETY ZONE	01/10/2000
SUAN JUAN 00–027	SAN JUAN HARBOR, PR	SAFETY ZONE	03/29/2000
SOUTHEAST ALASKA 00–001	NORTHERN EDGE 2000, SITKA HARBOR, AK.	SECURITY ZONE	03/05/2000
TAMPA 00–007	TAMPA BAY, FL	SAFETY ZONE	02/15/2000
TAMPA 00–024	TAMPA BAY, FL	SAFETY ZONE	03/18/2000
TAMPA 00–031	WIGGINS PASS, FL	SAFETY ZONE	03/29/2000

DISTRICT QUARTERLY REPORT

District docket	Location	Type	Effective date
01–00–010	U.S.S. SALEM, BOSTON HARBOR, BOSTON, MA.	SAFETY ZONE	02/23/2000
01–00–011	PORTLAND, ME	SAFETY ZONE	02/22/2000
01–00–013	BATH IRON WORKS, BATH, ME	SAFETY ZONE	03/18/2000
01–99–199	BOSTON HARBOR, BOSTON, MA	SAFETY ZONE	01/01/2000
05–00–001	UPPER CHESAPEAKE BAY, MD	SAFETY ZONE	03/01/2000
05–00–006	WESTERN, BRANCH, ELIZABETH RIVER	SPECIAL LOCAL	03/24/2000
05–00–007	ATLANTIC OCEAN, N.C. 6 MILES SW, CAPE FEAR.	SAFETY ZONE	03/15/2000
07–00–011	SAINT CROIX, USVI	SPECIAL LOCAL	02/17/2000
07–00–019	WATER BAY, SAINT THOMAS, USVI	SPECIAL LOCAL	03/18/2000
07–00–021	SAINT THOMAS, USVI	SPECIAL LOCAL	03/17/2000

[FR Doc. 00–14654 Filed 6–8–00; 8:45 am]
BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–00–054]

Drawbridge Operation Regulations; Wappoo Creek (ICW), Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Wappoo Creek (SC Route 171) drawbridge across the Atlantic Intracoastal Waterway, mile 470.8, Charleston, Charleston County, South Carolina. This deviation allows the drawbridge owner or operator to open only a single leaf. This temporary deviation is required from June 22, 2000 until August 19, 2000, to allow the bridge owner to safely conduct necessary repairs to the drawbridge. Double leaf openings are available with a one-hour notice to the bridge tender.

DATES: This deviation is effective from June 22, 2000 to August 19, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Chief, Operations Section, Seventh Coast Guard District, Bridge Section at (305) 415–6743.

SUPPLEMENTARY INFORMATION: The Wappoo Creek (SC 171) drawbridge across the Atlantic Intracoastal Waterway at Charleston, has a vertical clearance of 33 feet above mean high water (MHW) and 38 feet above mean low water (MLW) measured at the fenders in the closed position. On May 22, 2000, Coastal Marine Construction, Incorporated, the contractor representing the drawbridge owner, requested a deviation from the current operating regulation in 33 CFR 117.5 which requires drawbridge to open promptly and fully when a request to open is given. This temporary deviation was requested to allow necessary repairs to the drawbridge.

The District Commander has granted a temporary deviation for the purpose of conducting repairs to the drawbridge. Under this deviation, the Wappoo Creek (SC Route 171) Drawbridge need only open one leaf of the drawbridge except when a double leaf opening is requested with a one-hour notice. The single-leaf openings are scheduled for a period of 10 days beginning on June 22, 2000 and ending on July 2, 2000 and a period of 41 days beginning on July 6, 2000 and ending on August 19, 2000.

Dated: June 2, 2000.

Greg Shapley,

Chief, Bridge Branch, Seventh Coast Guard District 2.

[FR Doc. 00–14653 Filed 6–8–00; 8:45 am]
BILLING CODE 4910–15–U

DEPARTMENT OF EDUCATION

34 CFR Part 379

RIN 1820–AB45

Projects With Industry; Correction

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final regulations; correction.

SUMMARY: On April 6, 2000, final regulations for the Projects With Industry program were published in the **Federal Register** (65 FR 18214). This document corrects the April 6 document.

DATES: This correction is effective May 3, 2000.

FOR FURTHER INFORMATION CONTACT: Thomas E. Finch, U.S. Department of Education, 400 Maryland Avenue, SW., room 3315, Mary E. Switzer Building, 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 alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person named in the preceding paragraph.

SUPPLEMENTARY INFORMATION:

Electronic Access to This Document

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

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader, 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) 512–1530.

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

(Catalog of Federal Domestic Assistance Number 84.234 Projects With Industry.)

Dated: May 31, 2000.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

In final rule, FR Doc. 00–8523, published on April 6, 2000 (65 FR 18214) make the following corrections:

1. On page 18215, in the first column, in the preamble, under the *Discussion* heading, in line 37, correct "will be served" to read "will be placed".

2. On page 18215, in the first column, in the preamble, under the *Changes* heading, in line 11, correct "will be served" to read "will be placed".

§ 379.21 [Corrected]

3. On page 18219, in the second column, in § 379.21(c), in line 9, correct "will be served" to read "will be placed".

[FR Doc. 00–14073 Filed 6–8–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

37 CFR Part 2

RIN 0651–AB00

Trademark Law Treaty Implementation Act Changes; Correction

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Final rule; correction.

SUMMARY: The United States Patent and Trademark Office published in the **Federal Register** of September 8, 1999, (64 FR 48900) a final rule amending its rules to implement the Trademark Law Treaty Implementation Act of 1998, Pub. L. 105–330, 112 Stat. 3064 (15 U.S.C. 1051), and to otherwise simplify and clarify procedures for registering trademarks and for maintaining and renewing trademark registrations. This document corrects an error in one of the amendatory instructions in the final rule.

DATES: Effective on October 30, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Hannon, Office of the Commissioner for Trademarks, by telephone at (703) 308–8910, extension 137; by facsimile transmission addressed to her at (703) 308–9395; or by mail marked to her attention and addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202–3513.

SUPPLEMENTARY INFORMATION: The United States Patent and Trademark Office published a final rule in the **Federal Register** of September 8, 1999 (64 FR 48900) entitled "Trademark Law Treaty Implementation Act Changes." A correction of this final rule was published in the **Federal Register** of September 22, 1999 (64 FR 51244). This second correction revises amendatory instruction 35, amending 37 CFR 2.89.

In FR Doc. 99–22957, published on September 8, 1999 (64 FR 48900), make the following corrections:

§ 2.89 [Corrected]

1. On page 48923, in the second column, correct amendatory instruction 35 to read as follows:

35. Amend § 2.89 by revising paragraphs (a), (b), and (d), revising the last two sentences of paragraph (g), and by adding paragraph (h) to read as follows:

Dated: June 5, 2000.

Albin F. Drost,

Acting Solicitor.

[FR Doc. 00–14634 Filed 6–8–00; 8:45 am]

BILLING CODE 3510–16–U

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 62

RIN 3067–AD11

National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: We (the Federal Insurance Administration) are revising the effective date of the Financial Assistance/Subsidy Arrangement ("the Arrangement") to October 1, 2000. The Arrangement governs the duties and obligations of insurers that participate in the Write Your Own (WYO) Program of the National Flood Insurance Program (NFIP) and also sets forth the responsibilities of the Government to provide financial and technical assistance to these insurers.

EFFECTIVE DATE: October 1, 2000.

FOR FURTHER INFORMATION CONTACT: Edward T. Pasterick, Federal Emergency Management Agency, Federal Insurance Administration, (202) 646–3443, (facsimile) (202) 646–3445, or (email) *edward.pasterick@fema.gov.*

SUPPLEMENTARY INFORMATION: On May 21, 1999, we published in the **Federal Register** (Vol. 64, page 27705) a final rule amending the regulations of the National Flood Insurance Program (NFIP) to include the revised Financial Assistance/Subsidy Arrangement for 1999–2000. The Arrangement governs the duties and obligations of insurers participating in the Write Your Own (WYO) program of the NFIP and the responsibilities of the Government to provide financial and technical assistance to these insurers. The 1999–2000 Arrangement ends September 30, 2000. Except for the new effective date of October 1, 2000, the Arrangement for 2000–2001 is unchanged from last year's version. (We have posted the text of the current Arrangement at *http://www.fema.gov/nfip/wyoarr99.*)

During July 2000 we will send a copy of the offer for the 2000–2001 Arrangement year to all private insurance companies participating under the current 1999–2000 Arrangement, together with related materials and submission instructions. Any private insurance company not currently participating in the WYO program but wishing to consider FEMA's offer for 2000–2001 may request a copy of the offer by writing: Federal Emergency Management Agency, ATTN: Federal Insurance Administrator, WYO Program, Washington, DC 20472.

Administrative Procedure Act Determination

We are publishing this final rule without opportunity for prior public comment under the Administrative Procedure Act, 5 U.S.C. 553. This final rule is a rule of agency procedure or practice that is excepted from the prior public comment requirements of § 553(b). Except as the rule revises the

effective date of the Financial Assistance/Subsidy Arrangement ("the Arrangement") from October 1, 1999 to October 1, 2000, this rule makes no significant, substantive changes to the Arrangement between FEMA and the WYO companies.

National Environmental Policy Act

The requirements of 44 CFR Part 10, Environmental Consideration, sec. 10.8(d)(2)(i) categorically exclude this final rule. By revising the effective date of the Arrangement, this rule is an administrative action in support of day-to-day activities. We have not prepared an environmental impact assessment.

Executive Order 12866, Regulatory Planning and Review

We have reviewed this final rule under the provisions of E.O. 12866 of September 30, 1993, 58 FR 51735 and determined that it is not a significant regulatory action within the meaning of section 2(f) of that executive order. The rule only revises the effective date of the existing Arrangement from October 1, 1999 to October 1, 2000, and makes no other changes to the Arrangement. In all other respects the rule adheres to the regulatory principles set forth in E.O. 12866. The Office of Management and Budget has reviewed this final rule under E.O. 12866.

Paperwork Reduction Act

In accordance with the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, the Office of Management and Budget (OMB) approved the collections of information applicable to this final rule: OMB Number 3067–0169, Write Your Own (WYO) Program (expires March 31, 2002).

Executive Order 13132, Federalism

We have reviewed this rule under the provisions of under E.O. 13132, Federalism, dated August 4,1999, and have concluded that revision of the effective date of the Arrangement involves no policies that have federalism implications.

Congressional Review of Agency Rulemaking

We have sent this final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Pub. L. 104–121. The rule is not a "major rule" within the meaning of that Act. It is an administrative action in support of normal day-to-day activities. It does not result in nor is it likely to result in an annual effect on the economy of $100,000,000 or more. It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have "significant adverse effects" on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. This final rule is exempt from the Paperwork Reduction Act. The rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4. It does not meet the $100,000,000 threshold of that Act, and any enforceable duties are imposed as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Part 62

Flood insurance.

Accordingly, amend 44 CFR Part 62 as follows:

PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

1. The authority citation for Part 62 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. Revise the *Effective Date* of Appendix A to Part 62 to read as follows:

Appendix A to Part 62—Federal Emergency Management Agency, Federal Insurance Administration, Financial Assistance/Subsidy Arrangement

* * * * *

Effective Date: October 1, 2000.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance", No. 83.516, "Disaster Assistance")

Dated: June 2, 2000.

Jo Ann Howard,

Administrator, Federal Insurance Administration.

[FR Doc. 00–14656 Filed 6–8–00; 8:45 am]

BILLING CODE 6718–03–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–7313]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Morgan	City of Decatur	Jan. 25, 2000, Feb. 1, 2000, *The Decatur Daily News.*	The Honorable Julian Price, mayor of the city of Decatur, P.O. Box 488, Decatur, Alabama 35602.	May 1, 2000	010176 D
Georgia: Gwinnett	Unincorporated areas.	Dec. 3, 1999, Dec. 10, 1999, *Gwinnett Daily Post.*	Mr. Wayne Hill, chairman of the Gwinnett County, Board of Commissioners, 751 Langley Drive, Lawrenceville, Georgia 30045.	Mar. 9, 1999	130322 C
Illinois:					
Cook and DuPage.	Village of Burr Ridge.	Mar. 29, 2000, Apr. 5, 2000, *Suburban Life News.*	Ms. Jo V. Irmen, Village of Burr Ridge President, 7660 County Line Road, Burr Bridge, Illinois 60521.	July 4, 2000	170071 B
DuPage	Unincorporated areas.	Mar. 10, 2000, Mar. 17, 2000, *Daily Herald.*	Mr. Robert J. Schillerstrom, chairman, DuPage County Board, DuPage Center, 421 North County Farm Road, Wheaton, Illinois 60187.	Mar. 3, 2000	170197 B
Lake	Village of Green Oaks.	Aug. 12, 2000, Aug. 19, 2000, *The Daily Herald.*	Mr. Thomas Adams, president of the Village of Green Oaks, 14052 Petronella, Suite 102B, Green Oaks, Illinois 60048–1547.	July 18, 2000	170364 F
Will	City of Joliet	Dec. 3, 1999, Dec. 10, 1999, *The Herald-News.*	The Honorable Arthur Schultz, mayor of the city of Joliet, Municipal Building, 150 West Jefferson Street, Joliet, Illinois 60432.	Mar. 9, 2000	170702 E
Lake	Unincorporated areas.	Apr. 12, 2000, Apr. 19, 2000, *The News-Sun.*	Mr. Jim LaBelle, chairman of the Lake County Board, 18 North County Street, 10th Floor, Waukepan, Illinois 60085.	July 18, 2000	170357 F
Will and Cook	Village of Tinley Park.	Mar. 8, 2000, Mar. 15, 2000, *Daily Southtown.*	The Honorable Edward J. Zabrocki, mayor of the Village of Tinley Park, 16250 South Oak Park Avenue, Tinley Park, Illinois 60477.	Mar. 31, 2000	170169 C
DuPage	Village of Winfield	Mar. 30, 2000, Apr. 6, 2000, *The Winfield Press.*	Mr. John Kirschbaum, president of the Village of Winfield, 27 W. 465 Jewel Road, Winfield, Illinois 60190.	July 5, 2000	170223 C
Will	Unincorporated areas.	Dec. 3, 1999, Dec. 10, 1999, *The Herald-News.*	Mr. Charles R. Adelman, Will County Executive, 302 North Chicago Street, Joliet, Illinois 60432.	Mar. 9, 2000	170695 E
Indiana:					
Marion	City of Indianapolis	Apr. 5, 2000, Apr. 12, 2000, *The Indianapolis Star.*	The Honorable Barton Peterson, mayor of the city of Indianapolis, 200 East Washington Street, Suite 2501, Indianapolis, Indiana 46204.	Mar. 30, 2000	180159 D

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Johnson	Unincorporated areas.	Mar. 27, 2000, Apr. 3, 2000 *Daily Journal.*	Mr. Joseph E. Dettart, chairman of the Johnson County Board of Commissioners, 86 West Court Street, Courthouse Annex, Franklin, Indiana 46131.	Mar. 20, 2000	180111 C
Kentucky:					
Jefferson	Unincorporated areas.	Nov. 19, 1999, Nov. 26, 1999, *The Courier-Journal.*	The Honorable Rebecca Jackson, Jefferson County Judge Executive, Jefferson County Courthouse, 527 West Jefferson Street, Suite 400, Louisville, Kentucky 40202.	Nov. 10, 1999	210120 D
Rowan	City of Morehead	Dec. 10, 1999, Dec. 17, 1999, *The Morehead News.*	The Honorable Bradley Collins, mayor of the city of Morehead, 105 East Main Street, Morehead, Kentucky 40351.	Mar. 16, 2000	210204 B
Rowan	Unincorporated areas.	Dec. 10, 1999, Dec. 17, 1999, *The Morehead News.*	Mr. Clyde A. Thomas, county executive for Rowan County, 127 East Main Street, Morehead, Kentucky 40351.	Mar. 16, 2000	210203 B
Michigan: Macomb	Charter Township of Clinton.	Mar. 31, 2000, Apr. 7, 2000, *The Macomb Daily.*	Mr. James Sinnamon, Charter Township of Clinton Supervisor, 40700 Romeo Plank Road, Clinton, Michigan 48038.	July 6, 2000	260121 E
New Hampshire: Coos.	Town of Gorham ..	Dec. 9, 1999, Dec. 16, 1999, *The Berlin Reporter.*	Mr. William H. Jackson, Manager of the Town of Gorham, 20 Park Street, Gorham, New Hampshire 03581.	Dec. 1, 1999	330032 C
North Carolina: Mecklenburg.	Unincorporated areas.	Jan. 21, 2000, Jan. 28, 2000, *Charlotte Observer.*	Mr. Gerald G. Fox, Mecklenburg County Manager, 600 East 4th Street, Charlotte, North Carolina 28202–2835.	Jan. 14, 2000	370158 D
Ohio:					
Cuyahoga	City of Garfield Heights.	Mar. 16, 2000, Mar. 23, 2000, *Neighborhood News.*	The Honorable Thomas Longo, mayor of the city of Garfield Heights, 5107 Turney Road, Garfield Heights, Ohio 44125.	June 21, 2000	390109 B
Pike	Unincorporated areas.	Apr. 19, 2000, Apr. 26, 2000, *Pike County News Watchman.*	Mr. Charles Osborne, chairman of the Pike County commissioners, 100 East Second Street, Waverly, Ohio 45690.	July 25, 2000	390450 B
Shelby	Unincorporated areas.	Feb. 10, 2000, Feb. 17, 2000, *The Sidney Daily News.*	Mr. Larry Klainhans, chairman, Shelby County Board of Commissioners, 129 East Court Street, Suite 100, Sidney, Ohio 45365.	May 17, 2000	390503 C
Pike	City of Waverly	Apr. 19, 2000, Apr. 26, 2000, *Pike County News Watchman.*	The Honorable William Kelly, mayor of the city of Waverly, 201 West North Street, Waverly, Ohio 45690.	July 25, 2000	390452 B
Pennsylvania:					
York	Township of Heidelberg.	Nov. 19, 1999, Nov. 26, 1999, *The Evening Sun.*	Mr. Harry Rodgers, chairman, township of Heidelberg, Route Number 3, Box 3447A, Spring Grove, Pennsylvania 17362.	Nov. 10, 1999	422221 C
York	Township of Penn	Nov. 19, 1999, Nov. 26, 1999, *The Evening Sun.*	Mr. Frederick W. Stine, president of the Penn Township, Board of Commissioners, 20 Wayne Avenue, Hanover Pennsylvania 17331.	Nov. 10, 1999	421025 C
Chester	Township of Valley	Feb. 8, 2000, Feb. 15, 2000, *The Daily Local News.*	Mr. Grover E. Koon, chairperson, Township of Valley, Board of Supervisors, P.O. Box 467, Coatesville, Pennsylvania 19320.	Feb. 1, 2000	421206 D
Virginia: Loudoun	Town of Leesburg	Dec. 1, 1999, Dec. 8, 1999, *Loudoun Times-Mirror.*	The Honorable James E. Clem, mayor of the town of Leesburg, P.O. Box 88, Leesburg, Virginia 20178.	Nov. 19, 1999	510091 C

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: May 16, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–14662 Filed 6–8–00; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 98–170; FCC 99–72]

Truth-in-Billing and Billing Format

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: On October 18, 1999 (64 FR 56177), the Commission published a document correcting a final rule that was published on June 25, 1999 (64 FR 34488). This document corrects the subpart for that rule.

DATES: Effective June 9, 2000.

FOR FURTHER INFORMATION CONTACT: Michele Walters, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418–7400.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document revising part 64 of the Commission's rules in the **Federal Register** on June 25, 1999, (64 FR 34488). On October 18, 1999, the Commission published a document in the **Federal Register** correcting typographical errors. See 64 FR 56177 (October 18, 1999). This document corrects the **Federal Register**, FR Doc. 99–26884, published October 18, 1999, 64 FR 56177, by revising "Subpart U" to read "Subpart Y."

In the rule changes, page 56177, in the second column, "Subpart W" is corrected to read "Subpart Y."

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–14537 Filed 6–8–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1165; MM Docket No. 99–357; RM–9780]

Radio Broadcasting Services; Eldorado, Beeville, Colorado City, Cotulla, Cuero, Kerrville, Mason, McQueeney, and San Angelo, TX

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: At the request of Schleicer County Radio, this document allots Channel 285A to Eldorado, Texas, as a first local service. At the request of Rawhide Radio, L.L.C., this document substitutes Channel 249C1 for Channel 249C3 at Cuero, Texas, reallots Channel 249C1 from Cuero to McQueeney, Texas, and modifies the license of Station KVCQ to specify operation on Channel 249C1 at McQueeney. *See* 64 FR 73462, published December 13, 1999. This document also substitutes Channel 296A for Channel 250C2 at Beeville, Texas, and modifies the license of Station KYTX to specify operation on Channel 296A. This document substitutes Channel 291C2 for Channel 289C3 at San Angelo, Texas, and modifies the license of Station KMDX to specify operation on Channel 291C2. This document substitutes Channel 296A for Channel 291A at Colorado City, Texas, and modifies the license of Station KAUM to specify operation on Channel 296A. In addition, this document substitutes Channel 281C2 for vacant Channel 249C2 at Mason, Texas, and substitutes Channel 242A for vacant Channel 249A at Cotulla, Texas. Finally, this document changes the reference coordinates for the Channel 291A allotment at Kerrville, Texas. The reference coordinates for the Channel 285A allotment at Eldorado, Texas, are 30–51–36 and 100–36–00. The reference coordinates for the Channel 249C1 allotment at McQueeney, Texas, are 29–21–24 and 97–39–48. The reference coordinates for the Channel 296A allotment at Beeville, Texas, are 28–27–03 and 97–50–15. The reference coordinates for the Channel 291C2 allotment at San Angelo, Texas, are 31–18–09 and 100–35–45. The reference coordinates for the Channel 296A allotment at Colorado City, Texas, are 32–23–15 and 100–53–33. The reference coordinates for the Channel 281C2 allotment at Mason, Texas, are 30–44–55 and 99–13–49. The reference coordinates for the Channel 242A allotment at Cotulla, Texas, are 28–30–22 and 99–12–46. The reference coordinates for the Channel 291A allotment at Kerrville, Texas, are 30–01–54 and 99–09–01. With this action, the proceeding is terminated.

DATES: Effective July 12, 2000.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418–2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in MM Docket No. 99–357, adopted May 24, 2000, and released May 26, 2000. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 250C2 and adding Channel 296A at Beeville.

3. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 291A and adding Channel 296A at Colorado City.

4. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 249A and adding Channel 242A at Cotulla.

5. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Cuero, Channel 249C3, and adding McQueeney, Channel 249C1.

6. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 249C2 and adding Channel 281C2 at Mason.

7. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 289C3 and adding Channel 291C2 at San Angelo.

8. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Eldorado, Channel 285A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–14542 Filed 6–8–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1179; MM Docket No. 98–216; RM–9381]

Radio Broadcasting Services; Arnoldsburg, WV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Mountaineer Communications, allots Channel 264A at Arnoldsburg, West Virginia, as the community's first local aural transmission service. *See* 63 FR 68720, December 14, 1998. Channel 264A can be allotted in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.9 kilometers (2.4 miles) northeast to avoid a short-spacing to the licensed for Station WJYP(FM), Channel 265A, South Charleston, West Virginia. The coordinates for Channel 264A are 38–49–00 North Latitude and 81–06–00 West Longitude.

DATES: Effective July 10, 2000. A filing window for Channel 264A at Arnoldsburg, West Virginia, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–216, adopted May 17, 2000, and released May 26, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by adding Arnoldsburg, Channel 264A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–14605 Filed 6–8–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1156; MM Docket No. 99–42; RM–9467; RM–9618]

Radio Broadcasting Services; Whitefield and Northumberland, NH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Dana Puopolo, allots Channel 256A to Whitefield, NH, as the community's first local aural service. *See* 64 FR 7841, February 17, 1999. Channel 256A can be allotted to Whitefield in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.9 kilometers (6.8 miles) northeast, at coordinates 44–27–17 NL; 71–31–36 WL, to avoid a short-spacing to Station WOKO, Channel 255C1, Burlington, VT. Canadian concurrence in the allotment has been obtained since Whitefield is located within 320 kilometers (200 miles) of the U.S.-Canadian border. The counterproposal filed by Barry P. Lunderville to allot Channel 256A to Northumberland, NH, is denied based on a finding that Northumberland is not a community for allotment purposes. A filing window for Channel 256A at Whitefield will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

DATES: Effective July 10, 2000.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–42, adopted May 17, 2000, and released May 26, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Hampshire, is amended by adding Whitefield, Channel 256A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–14606 Filed 6–8–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1145; MM Docket No. 00–43; RM–9833]

Radio Broadcasting Services; Ebro, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 236A to Ebro, Florida, in response to a petition filed by Washington County Communications. *See* 65 FR 16160, March 27, 2000. The coordinates for Channel 236A at Ebro are 30–28–15 NL and 85–53–45 WL. With this action, this proceeding is terminated. A filing window for Channel 236A at Ebro will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

DATES: Effective July 10, 2000.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 00–43, adopted May 17, 2000, and released May 26, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW, Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Ebro, Channel 236A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–14608 Filed 6–8–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[ET Docket No. 00–11; FCC 00–185]

Establishment of an Improved Model for Predicting the Broadcast Television Field Strength Received at Individual Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document prescribes an improved point-to-point predictive model for determining the ability of individual locations to receive an over-the-air television broadcast signal of a specific intensity through the use of a conventional, outdoor rooftop receiving antenna. This document also provides for the model's continued refinement by the use of additional data as they become available. In the absence of on-site measurements of signal intensity, the model will be used to establish whether individual households are eligible to receive certain satellite home viewing services. The Commission is complying with new statutory requirements set forth in the Satellite Home Viewer Improvement Act of 1999.

DATES: Effective June 26, 2000.

FOR FURTHER INFORMATION CONTACT: Robert Eckert (202–418–2433), Office of Engineering and Technology.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's First Report and Order in ET Docket No. 00–11, FCC 00–185, adopted May 22, 2000, and released May 26, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) 445 12th Street, SW., Washington, DC, and may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Summary of the First Report and Order

1. In this First Report and Order (Report and Order), the Commission prescribes an improved point-to-point predictive model for determining the ability of individual locations to receive an over-the-air television broadcast signal of a specific intensity through the use of a conventional, outdoor rooftop receiving antenna. The Report and Order also provides for the model's continued refinement by the use of additional data as they become available. Under the provisions of the 1988 Satellite Home Viewer Act (SHVA), a household that cannot receive the over-the-air signal of a local network affiliate is eligible to receive the distant network signal through satellite carriers. In the absence of on-site measurements of signal intensity, the predictive model will provide a reliable and presumptive means for determining whether the over-the-air signal of a network affiliated television station can be received at an individual location.

2. A Notice of Proposed Rule Making (Notice) issued on January 20, 2000, 65 FR 4923 (February 2, 2000) addressed the SHVIA statutory requirement for prescribing the Individual Location Longley-Rice model, a version of Longley-Rice 1.2.2. At issue is how the basic Longley-Rice radio propagation prediction model should be refined so that it will accurately take land cover variations into account as required by the SHVIA. The Notice proposed a specific computational procedure based on a certain database of land cover variations published by the United States Geological Survey. According to this procedure, individual locations are to be identified as lying in one of 10 land use and land cover (LULC) categories ranging from open land to urban environments. The computational procedure then finds a clutter loss value (a reduction in available signal intensity) associated with this environmental class for the TV channel of interest, and subtracts that clutter loss from the signal intensity predicted by the Longley-Rice model. The Notice proposed a specific set of clutter loss values based on the results published in a recent engineering journal by Thomas N. Rubinstein.

3. There are three major issues to be resolved in this matter. These are first, whether it would improve the accuracy of the ILLR model to assign clutter loss values as a function of the LULC category of the receiving location, as proposed in the Notice. Second, whether there are specific clutter loss values that would have the desired effect of improving prediction accuracy. Third, the provisions to be made for the introduction of further improvements in prediction accuracy as additional data become available. The Report and Order also addresses certain matters of technical detail raised by the comments having to do with error flags and the surface refractivity parameter of the ILLR model. In a separate but related matter, an independent and neutral entity is designated that will in turn designate who shall conduct the objective test of received signal intensity for verification purposes in case a satellite provider and network station cannot agree on a person to conduct such a test.

4. *Clutter Loss Assignment by LULC Category.* The proposal to assign clutter loss values according to LULC category was supported by the major providers of direct-to-home satellite services, DIRECTV, Inc. (DIRECTV) and EchoStar Satellite Corporation (EchoStar). These organizations stated that the LULC database is a source of credible and verifiable information regarding vegetation, water and other features on the land surface, and that it is widely relied upon by the scientific and technical communities for a variety of applications. Engineering firms generally agreed that this approach has merit, at least until a more up-to-date source of land use and land clutter information with finer resolution, such as Landsat, becomes available. Commenters representing terrestrial broadcasting interests, however, argued

that increased prediction accuracy will not be obtained by the approach proposed in the Notice because there are serious deficiencies with the LULC database for purposes of modifying the ILLR model. Based on analysis of these comments, the Commission finds that the assignment of clutter loss values based on LULC categories would enhance the accuracy of predictions made with the ILLR model. Therefore, although they are not ideal, the LULC categories proposed in the Notice are adopted as an integral part of the ILLR. The addition of these LULC categories will provide the ILLR with an approximate means for accounting for the reception environment of individual locations, as those environments are affected by vegetation and building structures as well as the specific terrain elevation features already accounted for by the basic Longley-Rice model. The effect of each reception environment on signal reception is dependent on the clutter loss value assigned to each of the LULC categories.

5. *Clutter Loss Values.* Commenters expressed strongly opposing views on the specific clutter loss values to use for improving ILLR predictions. While DIRECTV and EchoStar recommended specific values for clutter loss, namely those proposed in the Notice, parties representing the interests of the network affiliates believe that the predictions of the ILLR model in its present form already include the effects of clutter so that no prescription of additional losses is appropriate. Middle ground was found in the comments of engineering firms. These generally favored assignment of clutter loss values to be determined by further study of existing measurement data or data acquired by further measurement programs. The Commission believes that the values assigned as clutter losses should be determined by statistical study of actual measurements in the specific LULC environments to which they are to be applied. The results of a study of this type were reported in the comments of the National Association of Broadcasters and the Association for Maximum Service Television, Inc. (NAB/AMSTV). The NAB/AMSTV study compared predictions of all the various proposed models with measured data to determine the relative accuracy of the models. The prediction at each of approximately 1000 locations was classified as correct, an under-prediction, or an over-prediction. A model was deemed to have made an under-prediction if it predicted that a location could not receive a signal of at least Grade B strength, when the location in fact did receive a Grade B signal; it was charged with an over-prediction if it predicted that a location could receive a signal of at least Grade B when the household in fact was measured not to receive a Grade B signal.

6. For VHF channels, the comparisons indicate that a prescription of additional losses would make the ILLR model less accurate because it already produces more under-predictions than over-predictions (a condition that favors the interests of satellite service providers). For both VHF and UHF, the ILLR model without clutter corrections proves superior to other models by making the correct prediction more often. For UHF, however, even though more correct than the competing models, the ILLR model tends to over-predict the field intensity substantially more often than it under-predicts. This is a condition that could be restored to approximate balance by assigning clutter losses. Based on the available measured data of television signals, the Commission reduced the clutter loss values from those proposed in the Notice in order to make the ILLR model more accurate. The clutter loss values for VHF channels are set to zero because the measurement data indicate that larger values produce fewer correct predictions. Thus the ILLR model is not changed for VHF. For UHF channels, small clutter loss values are set in order to obtain a better balance between under-predictions and over-predictions. Specifically, the clutter loss values are reduced to one-third of those proposed in the Notice because the Commission's assessment of the data indicates that this will produce a better balance between under-predictions and over-predictions without adversely affecting the overall percentage of correct predictions.

7. *Error Flags.* In the Notice it was proposed to presume lack of service in the rare instances where the output of the Longley-Rice computational procedure includes an error flag along with the predicted field strength to indicate a possible error in the prediction. No argument can be made for the accuracy of either convention, since the error flag simply indicates uncertainty in the predicted value of field strength due to the fact that the parameters presented to the ILLR are somewhat outside their proper limits. The Commission believes that the best approach is to ignore the error flag and simply accept the predicted value for comparison with the signal intensity standard. Thus, in uncertain cases the improved ILLR model will prefer neither under-prediction nor over-prediction errors.

8. *Surface Refractivity.* Commenters stated that it could improve the accuracy of the ILLR model to use the actual surface refractivity in the geographical region between the transmitter and individual reception point in place of the fixed median value proposed in the Notice. However, commenters did not propose a precise algorithm or particular database for determining the refractivity value to be used for individual radio paths. While it would be desirable to include surface refractivity in the ILLR model as a geographic variable, the Commission believes that the effects on the precise signal strength predictions made by the ILLR model would be too small to make a difference, as a practical matter, in the determination of served/unserved status of individual locations. Therefore, due to the lack a precise procedure and database for this proposed ILLR refinement, the fixed median value of surface refractivity is retained in the ILLR model as proposed in the Notice.

9. *Provisions for Further Improvements in Prediction Accuracy.* The comments indicate that improvements in the accuracy of the ILLR model beyond those specifically proposed may be possible either by obtaining additional measurement data or through further analysis of existing data. In the Report and Order the Commission declared that it will initiate a further rule making, *i.e.*, a standard notice-and-comment procedure, to improve the accuracy of the ILLR model upon the filing of a petition for such rule making that is supported by high quality engineering studies containing conclusions based on reliable and publicly available measurement data. Changes to the ILLR model based on such additional data may be proposed by referencing the present Docket, which will be held open for this purpose.

10. *Designation of Neutral and Independent Entity for Signal Tests Purposes.* The SHVIA relies on the ILLR model to determine presumptively whether a subscriber is served or unserved for purposes of eligibility to receive satellite retransmission of distant network signals. The SHVIA further provides that subscribers who are denied retransmission of distant signals may request that the satellite carrier seek a waiver of the denial from the network station that is asserting that retransmission is prohibited. If the network station rejects the waiver request, the subscriber may request an on-site test. To address those circumstances in which the satellite provider and network station cannot agree on a person to conduct the test,

the SHVIA requires that the Commission designate by rule an independent and neutral entity that shall in turn designate the person to conduct the test. The American Radio Relay League (ARRL) is particularly appropriate in this role since it has no commercial connection with delivery of television services, its field offices cover the United States, and its members are actively engaged in activities related to the measurement of radio field intensity. Accordingly, the Report and Order provides that the ARRL shall serve as the independent and neutral entity that shall designate the person to conduct the test.

11. *Final Regulatory Flexibility Certification.* The Regulatory Flexibility Act (RFA)[1] requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that "the rule will not have a significant economic impact on a substantial number of small entities."[2] The RFA generally defines "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[3] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[4] A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[5]

12. In this Report and Order, the Commission prescribes a prediction technique for determining the ability of individual households to receive television signals broadcast over-the air by local stations. The prediction technique applies exclusively to the sources of data for certain engineering calculations and to the manner in which these calculations are made. Television station licensees, Direct Broadcast Satellite (DBS) operators, and other Direct to Home (DTH) Satellite operators may use the technique to establish the eligibility or non-eligibility of individual households for satellite delivery of distant television programming. These determinations will usually be made at the point of sale of satellite receiving equipment for homes and will tend to increase the number of eligible customers. As noted in paragraph 3 of the Report and Order, the statute requires that we increase the accuracy of the prediction model based on technical data regarding terrain and land cover variations. Thus, the prescribed prediction technique is of a purely electrical engineering, scientific nature, and the Commission's aim is to improve its scientific accuracy. Moreover, the changes prescribed in the technique are small and will have only a minor effect on the proportion of households that are eligible to receive distant network signals. The number of viewers served by network affiliate stations will not be significantly reduced, and hence the economic effect on network affiliates and satellite carriers will not be significant. Therefore, the Commission certifies that the requirements of this First Report and Order will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the First Report and Order including a copy of this final certification, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A). In addition, the First Report and Order and this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration. See 5 U.S.C. 605(b).

13. Pursuant to Sections 1, 4(i), 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), and 154(j); Section 1008 of the Intellectual Property and Communications Omnibus Reform Act of 1999, Public Law 106–113, 113 Stat. 1501, Appendix I; and Section 119(d)(10)(a) of the Copyright Act, 17 U.S.C. 119(d)(10)(a), the rule changes set forth *shall be effective* June 26, 2000.

14. That the Commission's Consumer Information Bureau, Reference Information Center, *shall send* a copy of the First Report and Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

2. In § 73.683, the section heading is revised and paragraphs (d) and (e) are added to read as follows:

§ 73.683 Field strength contours and presumptive determination of field strength at individual locations.

* * * * *

(d) For purposes of determining the eligibility of individual households for satellite retransmission of distant network signals under the copyright law provisions of 17 U.S.C. 119(d)(10)(A), field strength shall be determined by the Individual Location Longley-Rice (ILLR) propagation prediction model. Guidance for use of the ILLR model for these purposes is provided in OET Bulletin No. 72. This document is available through the Internet on the FCC Home Page at http://www.fcc.gov.

(e) In the case of measurements to determine the eligibility of individual households to receive satellite retransmission of distant network signals under the copyright law provisions of 17 U.S.C. 119(d)(10), if a satellite carrier and the network station or stations asserting that the retransmission of a signal of a distant network station is prohibited are unable to agree on a person to conduct the test, the American Radio Relay League, Inc., 225 Main Street, Newington, CT 06111–1494, shall designate the person or organization to conduct measurements based on the technical qualifications and independence of proposed testers. The satellite carrier and network station shall propose testers and provide their qualifications in writing to the American Radio Relay League (ARRL). Individuals may also volunteer themselves as testers by submitting their qualifications to the ARRL. The ARRL can be reached by telephone at 860–594–0200, or email at hq@arrl.org.

[FR Doc. 00–14536 Filed 6–8–00; 8:45 am]

BILLING CODE 6712–01–U

[1] The RFA, see 5 U.S.C. § 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

[2] 5 U.S.C. 605(b).

[3] 5 U.S.C. 601(6).

[4] 5 U.S.C. 601(3) (incorporating by reference the definition of "small business concern" in Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriarte to the activities of the agency and publishes such definition(s) in the **Federal Register**."

[5] Small Business Act, 15 U.S.C. S 632.

AGENCY FOR INTERNATIONAL DEVELOPMENT

48 CFR Parts 715 and 742

[AIDAR Circular 00–1]

RIN 0412–AA44

Contractor Performance Evaluation

AGENCY: Agency for International Development.

ACTION: Final rule.

SUMMARY: The U.S. Agency for International Development is amending the USAID Acquisition Regulation (AIDAR) to implement its contractor performance evaluation system as a subscriber to the National Institutes of Health (NIH) Contractor Performance System.

EFFECTIVE DATE: July 10, 2000.

FOR FURTHER INFORMATION CONTACT: M/OP/P, Mr. Kenneth Monsess, U.S. Agency for International Development (USAID), 1300 Pennsylvania Ave., N.W., Washington, D.C. 20523. Telephone: (202) 712–4913. E-mail: partperformance@usaid.gov.

SUPPLEMENTARY INFORMATION: The AIDAR is being amended to implement USAID's adoption of the NIH Contractor Performance System. As a corollary to the implementation of this system, USAID has authorized a deviation to the Federal Acquisition Regulation (FAR) to:

1. recognize that USAID personal services contractors are Government personnel with respect to the restriction on the disclosure of contractor performance information in FAR 42.1503(b) when such access is required in the performance of their duties as contracting office personnel and/or in their participation on source evaluation panels; and

2. exempt USAID personal services contracts from the FAR 42.1502(a) requirement for preparing contractor performance evaluations.

The changes made by this Notice are administrative and not considered major rules as defined by E.O. 12866. This Notice will neither impact a substantial number of small entities, nor establish an information collection as contemplated by the Regulatory Flexibility Act and the Paperwork Reduction Act. Because of the nature of this Notice, use of the proposed rule/public comment approach was not considered necessary. USAID has decided to issue this Notice as a final rule; however, the Agency welcomes public comment on the material covered by this Notice or any part of the AIDAR at any time. Comments or questions may be addressed as specified in the **FOR FURTHER INFORMATION CONTACT** section of the preamble.

List of Subjects in 48 CFR Parts 715 and 742

Government procurement.

Accordingly, for the reasons set out in the preamble, 48 CFR Chapter 7 is amended as follows:

1. The authority citations in Parts 715 and 742 continue to read as follows:

Authority: Sec. 621, Pub. L. 87–195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 715—CONTRACTING BY NEGOTIATION

Subpart 715.3—Source Selection

2. In Section 715.305, paragraph (a) is added to read as follows:

715.305 Proposal evaluation.

(a)(1) [Reserved].

(2) USAID shall use the information on offerors made available from the NIH Contractor Performance System to evaluate past performance. (Access to the system by USAID contracting office personnel is authorized by the USAID Past Performance Coordinator, E-mail address: AIDNET: Past Performance@op.spu@aidw/Internet: pastperformance@usaid.gov.)

* * * * *

AIDAR Subchapter G—Contract Management

PART 742—CONTRACT ADMINISTRATION

3. Subpart 742.15 is added to read as follows:

Subpart 742.15—Contractor Performance Information

Sec.

742.1501 [Reserved]
742.1502 Policy.
742.1503 Procedures.

Subpart 742.15—Contractor Performance Information

742.1501 [Reserved]

742.1502 Policy.

(a) USAID contracting officers shall report contractor performance information at least annually, employing the procedures prescribed by the NIH Contractor Performance System. (Access to the system by USAID contracting officer personnel is authorized by the USAID Past Performance Coordinator, E-mail address: AIDNET: Past Performance@op.spu@aidw/Internet: pastperformance@usaid.gov.)

(b) Performance for personal services contracts awarded under AIDAR Appendices D and J shall not be evaluated under the contractor performance reporting procedures prescribed in FAR subpart 42.15.

742.1503 Procedures.

(a) [Reserved]

(b) Personal services contractors shall be recognized as Government personnel for the purposes of the restriction on access to contractor performance information in FAR 42.1503(b).

Dated: May 2, 2000.

Rodney W. Johnson,

Director, Office of Procurement.

[FR Doc. 00–13486 Filed 6–8–00; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

RIN 1018–AF52

1999–2000 Refuge-Specific Hunting and Sport Fishing Regulations; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations which were published Friday, May 12, 2000 (65 FR 30772). The document related to the 1999–2000 refuge-specific hunting and sport fishing regulations.

DATES: This correction is effective May 12, 2000.

FOR FURTHER INFORMATION CONTACT: Leslie Marler, (703) 358–2397.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections add certain national wildlife refuges to the list of areas open for hunting and/or sport fishing, along with pertinent refuge-specific regulations for such activities; and amend certain regulations on other refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 1999–2000 season.

Need for Correction

As published, an amendatory instruction contains an error which may

prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication on May 12, 2000 of the final regulation, which was the subject of FR Doc. 00–11410, is corrected as follows:

§ 32.67 [Corrected]

1. On page 30793, in the first column, amendatory instruction 44.e. is corrected to read as follows:

e. Revising paragraphs A.6. and B.4. of Umatilla National Wildlife Refuge to read as follows:

Dated: June 1, 2000.

Leslie A. Marler,

Division of Refuges, Federal Register Liaison.

[FR Doc. 00–14202 Filed 6–8–00; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 991210334–0122–02; I.D. 112399A]

RIN 0648–AN41

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Extension of Effective Date of Red Snapper Management Measures

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

ACTION: Interim rule; extension of effective date.

SUMMARY: An interim rule is in effect through June 19, 2000, that changes the management measures for the red snapper fishery in the exclusive economic zone (EEZ) of the Gulf of Mexico in order to reduce overfishing, as requested by the Gulf of Mexico Fishery Management Council (Council). That interim rule modifies the recreational and commercial fishing seasons, increases the recreational minimum size limit, and reinstates a 4–fish bag limit for the captain and crew of for-hire vessels (i.e., charter vessels and headboats). NMFS extends this interim rule for an additional 180 days. The intended effect is to reduce overfishing of red snapper in the Gulf of Mexico.

DATES: The effective date for the interim rule published at 64 FR 71056, December 20, 1999, is extended from June 19, 2000, through December 16, 2000.

ADDRESSES: Copies of the documents supporting this rule, i.e., an analysis of the economic consequences and an environmental assessment, may be obtained from the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, telephone: 727–570–5305, fax: 727–570–5583.

FOR FURTHER INFORMATION CONTACT: Dr. Roy Crabtree, telephone: 727–570–5305; fax: 727–570–5583; e-mail: Roy.Crabtree@noaa.gov.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

In response to a request from the Council, NMFS issued an interim rule (64 FR 71056, December 20, 1999), under section 305(c)(1) of the Magnuson-Stevens Act, that changed the management measures for the red snapper fishery in the exclusive economic zone (EEZ) of the Gulf of Mexico by (1) increasing the recreational minimum size limit to 16 inches (40.6 cm); (2) establishing a recreational season of April 21 to October 31, 2000; (3) reinstating the 4–fish bag limit for captain and crew of for-hire vessels; and (4) changing the openings of the spring red snapper commercial season from the first 15 days of each month to the first 10 days of each month, beginning February 1. This action was, and remains, necessary to address overfishing of the red snapper resource.

Under section 305(c)(3)(B) of the Magnuson-Stevens Act, NMFS may extend the effectiveness of an interim rule for one additional period of 180 days, provided the public has had an opportunity to comment on the interim rule and the Council is actively preparing proposed regulations to address the overfishing on a permanent basis. NMFS solicited public comments on the initial interim rule and received numerous comments. These comments are summarized herein along with agency responses. The Council has prepared a regulatory amendment, under the FMP's framework procedure for regulatory adjustments, that is intended to address overfishing of the red snapper resource; if approved and implemented by NMFS, the regulatory amendment would replace this interim rule. The expiration date of the interim rule is being extended because red snapper remain overfished and NMFS cannot take action to address the overfishing via the regulatory amendment by June 19, 2000.

Additional details concerning the basis for these changes to the red snapper management measures and discussion of the ongoing efforts of the Council and NMFS to evaluate and implement measures to rebuild the red snapper stock consistent with the requirements of the Magnuson-Stevens Act are contained in the preamble to the interim rule and are not repeated here.

Comments and Responses

NMFS received a total of 1,488 comments addressing the interim rule (64 FR 71056, December 20, 1999). Most of these supported the Council's request for the interim rule and were received prior to publication of the interim rule. All comments received before, during, or after the comment period are summarized and addressed below.

Comment 1. A total of 1,359 letters supported the measures contained in the interim rule. Specifically, these letters supported the April 21–to-October 31 recreational season because this season would provide the greatest economic benefits.

Response: NMFS agrees that the measures implemented by the interim rule will provide economic benefits to the greatest number of Gulf fishers, as well as reduce overfishing and allow the recovery of the red snapper stock.

Comment 2: A total of 179 letters opposed the interim rule. Most opposition was from fishers and organizations in south Texas who believe that the recreational season will cause economic hardship in their area. Many of those who objected to the April 21–to-October 31 recreational season requested a year-round fishery.

Response: Based on public testimony and the best available scientific information, NMFS concluded that a season from April 21 to October 31 offers the greatest benefits to Gulf anglers and is compatible with the recreational quota. A year-round fishery is expected to exceed the 2000 recreational quota.

The measures implemented by this interim rule are based, in part, on the recommendations to the Council from a stakeholder conference held in New Orleans, LA, on September 27, 1999. Stakeholders' recommendations for the 2000 recreational red snapper fishery included a 4–fish bag limit for the captain and crew of for-hire vessels, a size limit not to exceed 16 inches (40.6

cm), and a March 1–to-October 31 recreational season.

The Council attempted, to the extent possible, to implement the stakeholders' recommendations; however, based on the best available scientific information, the harvest from a March 1 to October 31 season would exceed the current recreational quota. A group of south Texas anglers who participated in the stakeholders conference submitted a minority report requesting a year-round fishery with a 4–fish bag limit and a 13–inch (33.0–cm) minimum size limit. However, the harvest from a year-round fishery, if implemented, would greatly exceed the quota and jeopardize the recovery of the stock. Therefore, the Council recommended a shorter season as close to the stakeholders' recommendation as possible.

The stakeholders discussed the request for a winter fishery from some south Texas anglers, but neither the stakeholders nor the south Texas minority report recommended a winter fishery. At its November 1999 meeting, the Council considered adding a January-February opening with a reduced bag limit to allow a winter fishery but concluded that, to do so, the reduced bag limit would substantially shorten the prime April-to-October season and, thus, increase the likelihood of illegal fishing during the closed season; such occurrence would result in a harvest that would exceed the recreational quota. Further, because other Gulf states, including Texas, would not likely enact the compatible closures required to accommodate a winter fishery, the EEZ would be closed without compatible state closures, thereby resulting in overfishing of red snapper.

The interim rule provides Texas anglers, as well as anglers in other states, the opportunity to fish during the months of the greatest historical demand. During 1996, the last year that the red snapper recreational fishery was open all year, Texas monthly recreational landings during May-October exceeded those of any other monthly period. Analyses based on recent years (1995–1998) show that, during January-March, monthly landings in Texas average 96,000 lb (43,545 kg), substantially less than during August-October when monthly landings average 137,000 lb (62,142 kg). Furthermore, the interim rule will provide economic benefits to the Texas for-hire industry by allowing the industry to operate during the months of greatest demand. Texas headboat trips during January-March average 5,000 trips per month as opposed to 8,000 trips per month during August-October. Texas charter boat trips show a similar trend, with an average of 1,200 trips per month during January-March and of 2,000 trips per month during August-October.

Comment 3: An environmental organization and several individuals expressed concerns regarding regulatory discards, mortality rates of released fish, and the use of minimum size limits as conservation measures in the red snapper fishery.

Response: NMFS is also concerned with regulatory discards and the mortality rates of released red snapper. Based on the best scientific information available, NMFS believes that minimum size limits are an effective conservation measure in this fishery. Minimum size limits are a widely used fishery management tool designed to allow females to spawn at least once before entering the fishery. This pool of unfished mature females acts as a buffer against overfishing and recruitment failure in a severely overfished stock. The effectiveness of this strategy depends on the survival rate of released fish. NMFS' stock assessments assume a survival rate of 80 percent for released red snapper in the recreational fishery and 67 percent in the commercial fishery. NMFS is currently reviewing recent studies on the release mortality rates of red snapper and will recommend changes in management measures, if justified.

Comment 4: One commercial fishing organization objected to the status quo total allowable catch (TAC) of 9.12 million lb (4.14 million kg) and stated that the TAC should be no greater than 6 million lb (2.72 million kg). Two individuals also expressed concerns regarding the magnitude of the TAC.

Response: The interim rule was intended to reduce overfishing by increasing the probability of achieving compatible state and Federal regulations. The Council recommended no change to the status quo TAC of 9.12 million lb (4.14 million kg); thus, this interim rule does not address or alter the current TAC.

The Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act of 1996 (SFA), mandates that overfished stocks be rebuilt to a biomass level capable of producing maximum sustainable yield (MSY). On November 17, 1999, NMFS disapproved the Council's red snapper rebuilding plan, as proposed in the Generic SFA Amendment to the Gulf of Mexico Fishery Management Council's Fishery Management Plans, because it specified a fishing-mortality-based rebuilding target rather than a biomass-based target and because it did not estimate the time to rebuild in the absence of fishing mortality; these are requirements of the Magnuson-Stevens Act and the national standard guidelines. The Council must submit a new red snapper rebuilding plan as soon as possible to NMFS for agency review, approval, and implementation.

The recent stock assessment included a wide range of estimates of MSY and the stock biomass associated with MSY for red snapper. NMFS recognizes that a considerable uncertainty associated with these estimates exists and that the Council has latitude to consider this uncertainty when developing a new rebuilding plan. Conditions approaching those estimated to exist for red snapper resource near MSY have not been seen in decades, and, thus, the assessment models for estimatinng MSY require assumptions regarding the productivity of the stock. The SFA requires greater reductions in the red snapper harvest and in shrimp trawl bycatch mortality of juvenile red snapper to rebuild this resource than were required by the Magnuson-Stevens Act prior to the SFA. The Council's Reef Fish Stock Assessment Panel estimate of the acceptable biological catch (ABC) of red snapper for 2000 ranges from 0 to 9.12 million lb (0 to 4.14 million kg), depending on the reduction of red snapper bycatch mortality achieved in the shrimp fishery and appropriate rebuilding parameters. The best available scientific information indicates that the status quo 9.12 million-lb (4.14 million-kg) TAC for 2000 may slow the rate of recovery in the early years of any rebuilding program but would not jeopardize recovery of the stock consistent with the rebuilding requirements of the Magnuson-Stevens Act, particularly if greater reductions in bycatch mortality are achieved as expected. However, an immediate and significant reduction in TAC would have devastating effects upon participants in the fishery.

NMFS will continue to provide the Council with the best available scientific information regarding the status of the red snapper stock, the effectiveness of bycatch reduction devices (BRDs), and the effectiveness of the FMP's management measures in rebuilding the overfished red snapper resource. NMFS is working with the commercial shrimp fishing industry to develop new BRDs that will further reduce finfish bycatch while minimizing shrimp loss. Also, NMFS will continue to work with the Council in implementing the FMP's current red snapper stock rebuilding plan and in modifying this plan as necessary to restore the stock to a biomass level

capable of producing MSY. Management options include, but are not limited to, adjustments to the fishing season, bag limit changes, quota reductions, fishing effort reduction, vessel buy-back programs, and additional measures to reduce shrimp trawl bycatch mortality.

Comment 5: One environmental group stated that a set recreational fishing season, i.e., beginning and closing dates fixed, violates the Sustainable Fisheries Act requirement that the red snapper recreational fishery be closed once its quota is reached.

Response: NMFS disagrees. The SFA requires that the Gulf of Mexico red snapper recreational fishery be closed when the quota is reached. To comply with this requirement, NMFS works jointly with the Council to implement management measures and establish closure dates that, based upon the best available scientific information, are likely to result in annual catches that approximate the quota within the margin of error of the harvest projections. NMFS uses a computer simulation model to assess the future status of the red snapper stock. The model integrates estimates of stock abundance with fishing effort to project estimates of how many fish will be caught for various time periods. This projection assumes that the current year's fishing effort will be similar to that of previous years. In-season data are not used to establish or adjust closure dates; instead, closure is based entirely on projections. This is the only practicable method of setting closure dates because the NMFS Marine Recreational Fisheries Statistics Survey (MRFSS) is not designed for real-time quota monitoring. MRFSS data are available only in 2-month blocks, referred to as waves, and landings are not available until 5 weeks after the end of a wave. Thus, there is a time lag of at least 3 months before even preliminary MRFSS landings data can be evaluated; consequently, NMFS cannot determine the closure date based on real-time fishery data. In projecting recreational fishery harvest rates, NMFS attempts to approximate the quota in the long term, while recognizing that annual variations in the catch are inevitable.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), after considering all public comments received on the interim rule, has determined that this extension of the interim rule is necessary to reduce overfishing of red snapper in the Gulf of Mexico and is consistent with the Magnuson-Stevens Act and other applicable laws.

This extension of the interim rule is not subject to review under E.O. 12866.

This extension of the interim rule is exempt from the procedures of the Regulatory Flexibility Act because the initial interim rule was issued without opportunity for prior public comment.

NMFS prepared an economic analysis of the expected regulatory impacts of the interim rule. NMFS analyzed commercial fishing derbies during the last decade to determine the probable economic consequences of commercial spring and fall seasons consisting of a series of 10-day mini derbies during the year 2000. NMFS concluded that compared to 15-day openings, a series of 10-day commercial derbies conducted under a 9.12 million-lb (4.14 million-kg) TAC could measurably increase the average total and net revenues for the year. Shorter mini-seasons during 1998–99 reduced landings per month, supported higher ex-vessel prices, and extended domestic supplies. The expected economic consequences for the recreational sectors are less definite because of uncertainties regarding the recreational catch that may be realized versus recreational catches that can be forecast with available data.

If the changes in the recreational fishery regulations, which include an April 21 to October 31 season and an increase in the size limit to 16 inches (40.6 cm), result in catches that are no greater than the recreational quota, then NMFS expects an increase in net benefits for all portions of the recreational fishery in aggregate. However, if the realized catches exceed the quota, then longer term benefits will be reduced because stock recovery will be slowed by an indeterminate amount. In theory, if the management measures in this interim rule are very different from the management measures preferred by the Gulf states, it is unlikely that the Gulf states will adopt compatible regulations. Under incompatible Federal and state regulations, harvests will probably continue in state waters after Federal closures. These harvests will impede stock rebuilding efforts. Under the existing management scheme, for example, harvests during the Federal closures could exceed 600,000 lb (272,155 kg) during a fishing year. The Gulf states are more likely to adopt any scenario approximating the Council's requested season of April 15–October 31, thus reducing the negative effects of incompatible Federal and state rules.

Copies of the economic analysis are available upon request (see **ADDRESSES**).

This extension of the interim rule will help to ensure that management measures necessary to address the overfishing of the red snapper resource will remain in effect until a more permanent regulatory solution can be implemented. In the past, the lack of compatible management of the red snapper fishery by most Gulf states resulted in continued fishing in state waters after Federal waters were closed. This contributed to quota overruns and overfishing. NMFS anticipates that four of the five Gulf states will adopt measures compatible with the measures of the interim rule. This will enhance the effectiveness of the closed seasons and will significantly reduce the probability of overfishing. The increase in the recreational minimum size limit will reduce the harvest rate and, in combination with the bag limit and closed seasons, will help ensure that the recreational quota is not exceeded and that overfishing does not occur. Reducing the openings of the commercial fishery from 15 days per month to 10 days per month will slow the harvest rate and reduce the probability of exceeding the commercial quota and overfishing. Reinstating the 4–fish bag limit for captain and crew of for-hire vessels relieves a restriction on that sector of the fishery. The majority of public comments received on the interim rule supported the rule. None of the relatively few comments opposing various aspects of the interim rule warranted a revision of any measures in the interim rule. Delaying action to reduce overfishing in the red snapper fishery of the Gulf of Mexico to provide further notice and an opportunity for public comment would increase the likelihood of a loss of long-term productivity from the fishery and increase the probable need for more severe restrictions in the future. Furthermore, the Council has submitted for Secretarial review a regulatory amendment that contains the measures implemented by this interim rule; an opportunity for public comment on the proposed rule for the regulatory amendment will be provided. Accordingly, under authority set forth at 5 U.S.C. 553(b)(B), the AA finds, for good cause, namely the reasons set forth above, that providing prior notice and the opportunity for prior public comment would be contrary to the public interest. For these same reasons, under 5 U.S.C. 553(d)(3), the AA finds for good cause that a 30-day delay in the effective date of this interim rule would be contrary to the public interest.

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment

on any ambiguity or unnecessary complexity arising from the language used in this interim rule. Such comments should be directed to NMFS Southeast Regional Office (see **ADDRESSES**).

Dated: June 2, 2000.

Bruce C. Morehead,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–14529 Filed 6–8–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 000119014–0137–02; I.D. 060200A]

Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 2 Period

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

ACTION: Commercial quota harvest for Quarter 2 period.

SUMMARY: NMFS announces that the black sea bass commercial quota available in the Quarter 2 period to the coastal states from Maine through North Carolina has been harvested. Commercial vessels may not land black sea bass in the Northeast Region for the remainder of the 2000 Quarter 2 quota period (through June 30, 2000). Regulations governing the black sea bass fishery require publication of this notification to advise the coastal states from Maine through North Carolina that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing black sea bass in these states north of 35°15.3′ N.lat.

DATES: Effective June 9, 2000, 0001 hrs, local time through June 30, 2000, 2400 hrs, local time.

FOR FURTHER INFORMATION CONTACT: Jennifer L. Anderson, Fishery Management Specialist, at (978) 281–9226.

SUPPLEMENTARY INFORMATION: Regulations governing the black sea bass fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is allocated into four quota periods based upon percentages of the annual quota. The Quarter 2 commercial quota (April through June) is distributed to the coastal states from Maine through North Carolina. The process to set the annual commercial quota is described in § 648.140.

The initial total commercial quota for black sea bass for the 2000 calendar year was set equal to 3,024,742 lb (1,372,000 kg) (65 FR 33486, May 24, 2000). The Quarter 2 period quota, which is equal to 29.26 percent of the annual commercial quota, was set at 885,040 lb (401,447 kg).

Section 648.141 requires the Regional Administrator, Northeast Region, NMFS (Regional Administrator), to monitor the commercial black sea bass quota for each quota period that is based upon dealer reports, state data, and other available information to determine when the commercial quota has been harvested. NMFS is required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the black sea bass commercial quota has been harvested and no commercial quota is available for landing black sea bass for the remainder of the Quarter 2 period, north of 35°15.3′ N. lat. The Regional Administrator has determined, based upon dealer reports and other available information, that the black sea bass commercial quota for the 2000 Quarter 2 period has been harvested.

The regulations at § 648.4(b) provide that Federal black sea bass moratorium permit holders agree as a condition of the permit not to land black sea bass in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for the black sea bass is available. The Regional Administrator has determined that the Quarter 2 period for black sea bass no longer has commercial quota available. Therefore, effective 0001 hrs local time, June 9, 2000, further landings of black sea bass in coastal states from Maine through North Carolina, north of 35°15.3′ N. lat. by vessels holding commercial Federal fisheries permits are prohibited through June 30, 2000, 2400 hrs local time. The Quarter 3 period for commercial black sea bass harvest will open on July 1, 2000. Effective June 9, 2000, federally permitted dealers are also advised that they may not purchase black sea bass from federally permitted black sea bass moratorium permit holders that land in coastal states from Maine through North Carolina for the remainder of the Quarter 2 period (through June 30, 2000).

The regulations at § 648.4(b) also provide that, if the commercial black sea bass quota for a period is harvested and the coast is closed to the possession of black sea bass north of 35°15.3′ N. lat., any vessel owners who hold valid commercial permits for both the black sea bass and the NMFS Southeast Region Snapper-Grouper fisheries may surrender their Black Sea Bass moratorium permit by certified mail addressed to the Regional Administrator (see Table to § 600.502) and fish pursuant to their Snapper-Grouper permit, as long as fishing is conducted exclusively in waters, and landings are made, south of 35°15.3′ N. lat. A moratorium permit for the black sea bass fishery that is voluntarily relinquished or surrendered will be reissued upon the receipt of the vessel owner's written request after a minimum period of 6 months from the date of cancellation.

Classification

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

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

Dated: June 5, 2000.

Richard W. Surdi,

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

[FR Doc. 00–14518 Filed 6–5–00; 4:17 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 112
Friday, June 9, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[Docket No. PRM–72–5]

Nuclear Energy Institute; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking filed by the Nuclear Energy Institute. The petition has been docketed by the NRC and has been assigned Docket No. PRM–72–5. The petitioner is requesting that the NRC regulations governing storage of spent nuclear fuel be amended to establish a more efficient process for issuing and amending certificates of compliance (CoC) for dry cask storage of spent nuclear fuel under a general license. The petitioner believes the current NRC process of traditional notice and comment rulemaking is not appropriate for the routine task of maintaining a list of certified casks and that the burden of maintaining this listing in the regulations outweighs any benefit. The petitioner proposes that the list of CoCs be deleted from the regulations and that NRC should notice applications for new CoCs and amendments in the **Federal Register** for a 60-day comment period. The petitioner also proposes that amendments for existing CoCs that do not have the potential to have a significant impact on public health and safety be immediately effective upon publication of the amendment in the **Federal Register**.

DATES: Submit comments by August 23, 2000. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Rulemakings and Adjudications staff.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (*http://ruleforum.llnl.gov*). At this site, you may view the petition for rulemaking, this **Federal Register** notice of receipt, and any comments received by the NRC in response to this notice of receipt. Additionally, you may upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415–5905 (e-mail: CAG@nrc.gov).

For a copy of the petition, write to David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Documents related to this action are available for public inspection at the NRC Public Document Room (PDR) located at the Gelman Building, 2120 L Street, NW, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–415–7162 or Toll-Free: 1–800–368–5642 or E-mail: DLM1@NRC.Gov.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission received a petition for rulemaking dated April 18, 2000, submitted by the Nuclear Energy Institute (petitioner). The petitioner is requesting that the regulations in 10 CFR Part 72 governing storage of spent nuclear fuel in dry storage casks be amended. Specifically, the petitioner is requesting that the NRC establish a more efficient process for issuing new and amending existing certificates of compliance (COC) for dry cask storage of spent nuclear fuel under a general license. The petitioner believes that the current process of traditional notice and comment rulemaking for issuing and amending CoCs is inefficient and that the burden of maintaining the list of approved dry storage casks in § 72.214 outweighs any benefit.

The petitioner has concluded that the listing of CoCs in § 72.214 is not necessary and believes that removal of these requirements will have no impact. The petitioner requests that the regulations in 10 CFR Part 72 be amended by removing § 72.214. Instead, the petitioner proposes that NRC notice applications for new CoCs and amendments to existing CoCs in the **Federal Register** for a 60-day comment period. When the NRC determines that an amendment to an existing CoC does not have the potential to have a significant impact on public health and safety, the petitioner recommends that the amendment become immediately effective upon publication in the **Federal Register**. The petitioner recommends that initial applications and significant amendments would not become effective until the NRC has evaluated public comments and published its findings in the **Federal Register**.

The NRC has determined that the petition meets the threshold sufficiency requirements for a petition for rulemaking under 10 CFR 2.802. The petition has been docketed as PRM–72–5. The NRC is soliciting public comment on the petition for rulemaking.

Discussion of the Petition

The petitioner notes that the NRC Spent Fuel Project Office staff is currently considering an alternative process to the NRC's current practice of listing and amending CoCs by rulemaking. The petitioner supports the NRC staff's efforts and encourages the NRC to expeditiously amend 10 CFR Part 72 to establish an efficient process for issuing new and amending existing CoCs for dry cask storage of spent nuclear fuel under a general license. The petitioner requests that the NRC consider a streamlined process proposed by the petitioner that focuses opportunities for public input on issues that have the potential to have a significant impact on public health and safety. The petitioner proposes that the NRC discontinue the use of traditional notice and comment rulemaking and that § 72.214, the listing of CoCs, be repealed.

The petitioner believes there is no benefit in using rulemaking for the ministerial act of maintaining a list of

certified casks and that the burden of maintaining the list in the regulations outweighs any benefit. The petitioner has concluded that the list of certified casks neither affords any additional authority on the CoC holder nor places additional weight on requirements that govern dry cask usage. The petitioner proposes that NRC notice applications for new CoCs and amendments to existing CoCs in the **Federal Register** for a 60-day comment period. For amendments to certified casks, applicants could propose that the requested amendment has no potential to adversely affect public health and safety. If NRC agreed with the applicant and found that no significant hazard exists, the amendment would be effective immediately upon publication in the **Federal Register**. The petitioner proposes that initial applications and other amendments would not become effective until the NRC evaluated public comments and published its findings in the **Federal Register**.

The petitioner notes that by 2005, as many as 50 plants will require dry cask spent fuel storage to continue operating or to proceed through decommissioning. In the Nuclear Waste Policy Act of 1982, as amended (NWPA), Congress conferred responsibility on the Federal Government to "expedite the effective use of existing storage facilities and the addition of new needed storage capacity" at civilian nuclear power facilities. The petitioner also notes that cask vendors must amend CoCs frequently to meet the growing need for dry cask storage and that, by 2001, the fuel discharged from operating plants will exceed the maximum licensed burnup limits of current casks. The petitioner contends that the current NRC practice of issuing CoCs and associated amendments by rulemaking is inadequate because it takes about 24 months to amend CoCs through the rulemaking process. The petitioner believes that with a 24-month response time, the unavailability of dry casks will impede plant operations and decommissioning at some point.

The petitioner contends that NRC's practice of listing and amending cask CoCs by cask-specific rulemaking goes beyond Congress' intent in the NWPA. The petitioner believes that by issuing more than ten CoCs under 10 CFR Part 72, the NRC has fulfilled its legislative obligation and demonstrated that the regulations are sufficient to certify technologies for use as directed in the NWPA. The petitioner states that conducting cask-specific rulemakings wastes resources and requires constant reconsideration of the same technical issues. The petitioner believes that many CoC amendments do not involve new or novel technical issues and are only being reviewed to demonstrate that a certificate holder has complied with NRC requirements for cask certification.

The petitioner recommends that NRC provide notice in the **Federal Register** and consider public comments before issuing CoCs for new casks and amendments to existing CoCs that potentially impact public health and safety. The petitioner states that proceeding in this manner would show that the NRC provides for public input and does not waste the agency's or the public's resources that could be directed toward actions on new casks and issues that may significantly affect public health and safety and away from actions that only demonstrate compliance with existing requirements and guidance. The petitioner also believes that the process for issuing and amending CoCs for spent fuel storage should be similar to that used for transportation CoCs under 10 CFR Part 71. The petitioner states that it is illogical to certify casks used for the dual purpose of storage and transportation by two entirely different processes. The petitioner further states that the certification process for transportation CoCs has been effective since its inception over 20 years ago and that no reason exists for the process for certification of casks for storage to be any more demanding than that for certifying casks for transportation.

The petitioner recommends that NRC consider an application process for new CoCs as follows: Submittal of application for new CoC; NRC prepares a draft Safety Evaluation Report (SER); the draft CoC and SER are noticed in the **Federal Register** for public comment; NRC publishes its findings in a **Federal Register** notice; and the CoC and SER are issued.

The petitioner recommends the following process for amendments to existing CoCs. The change to the CoC is identified and developed by the CoC holder, and an evaluation under § 72.48, "Changes, tests, and experiments" is performed to determine if prior NRC approval is needed. If NRC's approval is not required, the amendment may be implemented and the Safety Analysis Report (SAR) is updated. If prior NRC approval is required, the CoC holder performs a "Significant Impact" evaluation and submits the proposed amendment to the NRC. If the NRC agrees that the proposed amendment poses "No Significant Impact," the amendment is published in the **Federal Register** and becomes immediately effective upon publication, the change is implemented, and the SAR is updated. If the NRC does not determine that the amendment poses no significant impact, the draft CoC is published in the **Federal Register** for a 60-day public comment period. After the comment period expires, the NRC publishes its findings in a **Federal Register** notice, the change is implemented, and the SAR is updated.

The petitioner proposes that § 72.214, "List of approved spent fuel storage casks" be deleted from the regulations. The petitioner also proposes that § 72.238, "Issuance of an NRC Certificate of Compliance" be amended by inserting the following language after the existing codified text:

> The Director, Office of Nuclear Material Safety and Safeguards, or the Director's designee will publish each initial application and each application for amendment in the **Federal Register** for a 60-day comment period. An application may include a proposed determination that the amendment proposed does not involve a "significant impact consideration" based on an analysis of the criteria listed below. Upon receipt of an application, the Director, or the Director's designee will make a determination of whether it agrees with the applicant's "no significant impact considerations" proposal. If the Director or the Director's designee agrees with the applicant's proposed determination, the amendment will be effective upon publication in the **Federal Register** prior to receipt and analysis of public comments.
>
> An amendment is considered to have the potential to pose a significant impact if subsequent use of the cask would:
>
> (a) Result in a significant increase in the probability or consequences of an accident previously evaluated;
>
> (b) Create the possibility for a new or different kind of accident from any accident previously evaluated; or
>
> (c) Involve a significant reduction in a margin of safety.

The petitioner has also submitted examples of amendments considered likely to involve significant impact considerations that it proposes for inclusion in a regulatory guidance document. These would be amendments that result in a significant increase in offsite doses and leakage across the confinement boundary, an increase in Keff above 0.95 without compensatory changes, significant increases in mechanical stress beyond allowable limits in codes referenced in the NRC Standard Review Plans (SRPs), and cladding temperatures that significantly exceed SRP limits.

Lastly, the petitioner has submitted examples of amendments it believes would not likely involve significant impact considerations that it proposes for inclusion in a regulatory guidance document. Examples include amendments that consist of:

(1) An administrative change to technical specifications (TS) including a change to achieve consistency throughout the TS, correction of an error, or a change in nomenclature.

(2) A TS change to ensure that no significant increase exists in the probability or consequences of analyzed accidents and does not significantly reduce safety margins such as an increase in the allowable leak rate compensated by an increase in fill gas quantity, an increase in the allowable handling height of the cask compensated by energy absorbing features, addition of a more reactive fuel design that could lead to Keff exceeding 0.95 compensated by an increase in areal poison density of fixed neutron poison sheets, and an increase in helium backfill pressure compensated by increased material properties to prevent components from exceeding code allowables.

(3) A change in the TS that includes an additional limitation, such as a more stringent surveillance requirement.

(4) A change that may result in some increase to the probability or consequences of a previously analyzed accident or may reduce the safety margin in some way, but where the results are within all acceptable criteria at the time of approval, such as an increase in Keff or offsite exposures beyond "minimal."

(5) Replacing explicit limits on fuel assemblies, decay heat, and source terms with a table that incorporates limits and ensures that these limits are met by prescribing minimum cooling times for various combinations of enrichment versus burnup.

(6) Substitution of another NRC-approved quality assurance program for fabrication of casks such as modifying Part 50, Appendix B for Part 72.

(7) A change to a CoC that consists of minor changes to storage operations that remain within regulatory requirements such as a reduction in the center-to-center cask spacing in the Independent Spent Fuel Storage Installation (ISFSI), a reduced storage cask temperature monitoring frequency, an increased time duration without transfer cask annulus cooling for canisters with fuel loading below a certain kilowatt level, or a reduction in the areal poison density in boral fixed poison sheets offset by an increase in the allowable percentage of the manufacturer's minimum assured boron content in criticality calculations.

(8) An expansion of the cask capacity including the number of bundles, higher initial enrichment, or higher burnup bundles when certain conditions are satisfied.

(9) Inclusion of a more recent NRC requirement than is contained in the licensee's CoC or site-specific license.

(10) Inclusion of an exception or alternative approved by the NRC for another licensee.

(11) Administrative improvements such as the use of generic organization position titles that clearly indicate position function as opposed to specific titles or use of generic organization charts to delineate functional responsibilities.

The Petitioner's Conclusions

The petitioner has concluded that the NRC requirements governing storage of spent nuclear fuel in 10 CFR Part 72 should be amended to establish a more efficient process for issuing and amending CoCs for dry cask storage under a general license. The petitioner has also concluded that the current NRC process of traditional notice and comment rulemaking is not appropriate for the routine task of maintaining a list of certified casks and that the burden of maintaining this listing in the regulations outweighs any benefit. The petitioner requests that the list of CoCs be removed from the regulations and that the NRC notice applications for new CoCs and amendments to existing CoCs in the **Federal Register** for a 60-day comment period. The petitioner also requests that amendments for existing CoCs that have no potential to have a significant impact on public health and safety be immediately effective upon publication in the **Federal Register**.

Dated at Rockville, Maryland, this 5th day of June, 2000.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 00–14686 Filed 6–8–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

Re-evaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comments.

SUMMARY: The Nuclear Regulatory Commission (NRC) is re-evaluating its power reactor physical protection regulations and the proposed definition of radiological sabotage, using performance criteria as the basis. The purpose of this re-evaluation is to state precisely what kinds of sabotage-induced events a licensee is expected to protect against. This request invites public comment on these issues. The NRC is publishing as an attachment to this **Federal Register** Notice, a Commission paper entitled, "Staff Re-Evaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage," (SECY–00–0063).

DATES: Submit comments by August 23, 2000. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Attention: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website at (http://ruleforum.llnl.gov). This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415–5905 (e-mail: *CAG@nrc.gov*).

The attached Commission paper is associated with a rulemaking plan, "Physical Security Requirements for Exercising Power Reactor Licensees" Capability to Respond to Safeguards Contingency Events," which is located on the NRC's rulemaking website.

Copies of any comments received and certain documents related to this re-evaluation may be examined at the NRC Public Document Room, 2120 L Street NW, (Lower Level), Washington, DC. These same documents may be viewed and downloaded electronically via the rulemaking website.

FOR FURTHER INFORMATION CONTACT: Richard P. Rosano, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–2933, e-mail: RSS@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

In a Staff Requirements Memorandum (SRM) of November 22, 1999, the Commission approved the staff's recommendation in SECY–99–241 (Rulemaking Plan, Physical Security Requirements for Exercising Power Reactor Licensees' Capability to

Respond to Safeguards Contingency Events, October 5, 1999) to begin a comprehensive review of 10 CFR 73.55 and associated power reactor physical protection regulations. The Commission directed the staff to provide position papers on: (1) The attributes of the design basis threat; and (2) the definition of radiological sabotage. The purpose of the first position paper is to identify the types of weapons and equipment that may be used in the design basis threat and clarify the intent of the regulations concerning the strength of the response and the strategy of a licensee's security organization. The purpose of the second position paper is to define precisely what kinds of sabotage-induced events a licensee is expected to protect against. This request for comments responds to the Commission's second direction to the NRC staff regarding development of a position paper on radiological sabotage at reactors.

Discussion

In accordance with the SRM dated November 22, 1999, the staff began considering the fundamental issues that would guide a re-evaluation of the power reactor physical protection requirements, including conducting several public meetings with stakeholders on the subject. This process highlighted a longstanding issue with the implementation of 10 CFR 73.55 requirements at power reactors. Specifically, the implementation of these requirements assumed that compliance with the prescriptive requirements of the physical protection plans written in accordance with 10 CFR 73.55(b) through (h) would provide the high assurance required by 10 CFR 73.55(a). In fact, results of force-on-force drills conducted pursuant to the Regulatory Effectiveness Review (RER) program and the Operational Safeguards Response Evaluation (OSRE) program cast doubt on the validity of this assumption, due in part to the way the requirements were (a) understood by licensees and (b) inspected and enforced by NRC. However, overall site security and the security organization's readiness to respond to an adversary attack were tested and confirmed during regional inspection activity and OSREs.

The staff examined approaches and principles used in existing NRC regulations, including the use of margin of safety. The staff also integrated appropriate results of previous analyses, such as the study to re-evaluate the guidelines and bases used to determine vital equipment and areas to be protected in nuclear power plants, as documented in "Vital Equipment/Area Guidelines Study: Vital Area Committee Report," NUREG–1178 (March 1988).

In the attachment to SECY–99–241, the staff proposed to review the definition of radiological sabotage and consider ways to clarify the issue in a way that is meaningful for the protective strategy and enhances the process of performance evaluation. After considerable discussion, the staff determined that a definition of radiological sabotage at power reactors in the new rule may not be necessary if the regulation could delineate more clearly the performance criteria to be used as the basis for the new physical protection regulations. Several public meetings were held with representatives from the Nuclear Energy Institute (NEI), the Nuclear Control Institute (NCI), and the media, from which the staff developed a set of physical protection performance criteria that are consistent with criteria used in other areas of nuclear power plant regulation. These performance criteria would provide the risk-informed basis for the comprehensive review of 10 CFR 73.55 and associated power reactor physical protection requirements, including the exercise requirement.

These performance criteria are based on ensuring that a plant retains the capability to shutdown the reactor safely and assure long-term heat removal in the face of a malevolent act by the design basis threat against the facility. The staff is developing performance criteria and requirements for 10 CFR 73.55(a) to protect the plant against a malevolent act by protecting critical safety functions, with an appropriate margin of safety, that include:

(1) reactivity control;

(2) reactor coolant makeup for maintaining reactor and spent fuel pool inventory;

(3) reactor and spent fuel pool heat removal;

(4) containment of radioactive materials;

(5) process monitoring necessary to perform and control the above functions; and

(6) actions necessary to support the operation of the equipment used for safe shutdown.

These performance criteria would clarify the scope of radiological sabotage against which a licensee is expected to protect. In 10 CFR 73.55(b) and succeeding paragraphs, specific performance criteria would be provided for the physical security organization and response elements. As described in SECY–99–241, new paragraphs of 10 CFR 73.55 would require periodic drills and exercises and corrective actions for vulnerabilities identified in the exercises.

The above performance criteria represent a new concept in formulating security programs and aligning security with other areas of regulation involving plant operations. This approach would provide insights on how the remainder of 10 CFR 73.55 might be revised. The staff believes that it is important to continue to have stakeholder involvement in the early stages of development of performance criteria.

Dated at Rockville, Maryland, this 5th day of June, 2000.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

Rulemaking Issue—SECY–00–0063

(Notation Vote)

March 9, 2000.

For: The Commissioners.

From: William D. Travers, Executive Director for Operations.

Subject: Staff Re-evaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage.

Purpose: To obtain Commission approval of the staff's (a) approach to re-evaluation of the power reactor physical protection regulations, and (b) definition of radiological sabotage by providing design criteria as the basis for physical protection regulations.

Background: In the Staff Requirements Memorandum (SRM) of November 22, 1999, the Commission approved the staff's recommendation in SECY–09–241 (Rulemaking Plan, Physical Security Requirements for Exercising Power Reactor Licensees' Capability to Respond to Safeguards Contingency Events, October 5, 1999) to begin a comprehensive review of 10 CFR 73.55 and associated power reactor physical protection regulations, and directed the staff to provide position papers on: (a) the attributes of the design basis threat, and (b) the definition of radiological sabotage. The first is used to define the weapons and equipment used by the design basis threat and clarify the intent of the regulations concerning the response strength and strategy of the licensees' security organizations. The purpose of the second is to precisely state what sabotage-induced event sequences the licensees are expected to protect against. This paper addresses the second request regarding development of a position paper on radiological sabotage at reactors.

Contact: Richard Rosano, NRR, (301) 415–2933.

Discussion: In accordance with the Staff Requirements Memorandum dated

November 22, 1999, the staff began consideration of the fundamental issues that would guide a re-evaluation of the power reactor physical protection requirements, including conducting several public meetings with stakeholders on the subject. This process highlighted a longstanding issue with the implementation of 10 CFR 73.55 requirements at power reactors. Specifically, the implementation of these requirements assumed that compliance with the prescriptive requirements of the physical protection plans written in accordance with 10 CFR 73.55(b) through (h) would provide the high assurance required by 10 CFR 73.55(a). In fact, results of force-on-force drills conducted pursuant to the Regulatory Effectiveness Review (RER) program and the Operational Safeguards Response Evaluation (OSRE) program cast doubt on the validity of this assumption, due in part to the way the requirements were (a) understood by licensees and (b) inspected and enforced by NRC. However, overall site security and the security organization's readiness to respond to an adversary attack were tested and confirmed during regional inspection activity and OSREs.

The staff examined approaches and principles used in existing NRC regulations, including the use of margin of safety. The staff also integrated appropriate results of previous analyses, such as the study to re-evaluate the guidelines and bases used to determine vital equipment and areas to be protected in nuclear power plants, as documented in "Vital Equipment/Area Guidelines Study: Vital Area Committee Report," NUREG–1178.

In the attachment to SECY–99–241, the staff proposed to review the definition of radiological sabotage and consider ways to clarify the issue in a way that is meaningful for the protective strategy and enhances the process of performance evaluation. After considerable discussion, the staff determined that a definition of radiological sabotage at power reactors in the new rule may not be necessary if the regulation could delineate more clearly the performance criteria to be used as the basis for the new physical protection regulations. A series of public meetings were conducted, including representatives from Nuclear Energy Institute (NEI), Nuclear Control Institute (NCI), and media, from which the staff developed a set of physical protection performance criteria in terms of public protection that are consistent with criteria used in other areas of nuclear power plant regulation. These performance criteria would provide the risk-informed basis for the comprehensive review of 10 CFR 73.55 and associated power reactor physical protection requirements, including the exercise requirement.

These performance criteria are based on ensuring that a plant retains the capability to safely shutdown the reactor and assure long-term heat removal in the face of a malevolent act by the design basis threat against the facility. The staff is developing performance criteria and requirements for 10 CFR 73.55(a) to protect the plant against a malevolent act by protecting critical safety functions, including appropriate margin of safety, including:

(1) reactivity control,

(2) reactor coolant makeup for maintaining reactor and spent fuel pool inventory,

(3) reactor and spent fuel pool heat removal,

(4) containment of radioactive materials,

(5) process monitoring necessary to perform and control the above functions, and

(6) actions necessary to support the operation of the equipment used for safe shutdown.

These performance criteria would clarify the scope of radiological sabotage which licensees are expected to protect. 10 CFR 73.55(b) and succeeding paragraphs would provide specific performance criteria for the physical security organization and response elements. As described in SECY–99–241, a new sub-section of 10 CFR 73.55 would require periodic drills and exercises and corrective actions for vulnerabilities identified in the exercises.

The above performance criteria represent a new concept in formulating security programs and align security with other areas of regulation involving plant operations. This approach would provide insights on how the remainder of 10 CFR 73.55 might be revised. The staff believes that it is important to continue to have stakeholder involvement in the early stages of development of performance criteria.

OSREs have been conducted since 1992 to test licensees' performance relative to the requirements in 10 CFR 73.55(a). The last OSRE in the current cycle is scheduled for May 2000 and with the final rule not expected to be published for three years, steps have been taken by the staff to fill the gap between May 2000 and the time when the new rule is in place. In the short-term, OSREs will continue. Then, pending NRC endorsement, an industry proposal for a Self-Assessment Program will be used on a trial basis, with NRC oversight, to pilot the performance criteria envisioned in the revised physical protection regulations.

Coordination: The Office of the General Counsel has reviewed this paper and has no legal objection to its content. The FTE and resource issues involved in this paper are already budgeted.

Recommendations: That the Commission: *Approve* (a) the staff's approach to re-evaluation of the power reactor physical protection regulations, and (b) the definition of radiological sabotage by providing design criteria as the basis for physical protection regulations.

Note that: Upon the Commission's approval, the staff will (a) continue with this work to implement this approach in the new security regulations; (b) test these concepts in the industry Self-Assessment Program, as appropriate; and (c) publish this paper in the **Federal Register** for public comment, seeking comment on the approach described above for revising 10 CFR 73.55(a).

William D. Travers,

Executive Director for Operations.

[FR Doc. 00–14685 Filed 6–8–00; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 94–129; DA 00–1220]

Common Carrier Bureau Extends Pleading Cycle on Proposal to Require Resellers to Obtain Carrier Identification Codes

AGENCY: Federal Communications Commission.

ACTION: Reopening of comment period.

SUMMARY: This document extends the comments and reply comments due dates of a document published at 65 FR 33281 (May 23, 2000). The Common Carrier Bureau published a document soliciting comments on proposals in this proceeding to require resellers to obtain their own carrier identification codes.

DATES: Submit comments on or before June 13, 2000 and reply comments on or before June 20, 2000.

ADDRESSES: See 65 FR 33281 (May 23, 2000) for where and how to file comments.

FOR FURTHER INFORMATION CONTACT: William J. Scher or Dana Walton-Bradford (202) 418–7400 TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: In a recent *Public Notice*, 65 FR 33281 (May 23,

2000), the Common Carrier Bureau asked for supplemental filings on a proposal in this proceeding to require resellers to obtain their own carrier identification codes, establishing comment and reply comment dates of June 6 and June 13, 2000, respectively. *See Common Carrier Bureau Asks Parties to Refresh Record and Seeks Additional Comment on Proposal to Require Resellers to Obtain Carrier Identification Codes, Public Notice*, DA 00–1093, released May 17, 2000. On May 30, 2000, the Association of Communications Enterprises (ASCENT), formerly the Telecommunications Resellers Association, requested that the comment periods be extended by 30 days, to July 6 and July 13, 2000, respectively. ASCENT contends, among other things, that it is working with its members to compile data responsive to the Public Notice, but that the time allotted "has unfortunately proven inadequate[.]" ASCENT Request for Extension of Time at 3.

Based on consideration of ASCENT's filing, we conclude that a one-week extension of time is warranted. Therefore, we shall extend the respective comment and reply comment dates to June 13 and June 20, 2000. This extension will provide interested parties with more than three weeks from the date of release of the *Public Notice* in which to prepare their supplemental filings, a period that we believe should be sufficient to prepare the requested information.

For the foregoing reasons, pursuant to 47 CFR 1.46 of the Commission's rules, the Common Carrier Bureau hereby extends the comment and reply comment dates in this matter to June 13 and June 20, 2000, respectively.

Dated: June 5, 2000.

K. Michele Walters,

Associate Division Chief, Accounting Policy Division.

[FR Doc. 00–14519 Filed 6–8–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–1143; MM Docket No. 99–133; RM–9523]

Radio Broadcasting Services; Evergreen, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule, denial.

SUMMARY: This document denies a petition for rule making filed by Mountain West Broadcasting requesting the allotment of Channel 230A at Evergreen, Montana. *See* 64 FR 24996, May 10, 1999. Based on the information submitted by Mountain West Broadcasting, we believe it has failed to establish that Evergreen qualifies as a community for allotment purposes and therefore it would not serve the public interest to allot a channel to Evergreen. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–133, adopted May 17, 2000, and released May 26, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–14541 Filed 6–8–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1142; MM Docket No. 00–92; RM–9857]

Radio Broadcasting Services; Dos Palos and Livingston, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of All American Broadcasting, Inc., licensee of FM Station KNTO, Channel 240A, Livingston, California, requesting the reallotment of Channel 240A to Dos Palos, California, as that locality's first local aural transmission service, and modification of its authorization accordingly. Coordinates used for Channel 240A at Dos Palos, California, are 37–04–03 NL and 120–44–52 WL.

DATES: Comments must be filed on or before July 17, 2000, and reply comments on or before August 1, 2000.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC. interested parties should serve the petitioner's counsel, as follows: Dan J. Alpert, Esq., The Law Office of Dan J. Alpert, 2120 N. 21st Rd., Arlington, VA 22201.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–92, adopted May 17, 2000, and released May 26, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–14607 Filed 6–8–00; 8:45 am]

BILLING CODE 6710–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 80

RIN 1018–AD83

Federal Aid in Sport Fish Restoration Program; Participation by the District of Columbia and U.S. Insular Territories and Commonwealths

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We propose to conform our regulations for the Federal Aid in Sport Fish Restoration Program to a recently enacted law by letting the States spend up to 15 percent (not just 10 percent) of their Federal Aid funds on aquatic education and outreach and communications. We also propose to let the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa spend more for these purposes, with the approval of the appropriate Fish and Wildlife Service Regional Director. While making these changes in this section of our regulations, we also propose to rewrite that entire section to put it in plain lauguage, without making substantive change.

We also propose a new section to define existing requirements for the collection of informatoin required by the Paperwork Reduction Act and the Office of Management and Budget's implementing regulation. This section is also presented in plain language format. Comments are welcome on both sections.

DATES: Comments must be received by August 8, 2000.

ADDRESSES: Comments may be addressed to the Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, Arlington Square 140, 4401 North Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Jack Hicks, Division of Federal Aid, U.S. Fish and Wildlife Service. Telephone: (703) 358–1851.

SUPPLEMENTARY INFORMATION:

Background

Through the Federal Aid in Sport Fish Restoration Program, the U.S. Fish and Wildlife Service (Service) disburses funds to States (including the District of Columbia and the U.S. insular territories and Commonwealths) to restore and manage the Nation's fishery resources. The States use the funds to fund fisheries research, surveys, and management; purchase and restore habitat; operate hatcheries; build boat access; and provide aquatic education and outreach and communications programs.

The program is authorized by the Federal Aid in Sport Fish Restoration Act (Act), 16 U.S.C. 777 *et seq.*, enacted in 1950, and carried out by regulations in 50 CFR part 80, "Administrative Requirements, Federal Aid in Fish and Federal Aid in Wildlife Restoration Acts." Funds for the program are derived from excise and import taxes on fishing tackle and motorboat fuel. The manufacturer or importer collects the tax and pays it to the U.S. Department of the Treasury, who transfers the money to the Service for distribution to the States.

Congress has amended the Act several times, most recently via the Transportation Equity Act for the 21st Century (Pub. L. 105–178), passed in 1998. Among other things, that law, commonly referred to as TEA–21, increased, from 10 to 15 percent, the maximum allowable expenditure of Sport Fish Restoration apportioned dollars for aquatic education, which now also applies to related outreach and communications projects. Section 777g(c) of the Act states, "(E)ach State may use not to exceed 15 percent of the funds apportioned to it under Section 777c of this title to pay up to 75 percent of the costs of an aquatic resource education and outreach and communications program for the purpose of increasing public understanding of the Nation's water resources and associated aquatic life forms."

To carry out TEA–21, we are proposing changes to 50 CFR part 80. Specifically, we are proposing to amend part 80 by revising § 80.15 and by adding a new § 80.27 pertaining to information collection requirements. Currently, 50 CFR 80.15(e) states, "(N)ot more than 10 per centum of the annual amount apportioned to each State under provisions of the Federal Aid in Sport Fish Restoration Act may be obligated on projects for aquatic education." In accordance with TEA–21, we propose to amend part 80 to raise the amount that States may expend for aquatic education and outreach and communications to 15 percent. However, we also propose to allow the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa to spend a higher portion of their funds for this purpose, as described below. We further propose to convert the existing language in § 80.15 to plain language.

As proposed, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa would not be subject to the statutory cap of 15 percent for aquatic education and outreach and communications expenditures; that cap would apply only to the actual States. Section 777k of the Act states in part that "(T)he secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of Puerto Rico, the Mayor of the District of Columbia, the Governor of Guam, the Governor of American Samoa, the Governor of the Commonwealth of the Northern Mariana Islands, and the Governor of the Virgin Islands, in the conduct of fish restoration and management projects, as defined in Section 777a of this title, upon such terms and conditions as he shall deem fair, just, and equitable* * *" Under this authority, we propose to let these jurisdictions spend a higher share of their program funds on aquatic education and outreach and communications, on the grounds that doing so is fair, just, and equitable because of the unique characteristics that set them apart from the States.

The District of Columbia has a very small land base in District ownership (most of the riverfront land is owned by the National Park Service), limited aquatic resources (portions of two rivers and assorted small ponds and streams), and a very high urban population. The District commits a steady amount of funding for fisheries research and survey work in those portions of the two rivers that flow through its boundaries and for maintenance of its boating access facilities. Because of the land ownership situation, however, limited opportunities exist for the District to acquire land or to build additional boat access facilities, hatcheries, or fishing piers. In 1987 the District began an aquatic education program that has grown steadily and provides diverse, high-quality education programs for D.C. students and other citizens. The District's urban population creates the opportunity and need for developing innovative education strategies. While the demand for aquatic education remains high, the District's program cannot provide all the services requested because, under the current rules, the agency is limited to 10 percent of the total apportionment to spend on aquatic education programs.

The Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin

Islands, and American Samoa, although located over large geographical areas, have limited land mass. These islands are mostly small, separate land masses, creating special educational needs on an island-by-island basis. Unlike the U.S. mainland, which has reservoirs and lakes, the islands have an array of riverine, estuarine, and coastal habitats in very close proximity. Island aquatic ecosystems are less resilient than their continental counterparts. Thus, education on the conservation of aquatic resources on these islands becomes more critical.

Despite these unique characteristics, our current regulations in 50 CFR part 80 impose the same limitation on the education, outreach and communications funding of the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa as they do on all the States. For the reasons just described, we believe the District of Columbia and the U.S. insular territories and commonwealths should be allowed discretion in determining the funding needed for aquatic education and outreach and communications. However we are proposing to authorize Service Regional Directors to make final determinations regarding spending for this purpose. With this proposed rule change, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa will gain the flexibility to spend more on aquatic education and outreach and communications programs, if given approval to do so by the appropriate Service Regional Director.

Required Determinations

We have examined this action under the Paperwork Reduction Act (PRA) of 1995 and found it to contain no new or revised information collection requirements. However a new section, 50 CFR 80.27, is added to fulfill the public notice requirements of the PRA for existing approved information collection requirements contained in part 80.

This document was not subject to review by the Office of Management and Budget under Executive Order 12866, Regulatory Planning and Review. It is not a significant regulatory action.

This rule will not have an annual economic effect of $100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A cost-benefit and economic analysis is not required because of the low dollar amount of this proposed rule change. This change would simply redistribute existing money. The District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa (but not Puerto Rico) each receive an annual apportionment of one-third of one percent of the Sport Fish Restoration account. Over the last 10 years, this amount has ranged from about $580,000 to $910,000, with an average of approximately $720,000 per year. In 2000, the apportionment was $803,128, which permitted them to each spend $120,469 (15 percent) for aquatic education and outreach and communications. Puerto Rico, which receives 1 percent, has a 10-year average of $2,164,533, with a 2000 apportionment of $2,409,383, and currently has an aquatic education and outreach and communications spending limit of $361,407. The dollar amounts of this proposed rule will not have a major effect on the affected economies, since the money would have been obligated under programs other than aquatic education and outreach and communications without this change.

This rule will not create inconsistencies with other agencies' actions or materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. This rule increases the allowable spending levels of Sport Fish Restoration dollars for aquatic education and outreach and communications, not the total apportionment for the recipients.

This rule will not raise novel legal or policy issues. The 15-percent limit applying to States was done through congressional action. The requested raised spending authority for the District of Columbia and the U.S. insular territories and commonwealths simply recognizes the different situations that these recipients have concerning opportunities for aquatic education and outreach and communications projects. The Act authorizes cooperation with the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa. If not obligated, the money reverts after 2 years to the Service.

We are soliciting comments on the readability of this proposed rule change and conformance with "plain language" guidelines. Please send comments to Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, 4401 North Fairfax, Suite 140, Arlington, VA 22030. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, 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. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifyng themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

The Department of the Interior certifies that this proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. *et seq.*). This action affects, by giving them more flexibility, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa. These governmental entities govern populations of more than 50,000, and, therefore, they are not small entities as defined in 5 U.S.C. 601. The proposed change simply allows for the redistribution of existing funds.

In the District of Columbia, two constraints on the use of Sport Fish Restoration funds are (1) fisheries and water resources are limited to about 30 miles of river and a few impoundments and wetland areas and (2) most of the undeveloped shoreline in the District, which would be used to develop boat access sites, is owned by the National Park Service. The District's population of 650,000 people offers both a need and an opportunity for education. A greater public benefit can be achieved by allowing spending above the cap for the District of Columbia. The District would expand and improve the work outlined in its current 5-year plan, including building an addition to the heavily used Aquatic Education Center to include classrooms and a wet lab for both fisheries research and educational demonstrations and expanding the summer youth program and in-school program to reach a greater percentage of constituents.

The Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa are very

diverse in culture and language, creating a need for multiple approaches to similar conservation issues. Letting the Regional Directors approve spending above 15 percent will allow more flexibility to use education and outreach and communications to help prevent and solve fisheries and aquatic resource problems.

Additional funding for aquatic education and outreach and communications will benefit local residents without appreciable losses in management capability. No discernible effects on product prices or other economic effects are associated with this rule.

We have determined and certify pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rulemaking will not impose a cost of $100 million or more in any given year on local, State, or territorial governments or private entities.

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule does not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, territorial, or local government agencies, or geographic regions; and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This rule change would allow redirection of certain monies within a total apportionment; no added or reduced total funding is involved in this change.

We have determined that these proposed regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

In accordance with Executive Order 13132, the rule does not have significant Federalism effects. A Federalism assessment is not required. This rule gives the recipients (the District of Columbia, the Commonwealth of Puerto Rico, the commonwealth of the northern Mariana Islands, Guam, the Virgin Islands, and American Samoa) more self-determination by allowing them more flexibility in their spending decisions.

List of Subjects in 50 CFR Part 80

Fish, Grant programs, Natural resources, Reporting and recordkeeping requirements, Wildlife.

Accordingly, we propose to amend part 80 of title 50 of the Code of Federal Regulations as follows:

PART 80—[AMENDED]

1. The authority citation for part 80 continues to read as follows:

Authority: 16 U.S.C. 777i; 16 U.S.C. 669i; 18 U.S.C. 701.

2. Section 80.15, is revised to read as follows:

§80.15 Allowable costs.

(a) *What are allowable costs?* Allowable costs are costs that are necessary and reasonable for accomplishment of approved project purposes and are in accordance with the cost principles of OMB Circular A–87.

(b) *What is required to determine the allowability of costs?* All costs must be supported by source documents or other records as necessary to substantiate the application of funds. Such documentation and records are subject to review by the U.S. Fish and Wildlife Service and, if necessary, the Secretary to determine the allowability of costs.

(c) *Are costs allowable if they are incurred prior to the date of the grant agreement?* Costs incurred prior to the effective date of the grant agreement are allowable only when specifically provided for in the grant agreement.

(d) *How are costs allocated in multipurpose projects or facilities?* Projects or facilities designed to include purposes other than those eligible under either the Sport Fish Restoration or Wildlife Restoration Acts must provide for the allocation of costs among the various purposes. The method used to allocate costs must produce an equitable distribution of costs based on the relative uses or benefits provided.

(e) *What is the limit on administrative costs for State central services?* Administrative costs in the form of overhead or indirect costs for State central services outside of the State fish and wildlife agency must be in accord with an approved cost allocation plan and cannot exceed in any 1 fiscal year 3 per centum of the annual apportionment to that State. Each State has a State Wide Cost Allocation Plan that describes approved allocations of indirect costs to agencies and programs within the State.

(f) *How much money may be obligated for aquatic education and outreach and communications?*

(1) Each of the 50 States may spend no more than 15 percent of the annual amount apportioned to it under provisions of the Federal Aid in Sport Fish Restoration Act for an aquatic education and outreach and communications program for the purpose of increasing public understanding of the Nation's water resources and associated aquatic life forms.

(2) The Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa are not limited to the 15-percent cap imposed on the 50 States. Each of these entities may spend more for these purposes with the approval of the appropriate Regional Director.

3. A new § 80.27 is added to read as follows:

§ 80.27 What are the information collection requirements in this part?

(a) Information gathering requirements include filling out forms to apply for certain benefits offered by the Federal Government. Information gathered under this part is authorized under the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777–777l) and the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669–669i). The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless the request displays a currently valid OMB control number. Our requests for information will be used to apportion funds and to review and make decisions on grant applications and reimbursement payment requests submitted to the Federal Aid Program.

(b) OMB Circulars A–110 and A–102 require the use of several Standard Forms: SF–424, SF–424A and SF–424B, SF–269A and SF–269B, SF–270, SF–271 and SF–272. Combined, as many as 12,000 of these forms are used annually by grant applicants. The individual burden is approximately 1 hour to compile information and complete each form; the total burden is approximately 12,000 hours (approximately 3,500 grants are awarded/renewed each year, but not all forms are used for all grants). These forms are needed to document grant applications and requests for reimbursement.

(c) Part 1 Certification (form 3–154A) and Part 2 Summary of Hunting and Sport Fishing License Issued (form 3–154B) (OMB Approval 1018–0007) require approximately ½ hour from each of 56 respondent States and territories for a total burden of 28 hours. The information is routinely collected by the States and territories and easily transferred to these forms and certified. This information is used in a statutory formula to apportion funds among the grant recipients.

(d) The Grant Agreement, 3–1552, and Amendment to Grant Agreement, 3–1591 (OMB Approval 1018–0049) require approximately 1 hour to gather

relevant information, review, type, and sign. This information is compiled in the normal agency planning processes and transferred to these forms. Recipients nationwide complete approximately 3,500 Grant Agreement forms and 1,750 Amendment to Grant Agreement forms during any fiscal year for a total burden of 5,250 hours. This information is used to document financial awards made to grant recipients and amendments to these awards.

(e) The public is invited to submit comments on the accuracy of the estimated average burden hours needed for completing Part I—Certification, Part II—Summary of Hunting and Sport Fishing License Issued, Grant Agreement, and Amendment to Grant Agreement forms and to suggest ways in which the burden may be reduced. Comments may be submitted to: U.S. Fish and Wildlife Service, Information Collection Clearance Officer, 4401 North Fairfax Drive, Suite 222, Arlington, VA 22203.

Dated: May 11, 2000.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 00–14586 Filed 6–8–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 000511132–0132–01; I.D. 042400I]

RIN 0648–AM04

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement provisions of a regulatory amendment prepared by the Gulf of Mexico Fishery Management Council (Council) in accordance with framework procedures for adjusting management measures of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). These proposed regulations would modify the recreational and commercial red snapper fishing seasons; allocate two-thirds of the commercial red snapper quota for the spring fishing season, with the remainder available for the fall fishing season; increase the recreational minimum size limit for red snapper; and reinstate a 4-fish recreational red snapper bag limit for captain and crew of for-hire vessels (charter vessels and headboats). The intended effect of these proposed regulations is to maximize the economic benefits from the red snapper resource within the constraints of the stock rebuilding program for this overfished resource.

DATES: Comments must be received no later than 4:30 p.m., eastern standard time, on July 10, 2000.

ADDRESSES: Written comments on the proposed rule must be sent to Dr. Roy E. Crabtree, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments may also be sent via fax to 727–570–5583. Comments will not be accepted if submitted via e-mail or Internet.

Requests for copies of the regulatory amendment, which includes an environmental assessment, a regulatory impact review (RIR), and an initial regulatory flexibility analysis (IRFA) should be sent to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619–2266; Phone: 813–228–2815; Fax: 813-225–7015; E-mail: gulf.council@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Dr. Roy E. Crabtree, telephone: 727–570–5305, fax: 727–570–5583, e-mail: Roy.Crabtree@noaa.gov.

SUPPLEMENTARY INFORMATION: The reef fish fishery in the exclusive economic zone (EEZ) of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Under the regulatory amendment, the Council has proposed adjusted management measures for the Gulf red snapper commercial and recreational fisheries. Under provisions of the FMP, these measures, if approved and implemented, would continue in effect until changed through a subsequent rulemaking action. The Council has submitted the regulatory amendment to NMFS for review, approval, and implementation. The measures in this regulatory amendment were developed and submitted to NMFS under the terms of the FMP's framework procedure for annual adjustments in management measures for the red snapper fishery. The proposed regulations would implement the measures contained in the Council's regulatory amendment.

Background

The measures contained in the proposed rule, except for the change in the start date of the fall commercial season and the minor change in the allocation of the commercial quota, were implemented by interim rule (64 FR 71056, December 20, 1999). This proposed rule would implement these measures on a permanent basis.

The measures contained in this proposed rule are needed to reduce overfishing, while allowing the total allowable catch (TAC) of red snapper to be harvested by fair, equitable, and effective means. These changes would reduce overfishing by: (1) increasing the likelihood of compatible closures of state waters during Federal closures, thereby improving enforcement of closures of the EEZ recreational red snapper fishery and reducing the harvest from state waters during Federal closures; (2) improving compliance with Federal regulations by opening the recreational fishery during the time of greatest demand and reducing confusion among anglers by promoting compatible state and Federal regulations; and (3) reducing the rate of harvest in the commercial fishery, thus reducing the probability of the commercial fishery exceeding its quota.

These red snapper measures are based, in part, on the recommendations to the Council from a stakeholder conference held in New Orleans, LA, on September 27, 1999. Stakeholders' recommendations for the recreational red snapper fishery included a 4-fish bag limit for the captain and crew of for-hire vessels, a minimum size limit not to exceed 16 inches (40.6 cm), and a March 1 to October 31 recreational season. The interim rule was necessary to implement these changes before the 2000 fishing seasons began.

Section 407(d) of the Magnuson-Stevens Act requires NMFS to close the Gulf of Mexico recreational red snapper fishery after the recreational quota (currently 4.47 million lb (2.03 million kg)) is caught. The recreational fishery was closed on November 27 in 1997, on September 29 in 1998, and on August 29 in 1999. Under the regulations in place prior to promulgation of the interim rule, i.e., a 4-fish bag limit and a 15-inch (38.1-cm), minimum size limit, NMFS projected that with a January 1 opening date for the recreational fishery, the 2000 quota (4.7 million lb (2.03 million kg)) would be reached on July 29, 2000;

consequently, the fishery would be closed at 12:01 am on July 30, 2000.

The recreational fishery has exceeded its quota each year since 1997, when NMFS first closed it as required by section 407(d) of the Magnuson-Stevens Act. The proposed rule is intended to address this problem and to reduce overfishing. Compatible state closures are essential for Federal closures to be effective. If the Gulf states do not implement compatible recreational seasons, the harvest of red snapper in state waters will continue after the Federal closure. Furthermore, the lack of compatible regulations impedes enforcement of Federal regulations, results in reduced compliance, and increases overfishing. During 1999, the recreational red snapper fishery in most Gulf states' waters remained open for at least 3 months after the Federal closure. Under the regulations in effect prior to promulgation of the interim rule, the recreational fishery in the EEZ would have opened on January 1, 2000, and closed on July 30, 2000. NMFS expects that the Gulf states would have opened their fisheries on January 1 if Federal waters had opened, but the states would probably not have closed state waters until at least October 31, as occurred during 1999. By opening the recreational fishery during the time of greatest demand, the interim rule has achieved compatible seasons with four of the five Gulf states. The recreational fishery in Texas is expected to remain open all year. Thus, fishing that would have occurred after closure of the Federal season under the regulations in effect prior to the interim rule has been reduced.

Recreational Season

The stakeholders at the September 27, 1999, conference recommended a red snapper recreational season from March 1 to October 31. The Council attempted, to the extent possible, to implement the stakeholders' recommendations; however, based on the best available scientific information, the harvest from a March 1 to October 31 season would exceed the current recreational quota. Therefore, the Council recommended a shorter season as close to the stakeholders' recommendation as possible. The stakeholders' recommendations and the preponderance of public testimony presented to the Council indicate that a season from April 21 to October 31 offers the greatest benefits to Gulf anglers and, based upon the best available scientific information, is compatible with the recreational quota. A group of south Texas anglers, who participated in the stakeholders conference, submitted a minority report requesting a year-round fishery with a 4-fish bag limit and a 13-inch (33.0-cm) minimum size limit. However, the harvest from a year-round fishery, if implemented, would greatly exceed the quota and jeopardize the recovery of the stock.

The Council recommended an April 15-to-October 31 season but authorized the Regional Administrator to adjust the season as needed to allow reinstatement of the 4-fish bag limit for the captain and crew of for-hire vessels. To compensate for the increase in catch rates resulting from reinstatement of this measure, NMFS delayed the season opening by 6 days until April 21.

The stakeholders discussed the request from some south Texas anglers for a winter fishery, but neither the stakeholders nor the south Texas minority report recommended a winter fishery. At its November 1999 meeting, the Council considered adding a January-February opening with a reduced bag limit to allow a winter fishery. The Council concluded that it was impossible to do so without substantially shortening the prime April-to-October season and, thus, increasing the likelihood that illegal fishing during the closed season would occur, resulting in a harvest that exceeds the recreational quota. Furthermore, it is unlikely that all of the Gulf states would enact the compatible closures required to accommodate a winter fishery; consequently, the EEZ would be closed without compatible state closures resulting in overfishing and impeded enforcement.

The proposed rule would provide Texas anglers, as well as anglers in other states, the opportunity to fish during the months of greatest historical demand. During 1996, the last year that the red snapper fishery was open all year, Texas monthly landings during May-October exceeded those of any other months. Analyses based on recent years (1995–1998) show that during January-March, monthly landings in Texas average 96,000 lb (43,545 kg), substantially less than during August-October when monthly landings average 137,000 lb (62,142 kg). Further, the proposed rule would provide economic benefits to the Texas for-hire fishing industry by allowing the industry to operate during the months of greatest demand. Texas headboat trips during January-March average 5,000 trips per month, as opposed to 8,000 trips per month during August-October. Texas charter boat trips show a similar trend, with an average of 1,200 trips per month during January-March and 2,000 trips per month during August-October.

Recreational Size Limit

The increase in the recreational minimum size limit from 15 inches (38.1 cm) to 16 inches (40.6 cm) is an essential component of the modified recreational fishing season. The increase would reduce the harvest rate and, in combination with the bag limit and closed seasons, would help ensure that the recreational quota is not exceeded, thereby reducing overfishing. NMFS' projections indicate that the reduction in catch rates from the increased size limit would allow the season to be extended by approximately three weeks without a significant increase in harvest. The best available scientific information indicates that increasing the minimum size limit constrains harvest rates by increasing the proportion of anglers who are unable to catch their bag limit. The NMFS Southeast Fisheries Science Center (Center) has determined that the measures contained in this proposed rule, including any additional release mortality associated with the increase in the minimum size limit, would not jeopardize the long-term recovery of the stock. The extension of the fishing season would provide social and economic benefits to the recreational fishery and the Gulf tourism industry. The stakeholders recommended 16 inches (40.6 cm) as the largest minimum size acceptable to the recreational fishery.

The Council did not propose a corresponding increase in the existing commercial size limit of 15 inches (38.1 cm). The Council justified the discrepancy between the two size limits based on the different release mortality rates in the two fisheries and on the need to extend the recreational season by increasing the minimum size limit. Commercial fishers fish in deeper water than recreational fishers and use electric reels, which bring fish to the surface more quickly than does rod-and-reel gear used by recreational fishers; consequently, the mortality rate of fish released in the commercial fishery (33 percent) is greater than that in the recreational fishery (20 percent). The best available scientific information suggests that further increases in the minimum size limit above 15 inches (38.1 cm) provided few conservation benefits at release mortality rates of 33 percent or greater.

Recreational Bag Limit

Reinstating the 4-fish bag limit for captain and crew of for-hire vessels would relieve a restriction on that sector of the fishery. The final rule for the Council's 1999 red snapper regulatory amendment (64 FR 47711, September 1,

1999) implemented the current 0-fish bag limit for captain and crew. The for-hire industry has vigorously opposed this measure. NMFS approved the 0-fish bag limit for captain-and-crew for the 1999 season because it extended the recreational season without a corresponding increase in harvest. Subsequent public comment and the recommendations of the stakeholders indicate that fishery participants are willing to sacrifice fishing days to reinstate the bag limit for captain and crew. Thus, the Council's regulatory amendment proposes to reinstate the 4-fish bag limit for the for-hire sector and delay the starting date of the recreational season to April 15 or to a date determined by the NMFS Regional Administrator (RA) that would accommodate the reinstatement of the 4-fish bag limit and prevent a corresponding increase in harvest. The RA has determined that this season starting date should be April 21 for 2000, as was implemented by the interim rule.

NMFS expected that none of the Gulf states would have enacted a compatible 0-fish bag limit measure (for 2000 and beyond), and, thus, enforcement of this measure would have been difficult. By restoring the captain-and-crew bag limit, the projected fishery closure date would be based on an assumed catch rate reduction that would, in fact, be realized because of compatible state regulations. In addition, the measure should reduce overfishing by encouraging cooperation and voluntary compliance by the for-hire sector, which accounts for the greatest portion of the recreational harvest.

Spring Commercial Season

Reducing the openings of the spring commercial fishery from 15 days per month to 10 days per month would slow the overall harvest rate, allow additional time between 10-day fishing periods to evaluate landings and, thus, reduce the probability of exceeding the commercial quota and overfishing. This measure also would reduce confusion among fishers by providing consistent spring and fall fishing periods and, thus, increase compliance. Projections by the Council's Socioeconomic Panel and the experience of the 10-day openings (9 fishing days) during the 1999 fall season suggest that the reduced harvest rate also would help maintain price stability. This action should allow commercial red snapper fishermen to generate more revenue with the same amount of catch, which should help reduce the incentive to pursue a derby fishery that would likely result in a quota overrun.

Fall Commercial Season

Changing the opening of the fall season from September 1 to October 1 is proposed to increase economic benefits to the fishery. Seafood dealers have stated that there is low demand for seafood in September but that demand and prices improve in October. Delaying the start of the fall commercial season until October is intended to allow fishermen to get better prices for their catches and make fresh red snapper available at a time when the consumer demand is greater. This measure is not expected to have any biological consequences.

Allocation of the Commercial Quota

The proposed rule would implement a minor change in the allocation of the commercial quota (4.65 million lb (2.11 million kg)) between the spring and fall seasons. Currently the spring allocation is a fixed amount, 3.06 million lb (1.39 million kg), with the remainder available for the fall fishing season. The proposed rule would specify that the spring sub-quota be set as a proportion (two-thirds) of the annual commercial quota rather than as a fixed quantity. This would allow any future changes in the commercial quota to be distributed proportionally between the spring and fall seasons, rather than the entire adjustment being applied only to the fall season. Based on the current annual commercial quota, the two-thirds proportion for the spring sub-quota would be 3.10 million lb (1.41 million kg), thus leaving 1.55 million lb (0.705 million kg) for the fall sub-quota.

The Center has determined that this proposed rule is based on the best available scientific information. The Center emphasized that to be considered consistent with the FMP's current management objective of achieving a 20-percent spawning potential ratio (SPR) by 2019, the Council's selection of a 9.12 million-lb (4.14 million-kg) TAC carries the implicit belief that red snapper bycatch reduction of at least 50 percent will be achieved in year 2000 and beyond, that harvests will not exceed quotas, and that future recruitment, on average, will increase as spawning stock biomass increases. In its certification of the interim rule, which implemented most of the measures contained in this proposed rule, the Center concluded that these measures would not jeopardize the long-term recovery of the red snapper stock and that the measures address overfishing and are consistent with the FMP and the Magnuson-Stevens Act. The Center also emphasized the uncertainty associated with projections of catch rates in the recreational fishery and certified that the recreational quota is within the margin of error of the harvest projected under the measures contained in this proposed rule.

Classification

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

The Council prepared an IRFA, based on the RIR. A summary of the IRFA follows:

This proposed rule is being considered because the red snapper stock is overfished, and the Magnuson-Stevens Act requires the Council to take action to resolve the overfished status of the stock. The Council determined that 450 to 650 commercial vessels with a history of red snapper landings from the EEZ waters of the Gulf of Mexico would be directly affected by the rule. The Council also determined that about 1,200 charterboats and headboats would be affected by the rule, and all of these units are classified as small business entities. Most of the commercial vessels use handline gear, have an average length of 38 ft (11.6 m), have an estimated resale value of $52,817 and generate average annual gross revenues of about $52,000. The charterboat businesses tend to use traditional charter fishing boats that average 37 ft (11.3 m.) in length and generate about $56,000 in sales, while the headboats have an average length of 62 feet (18.9 m.) and have annual receipts of about $140,000. No additional reporting, record keeping or other compliance costs were identified, and no duplicative, overlapping, or conflicting Federal rules were identified.

Four alternatives, including the minimum size limit of 15 inches (38.1 cm) total length in effect prior to change by the interim rule, are identified for the proposal to increase the recreational red snapper minimum size limit from 15 inches (38.1 cm) to 16 inches (40.6 cm). The 15-inch (38.1 cm) size limit and a lower size limit of 14 inches (35.6 cm) were rejected as minimum size limits because both alternatives would increase the rate of harvest and lead to a shorter season, thereby reducing the recreational value. The 15-inch size limit leads to a shorter season because the stocks are recovering, and catch per unit effort is rising. A minimum size limit from 16 inches (40.6 cm) to 18 inches (45.7 cm) was rejected because larger fish suffer from a higher release mortality because they tend to be harvested from greater depths. If this is so, then the larger minimum size limits would reduce the potential for stock recovery and reduce long-term benefits.

A final alternative of no size limit with a requirement to retain the first four fish (current bag limit) was considered. With good compliance, this alternative could assist stock recovery and lengthen the season, thus generating larger short-term as well as long-term economic benefits. However, the Council concluded that it was not enforceable and would lead to high-grading and a reduction in benefits.

The Council proposed a bag limit allowance of 4 fish for the captain and crew of for-hire vessels and considered one other alternative—the zero bag limits for captain and crew in effect prior to change by interim rule. The RIR found that the captain and crew bag limit of 4 fish may lead to a reduction in net economic benefits to the recreational fishery because the season would be shortened. However, the Council chose the alternative because it believed that not enough additional income would be generated to justify the loss of harvest privileges for captain and crew.

The Council considered five alternatives to the proposal to set the recreational red snapper season from April 15 through October 31 including the January 1 opening in effect prior to change by the interim rule. Under the regulations in effect prior to implementation of the interim rule, the recreational season starts on January 1 and closes when the quota is met. The January 1 opening has resulted in short seasons that eliminate some of the more profitable for-hire fishing trips that occur later in the year. Hence, the Council investigated suitable alternatives and chose the April 15-through-October 31 season alternative. The current regulations still require a closure whenever the recreational quota is determined (projected) to be met, and the RIR indicates that trips occurring later in the season are more valuable than trips occurring earlier in the year. For this reason, the Council also proposed giving the Regional Administrator, Southeast Region, NMFS, the authority to delay the opening date to accommodate overruns that were projected to be associated with the proposed captain and crew bag limit (4-fish bag limit). The Council's intent was to maintain the October 31 closing date while keeping the recreational sector within its quota. Another alternative rejected by the Council was to open the recreational season for January and February, close it for late winter, reopen at an unspecified date in the spring or summer, and then close it for the year whenever the quota was met. The idea was an attempt to maximize for-hire profits because the peak vacation seasons vary in different areas of the Gulf of Mexico. Since there was not enough information available to evaluate the economic consequences of this alternative and there was also no spring/summer opening date specified, the economic outcome of the alternative could not be evaluated. A final recreational season alternative rejected by the Council would split the Gulf of Mexico into subregions, with the possibility of different seasons, suballocations, size limits, and bag limits for each subregion. Since there were no specific regulatory proposals identified, it was not possible to forecast economic outcomes.

For the commercial sector, the regulations in effect prior to change by the interim rule allow the available quota to be split into spring and fall seasons to take advantage of periods when demand is highest and producer surplus can be generally increased. However, the Council has the ability to set specific regulations for each of the seasons. For the spring season, the Council proposed starting the season on February 1 and having mini-seasons of 10 days each month until the spring quota is reached. The Council rejected the alternative in effect prior to change by interim rule of 15 day mini-seasons in the spring because an economic analysis conducted by NMFS, and included in the RIR, indicated an increase of net benefits from the shorter, 10-day, mini-seasons. The Council elected to maintain the fall mini-seasons that were already established at 10 days per month. The Council proposes to begin the fall season on October 1 instead of the status quo of September 1 because some seafood dealers indicated that demand is higher in October.

A copy of the IRFA is available from the Council (see **ADDRESSES**).

List of Subjects in 50 CFR Part 622

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

Dated: June 2, 2000.

Bruce C. Morehead,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

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

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

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

2. In § 622.34, paragraph (n) is removed; the suspension of paragraph (l) is lifted; and paragraphs (l) and (m) are revised to read as follows:

§ 622.34 Gulf EEZ seasonal and/or area closures.

* * * * *

(l) *Closures of the commercial fishery for red snapper.* The commercial fishery for red snapper in or from the Gulf EEZ is closed from January 1 to noon on February 1 and thereafter from noon on the 10th of each month to noon on the first of each succeeding month until the quota specified in § 622.42(a)(1)(i)(A) is reached or until noon on October 1, whichever occurs first. From October 1 to December 1, the commercial fishery for red snapper in or from the Gulf EEZ is closed from noon on the 10th of each month to noon on the first of each succeeding month until the quota specified in § 622.42(a)(1)(i)(B) is reached or until the end of the fishing year, whichever occurs first. All times are local times. During these closed periods, the possession of red snapper in or from the Gulf EEZ and in the Gulf on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), without regard to where such red snapper were harvested, is limited to the bag and possession limits, as specified in § 622.39(b)(1)(iii) and (b)(2), respectively, and such red snapper are subject to the prohibition on sale or purchase of red snapper possessed under the bag limit, as specified in § 622.45(c)(1). However, when the recreational quota for red snapper has been reached and the bag and possession limit has been reduced to zero, the limit for such possession during a closed period is zero.

(m) *Closures of the recreational fishery for red snapper.* The recreational fishery for red snapper in or from the Gulf EEZ is closed from January 1 through April 20 and from November 1 through December 31. During a closure, the bag and possession limit for red snapper in or from the Gulf EEZ is zero.

3. In § 622.37, paragraph (d)(1)(vi) is removed; the suspension of paragraph (d)(1)(iv) is lifted; and paragraph (d)(1)(iv) is revised to read as follows:

§ 622.37 Size limits.

* * * * *

(d) * * *

(1) * * *

(iv) Red snapper—16 inches (40.6 cm), TL, for a fish taken by a person subject to the bag limit specified in § 622.39(b)(1)(iii) and 15 inches (38.1

cm), TL, for a fish taken by a person not subject to the bag limit.

* * * * *

4. In § 622.39, paragraphs (b)(1)(viii) and (b)(1)(ix) are removed; the suspensions of paragraphs (b)(1)(iii) and (b)(1)(v) are lifted; and paragraph (b)(1)(iii) is revised to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(b) * * *

(1) * * *

(iii) Red snapper—4.

* * * * *

5. In § 622.42, paragraphs (a)(1)(i)(A) and (a)(1)(i)(B) are revised to read as follows:

§ 622.42 Quotas.

* * * * *

(a) * * *

(1) * * *

(i) * * *

(A) Two-thirds of the quota specified in § 622.42(a)(1)(i), 3.10 million lb (1.41 million kg), available at noon on February 1 each year, subject to the closure provisions of §§ 622.34(l) and 622.43(a)(1)(i).

(B) The remainder available at noon on October 1 each year, subject to the closure provisions of §§ 622.34(l) and 622.43(a)(1)(i).

* * * * *

[FR Doc. 00–14525 Filed 6–8–00; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 65, No. 112
Friday, June 9, 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. 00–046–1]

Availability of a Draft Environmental Assessment for Field Testing Rinderpest Vaccine, Vaccinia Vector

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a draft environmental assessment concerning authorization to ship to Kenya for the purpose of field testing, and then to field test in Kenya, an unlicensed, genetically engineered, vaccinia-vectored rinderpest vaccine for use in cattle. The environmental assessment, which is based on a risk analysis prepared to assess the risks associated with the field testing of this vaccine, examines the potential effects that field testing this veterinary vaccine could have on the quality of the human environment. Based on the risk analysis, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment. We intend to authorize shipment of this vaccine for field testing following the close of the comment period for this notice unless new substantial issues bearing on the effects of this action are brought to our attention.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by July 10, 2000.

ADDRESSES: Please send your comments and three copies to: Docket No. 00–046–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 00–046–1.

Copies of the draft environmental assessment may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** Please refer to the docket number, date, and complete title of this notice when requesting copies. A copy of the draft environmental assessment (as well as the risk analysis with confidential business information removed) and any comments that we receive on this docket are available for public inspection in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

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

FOR FURTHER INFORMATION CONTACT: Dr. Albert P. Morgan, Chief Staff Officer, Center for Veterinary Biologics, Licensing and Policy Development, VS, APHIS, USDA, 4700 River Road Unit 148, Riverdale, MD 20737–1231; (301) 734–8245.

SUPPLEMENTARY INFORMATION: Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and have a reasonable expectation of efficacy before a field trial may be authorized. The purpose of a field trial is to gather additional information concerning the safety and efficacy of a vaccine when used under field conditions that are similar to those in the area(s) where the vaccine will be distributed and used. Prior to conducting a field test on an experimental vaccine, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed vaccine referenced in this notice, APHIS conducted a risk analysis to assess the potential effects of this product on the safety of animals, public health, and the environment. Based on the risk analysis, APHIS has prepared a draft environmental assessment (EA) concerning the field testing of the following unlicensed veterinary biological product:

Requester: Dr. Tilahun Yilma, Director, International Laboratory of Molecular Biology for Tropical Disease Agents, School of Veterinary Medicine, University of California, Davis.

Product: A live, genetically engineered, vaccinia-vectored rinderpest vaccine.

Field test location: Kikuyu, Kenya.

The above-mentioned vaccine is for use as an aid in the prevention of rinderpest in cattle. The vaccine was constructed with the Wyeth vaccine strain of the vaccinia virus and further attenuated by insertional inactivation of the thymidine kinase and hemagglutinin genes of the vaccinia virus.

The draft EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Unless substantial environmental issues are raised in response to this notice, APHIS intends to issue a final EA and finding of no significant impact and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Authority: 21 U.S.C. 151–159.

Done in Washington, DC, this 5th day of June 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–14615 Filed 6–8–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Request for Revision and Extension of a Currently Approved Information Collection

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Commodity Credit Corporation's (CCC) intention to request an extension and revision for a currently approved information collection. This information collection is used in support of the Environmental Quality Incentives Program (EQIP) which offers flexible assistance to counter serious threats to soil, water, grazing lands, wetlands, and wildlife habitat and, also, to address natural resource concerns, such as nonpoint source pollution, water quality protection or improvement, and wetland restoration, protection, and creation, as authorized by the Food Security Act of 1985 (the 1985 Act).

DATES: Comments on this notice must be received on or before August 8, 2000 to be assured consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Ilka Gray, Agricultural Program Specialist, USDA, FSA, CEPD, STOP 0513, 1400 Independence Avenue, SW., Washington, DC 20250–0513; telephone (202) 690–0794; e-mail Ilka_Gray@wdc.fsa.usda.gov; or facsimile (202) 720–4619.

SUPPLEMENTARY INFORMATION:

Title: CCC Conservation Contract.

OMB Control Number: 0560–0174.

Expiration Date of Approval: December 31, 2000.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The 1985 Act authorized the EQIP to assist farmers and ranchers in solving natural resource related problems on agricultural land. The information is necessary to ensure the integrity of the program and to ensure that only eligible producers are authorized contracts.

Producers requesting cost-share or incentive payments from the Commodity Credit Corporation must provide specific data related to the conservation payment request. Forms included in this information collection package require farm and tract numbers, conservation practice or benefits requested, major resource concerns, and similar information, in order to determine eligibility. Producers must also agree to the terms and conditions contained in the conservation contract. Without the collection of this information, CCC cannot ensure the integrity of CCC conservation programs.

Estimate of Respondent Burden: Public reporting burden for this collection of information is estimated to average .23 hours per response.

Respondents: Individuals producers, partnerships, corporations, tribal members, or other eligible agricultural producers.

Estimated Number of Respondents: 80,000.

Estimated Number of Annual Responses per Respondent: 2.

Estimated Total Annual Burden on Respondents: 1.53 hrs.

Proposed topics for comment include: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information collected; or (d) ways to minimize the burden of the collection of the 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 must be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Ilka Gray, Agricultural Program Specialist, USDA–FSA–CEPD, STOP 0513, 1400 Independence Avenue, SW., Washington, DC 20250–0513; telephone (202) 690–0794; e-mail Ilka_Gray@wdc.fsa.usda.gov; or facsimile (202) 720–4619. Copies of the information collection may be obtained from Mrs. Gray at the above address.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations 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 in within 30 days of publication.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Parks Shackelford,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 00–14573 Filed 6–8–00; 8:45 am]

BILLING CODE 3410–05–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 commodities and 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 10, 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 commodities and 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 commodities and services to the Government.

2. The action will result in authorizing small entities to furnish the commodities and 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 commodities and 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 commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Strap, Mail Tray
5340–01–365–1043
NPA: Work, Incorporated, North Quincy, Massachusetts
Logo, BDU Coat and Shirt
8455–00–NSH–0001 (Coat)
8455–00–NSH–0002 (Shirt)
NPA: Southeastern Kentucky Rehabilitation Industries, Inc., Corbin, Kentucky

Services

Administrative Services
General Services Administration, 100 Penn Square East, Philadelphia, Pennsylvania
NPA: Delaware County Branch of the Pennsylvania Association for the Blind, Chester, Pennsylvania
Administrative/General Support Services
Chaplain's Office, Great Lakes Naval Training Center, Great Lakes, Illinois
NPA: The Chicago Lighthouse for People who are Blind or Visually Impaired, Chicago, Illinois
Base Supply Center, Operation of Individual Equipment Element Store & HAZMART
McChord Air Force Base, Washington
NPA: The Lighthouse for the Blind, Inc., Seattle, Washington
Grounds Maintenance
U.S. Army Reserve Center, 50 East Street, Springfield, Massachusetts
NPA: CW Resources, Inc., New Britain, Connecticut
Grounds Maintenance
U.S. Army Reserve Center, AMSA 68(G), 42 Albion Road, Lincoln, Rhode Island
NPA: Greater Providence Chapter, Rhode Island Association for Retarded Citizens, North Providence, Rhode Island
Janitorial/Custodial
Marine Corps Reserve Training Center, 4201 Chester Avenue, Bakersfield, California
NPA: The Bakersfield Association for Retarded Citizens, Inc., Bakersfield, California
Janitorial/Custodial
Weapons Support Facility, Seal Beach, California
NPA: Goodwill Industries of Orange County, Santa Ana, California
Janitorial/Custodial
Ford House Office Building, Washington, DC
NPA: Davis Memorial Goodwill Industries, Washington, DC
Janitorial/Custodial
GSA Distribution Depot, 500 Edwards Avenue, Harahan, Louisiana
NPA: Louisiana Industries for the Disabled, Baton Rouge, Louisiana
Janitorial/Custodial for the following locations:
Veterans Center #401, 1766 Fort Street, Lincoln Park, Michigan
Veterans Center #402, 4161 Cass, Detroit, Michigan
NPA: Jewish Vocational Service and Community Workshop, Inc., Southfield, Michigan
Temporary Medical Record Filing for the following locations:
VA Medical Center, Nashville, Tennessee
Alvin C. York VA Medical Center, Murfreesboro, Tennessee
NPA: Ed Lindsey Industries f/t Blind, Inc., Nashville, Tennessee

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 00–14683 Filed 6–8–00; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodities and services previously furnished by such agencies.

EFFECTIVE DATE: July 10, 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 August 20, 1999, and March 31, April 7, 14 and 21, 2000, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (64 FR 45506 and 65 FR 17255, 18281, 18282, 20134 and 21395) of proposed additions to and deletions from the Procurement List.

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are 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 commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services 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 commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Sac Saver
M.R. 1010
Handle, Jack
5120–01–032–6042

Services

Janitorial/Custodial
Fort Huachuca, Arizona
Janitorial/Custodial
Naval and Marine Corps Reserve Center, 1620 East Saginaw Street, Lansing, Michigan
Janitorial/Custodial
PFC Cloyse E. Hall USARC, Salem, Virginia
Laundry Service
Veterans Affairs Medical Center, 800 Zorn Avenue, Louisville, Kentucky
Medical Courier Service
Veterans Affairs Medical Center, 4100 West 3rd Street, Dayton, Ohio
Release of Information Copying Services for the following locations:
Veterans Affairs Medical Center, 421 North Main Street, Leeds, Massachusetts
Springfield Outpatient Clinic
1550 Main Street, Springfield, Massachusetts

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.

Deletions

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 may not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodities and services.

3. The action may result in authorizing small entities to furnish the commodities and services 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 commodities and services deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Accordingly, the following commodities and services are hereby deleted from the Procurement List:

Commodities

Cover, Shipping, Blade
1615–01–160–3748
Ladder, Straight (Wood)
5440–00–816–2585
Cleaning Compound, Windshield
6850–00–926–2275
Ink, Marking Stencil, Opaque
7510–00–183–7697
7510–00–183–7698
Cleaning Compound, Rug and Upholstery
7930–00–113–1913
7930–01–393–6762
7930–01–393–6757
Disinfectant-Detergent, General Purpose
7930–01–393–6753
Rinse Additive, Dishwashing
7930–00–619–9575
Aerosol Paint, Lacquer
8010–00–584–3148
8010–00–721–9743
8010–00–141–2950
8010–00–965–2392
Enamel
8010–01–332–3743
8010–01–336–5061
8010–01–336–5063
8010–01–331–6120
8010–01–332–3742
8010–01–363–3376
Enamel, Aerosol, Waterbase
8010–01–350–5254
8010–01–350–5255
8010–01–350–4746
8010–01–350–4747
8010–01–350–4755
8010–01–350–5248
8010–01–350–5249
8010–01–350–5258
8010–01–397–3985
Enamel, Lacquer
8010–00–852–9033
8010–00–846–5117
8010–00–181–7371
8010–00–988–1458
8010–00–935–7075
Trousers, Men's, Medical Assistant
8405–00–110–8290
8405–00–110–8291
8405–00–110–8292
8405–00–110–8293
8405–00–110–8294
8405–00–110–8295
8405–00–110–8296
8405–00–110–8297
8405–00–110–8298
8405–00–110–8299
8405–00–110–8301
8405–00–110–8302
8405–00–110–9468
8405–00–110–9469
8405–00–110–9470
8405–00–110–9471
8405–00–110–9472
8405–00–110–9473
8405–00–110–9474
8405–00–110–9475
8405–00–110–9476
8405–00–110–9477
8405–00–110–9478
8405–00–110–9479
8405–00–110–9480
8405–00–110–9481
8405–00–110–9482
8405–00–110–9483
8405–00–110–9484
8405–00–110–9485
8405–00–110–9486
8405–00–110–9487
8405–00–110–9488
8405–00–110–9489
8405–00–110–9490
8405–00–110–9697
8405–00–113–5418
8405–00–008–8848

Services

Administrative Services
Defense Reutilization and Marketing Office, Sheppard Building, Sheppard Air Force Base, Texas
Food Service Attendant
Naval Undersea Warfare Center, Building 35, Keyport, Washington
Janitorial/Custodial
U.S. Courthouse, 500 State Avenue, Kansas City, Kansas
Janitorial/Custodial
Federal Building, 500 Quarrier Street, Charleston, West Virginia
Mail and Messenger Service
U.S. Army Garrison-Fitzsimons, Aurora, Colorado
Restocking Parts
Kelly Air Force Base, Texas
Scrap Breakdown
Defense Reutilization and Marketing Office, Kelly Air Force Base, Texas

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 00–14684 Filed 6–8–00; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement, Article 1904, NAFTA Panel Reviews; Request for Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of first request for panel review.

SUMMARY: On May 25, 2000, IBP, Inc. filed a First Request for Panel Review with the Mexican Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the final antidumping duty determination made by the Secretaria de Comercio y Fomento Industrial, respecting Bovine Carcasses and Half Carcasses, Fresh or Chilled, Originating in the United States of America. This determination was published in the *Diario Oficial de la Federacion del,* on April 28, 2000 and May 9, 2000. The NAFTA Secretariat has assigned Case Number MEX–USA–00–1904–02 to this request.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, D.C. 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the Mexican Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on May 25,

2000, requesting panel review of the final determination described above.

The Rules provide that:

(a) a Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is June 26, 2000);

(b) a Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is July 10, 2000); and

(c) the panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: June 5, 2000.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

[FR Doc. 00–14678 Filed 6–8–00; 8:45 am]

BILLING CODE 3510–GT–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060500B]

Submission For OMB Review; Comment Request

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

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Application for Commercial Fisheries Authorization under Section 118 of the Marine Mammal Protection Act.

Form Number(s): None.

OMB Approval Number: 0648–0293.

Type of Request: Regular submission.

Burden Hours: 620.

Number of Respondents: 4,000.

Average Hours Per Response: 15 minutes for an initial application, 9 minutes for a renewal application.

Needs and Uses: The Marine Mammal Protection Act (MMPA) requires any commercial fisher operating in a Category I or II fishery to register for a certificate of authorization that will allow the fisher to take marine mammals incidental to commercial fishing operations. Category I and II fisheries are those identified by NOAA as have either frequent or occasional takings of marine mammals.

Affected Public: Business or other for-profit institutions and individuals.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482-3272, Department of Commerce, Room 6066, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at lengelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: June 2, 2000.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 00–14526 Filed 6–8–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

[I.D. 060500LE]

Submission for OMB Review; Comment Request

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

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Project Design for Research, Exploration, or Salvage of the R.M.S. Titanic and/or Its Artifacts.

Form Number(s): None.

OMB Approval Number: None.

Type of Request: Regular submission.

Burden Hours: 48.

Number of Respondents: 2.

Average Hours Per Response: 12 hours per project design or report.

Needs and Uses: The R.M.S. Titanic Act of 1986 directs NOAA to enter into consultations with other nations to develop international guidelines for research on, exploration of, or salvage of the Titanic. Proposed guidelines are being published. They include requests for the voluntary submission of project designs and later reports. The information will allow NOAA to assess the potential and actual impacts of activities.

Affected Public: Business or other for-profit institutions, not-for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482-3272, Department of Commerce, Room 6066, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at lengelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: June 1, 2000.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 00–14527 Filed 6–8–00; 8:45 am]

BILLING CODE 3510–08–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060600A]

Submission for OMB Review; Comment Request

The Department of Commerce (DoC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Atlantic Bluefin Tuna Mandatory Catch Reporting.

Agency Form Number(s): None.

OMB Approval Number: 0648–0328.

Type of Request: Revision of a currently approve collection.

Burden Hours: 955.

Number of Respondents: 8,697.

Average Hours Per Response: 5 minutes per permit holder per fish using the call-in system; 10 minutes per permit holder per fish using the catch card system.

Needs and Uses: As a member of the International Commission for the Conservation of Atlantic Tunas (ICCAT), the U.S. is required to take part in the collection of biological statistics for research purposes. In addition to this requirement, the U.S. must abide by the specific quota assigned to it by the ICCAT. The mandatory catch reporting program provides current information on the vessel owners participating in the Atlantic tuna fisheries, thus facilitating the quota monitoring necessary to avoid exceeding the quota. It also aids the National Marine Fisheries Service in the enforcement of fishery regulations.

Frequency: On Occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DoC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 6066, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at lengelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, NW, Washington, DC 20503.

Dated: June 2, 2000.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 00–14672 Filed 6–8–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.060100C]

Endangered Species; Permits

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

ACTION: Receipt of application for an enhancement permit (1258); Issuance of permits 1245 and 1231; Issuance of Amendment #1 to Permit #1178.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received a permit application from the North Carolina Zoological Park (NCZP) (1258); NMFS has issued permit 1245 to Mr. J. David Whitaker, of South Carolina Department of Natural Resources (SCDNR) (1245); Amendment #1 to permit 1178 to Mr. Darryl Christenson, of the National Marine Fisheries Service, Northeast Fisheries Science Center (NMFS-NEFSC) (1178);and permit 1231 to Dr. Llewellyn M. Ehrhart, of University of Central Florida, Dept. of Biological Science (UCF) (1231).

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5:00 pm eastern standard time on July 10, 2000.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the internet. The applications and related documents are available for review in the indicated office, by appointment:

For Amendment #1 to permit 1178, and permits 1258, 1231 and 1245, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD, 20910 (Ph.: 301–713–1401).

FOR FURTHER INFORMATION CONTACT: For Amendment #1 to permit 1178, and permits 1258, 1231 and 1245: Terri Jordan, Silver Spring, MD (ph: 301–713–1401, fax: 301–713–0376, e-mail: Terri.Jordan@noaa.gov).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in this Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice:

The following species are covered in this notice: endangered shortnose sturgeon (*Acipenser brevirostrum*), endangered Green turtle (*Chelonia mydas*), Endangered Kemp's ridley turtle (*Lepidochelys kempii*), Endangered Leatherback turtle (*Dermochelys coriacea*), Threatened Loggerhead turtle (*Caretta caretta*).

New Applications Received

NMFS has received and application from the North Carolina Zoological Park has requested a five year permit to continue to maintain four (4) adult shortnose sturgeon in captivity for enhancement purposes. The applicant currently possesses four adult shortnose sturgeon received from the US Fish and Wildlife Service hatchery at Warm Springs Georgia in November 1996 under scientific research permit #986. Permit 986 will expire on December 31, 2000 and the permit holder does not wish to renew the enhancement aspects of the permit. As a result, the North Carolina Zoological Park is applying for an individual permit to continue maintenance of these fish.

Permits and Amendments Issued

Notice was published on March 21, 2000 (65 FR 15131) that Mr. J. David Whitaker, of South Carolina Department of Natural Resources applied for a scientific research permit (1245). The applicant has requested a three year permit to establish scientifically-valid indices of abundance for the northern sub-population of the threatened loggerhead turtle and the endangered Kemp's ridley, green and leatherback sea turtles which occur in the Atlantic Ocean off the southeastern United States. This study is intended to capture juveniles and adults, thereby providing a more comprehensive assessment of total population abundance and an assessment of the health of individual animals. Permit 1245 was issued on May 19, 2000, authorizing take of listed species. Permit 1245 expires October 31, 2002.

NMFS has amended permit #1178 issued October 19, 1998. The amendment removes three annual

reporting requirements and revises a permit special condition. The permit holder possesses a 5-year scientific research permit to take listed sea turtles incidentally taken in foreign and domestic commercial fisheries operating in state waters and the Exclusive Economic Zone in the Northwest Atlantic Ocean. The work will be conducted by scientific observers aboard commercial fishing vessels. This research supports the National Marine Fisheries Service's mission of assessing the impacts of commercial fisheries on marine resources of interest to the United States. Amendment #1 to Permit 1178 was issued on May 31, 2000, authorizing take of listed species. Permit 1178 expires December 21, 2003.

Notice was published on January 14, 2000 (65 FR 2381) that Dr. Llewellyn M. Ehrhart, of the University of Central Florida, Dept of Biological Science applied for a scientific research permit (1231). The Recovery Plan for the U.S. Population of Atlantic Green Turtle states that the foremost problem in management and conservation of sea turtles is the lack of basic biological information. This study proposes to capture turtles living in the Indian River Lagoon Estuary of central Florida in Brevard and Indian River counties. The data provided by the study will include information regarding habitat requirements, seasonal distribution and abundance, movement and growth, feeding preferences, sex distribution and the prevalence and severity of fibropapilloma. Permit 1231 was issued on May 31, 2000, authorizing take of listed species. Permit 1231 expires March 31, 2005.

Dated: June 5, 2000.

Wanda L. Cain,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–14673 Filed 6–8–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051000A]

Marine Mammals; Permit No. 1004 (P595)

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

ACTION: Scientific research permit amendment.

SUMMARY: Notice is hereby given that a request for amendment of scientific research no. 1004 submitted by the Whale Conservation Institute/Ocean Alliance, 191 Weston Road, Lincoln, MA 01773, has been granted.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment, in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289); and

Director, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298 (508/281–9250).

FOR FURTHER INFORMATION CONTACT: Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: February 11, 2000, notice was published in the **Federal Register** (65 FR 6997) that an amendment of permit no. 1004, issued June 21, 1996 (61 FR 33906) had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972 as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973 as amended (ESA, 16 U.S.C. 1531 *et seq.*), and the regulations governing endangered and threatened species (50 CFR parts 222–226).

Permit No. 1004 has been amended to: (1) extend the expiration date of the permit to December 31, 2000; (2) increase the number of imported tissue samples from all species, except southern right whale (*Eubalaena australis*); and (3) increase locations from which samples may be imported.

Issuance of this amendment as required by the ESA of 1973 was based on a finding that the permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in Section 2 of the ESA.

Dated: June 5, 2000.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–14674 Filed 6–8–00; 8:45 am]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

Application of BrokerTec Futures Exchange, L.L.C. for Designation as a Contract Market in U.S. Treasury Note and U.S. Treasury Bond Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: BrokerTec Futures Exchange, L.L.C. ("BTEX" or "Exchange") has applied for designation as a contract market for the automated trading of futures contracts on short-term U.S. Treasury Notes (2 Year), medium-term U.S. Treasury Notes (5 Year), long-term U.S. Treasury Notes (6½–10 Year), and U.S. Treasury Bonds (15–30 Year) on an electronic trading system, the BrokerTec Execution Capability ("BTEC") trading system.

The Exchange has not previously been approved by the Commodity Futures Trading Commission ("Commission") as a contract market in any commodity. Accordingly, in addition to the terms and conditions of the four proposed futures contracts, BTEX has submitted to the Commission a proposed trade-matching algorithm; proposed bylaws and rules pertaining to BTEX membership, governance, trading standards and disciplinary and arbitration procedures; and various other materials to meet the requirements for a board of trade seeking initial designation as a contract market. BTEX's submission also includes various proposed bylaws and rules of the BrokerTec Clearing Company, L.L.C. ("BCC"), an affiliate that would be responsible for clearing and settlement functions for the Exchange.

Acting pursuant to the authority delegated by Commission Regulation 140.96, the Division of Economic Analysis and the Division of Trading and Markets have determined to publish the Exchange's proposal for public comment. The Divisions believe that publication of the proposal for comment at this time is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the Commodity Exchange Act. The Divisions seek comment regarding all aspects of BTEX's application and addressing any issues commenters believe the Commission should consider.

DATES: Comments must be received on or before July 10, 2000.

FOR FURTHER INFORMATION CONTACT: With respect to questions about the terms and conditions of BTEX's proposed futures contracts, please contact Michael A. Penick, Industry Economist, Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, Dc 20581: telephone number (202) 418–5279; facsimile number (202) 418–5527; or electronic mail: *mpenick@cftc.gov*. With respect to BTEX's and BCC's other proposed rules, please contact Duane C. Andresen, Special Counsel, Division of Trading and Markets, at the same address; telephone number: (202) 418–5492; facsimile number (202) 418–5536; or electronic mail: *dandresen@cftc.gov*.

SUPPLEMENTARY INFORMATION:

I. Description of Proposal

By letter dated and received May 8, 2000, BTEX, an affiliate of BrokerTec Global, L.L.C. ("BrokerTec"), which includes 12 of the world's largest debt and capital markets dealers as its shareholders,[1] has applied to the Commission for designation as a contact market for electronic trading of futures contracts on short-term U.S. Treasury Notes (2 Year), medium-term U.S. treasury Notes (5 Year), long-term U.S. Treasury Notes (6½–10 Year), and U.S. Treasury Bonds (15–30 Year). The Exchange has not previously been approved as a contract market in any commodity. Thus, in addition to the terms and conditions of the four proposed futures contracts, BTEX has submitted, among other things, a proposed trade-matching algorithm and proposed bylaws and rules pertaining to BTEX membership rights and obligations, governance, trading standards and disciplinary and arbitration procedures. BTEX's submission also includes various proposed BCC bylaws and rules.

BTEX is organized as a Delaware limited liability company with three classes of shares. Class A shares would be held by BrokerTec or an affiliate thereof, and possibly other entities with whom BrokerTec may become associated.[2] Class B shares would be held by BTEX clearing members in proportion to their contributions to the BCC Guaranty Fund, thereby providing them with the ability to participate in the governance of BTEX in proportion to the amount of capital they would have at risk in connection with trading at BTEX. Class C shares would be held by BTEX members who were on non-clearing members. Once operational, the Exchange would be governed by a Board of Directors ("Board"), which would include one Class A Director, ten Class B directors, one Class C Director, and three public Directors, chosen by the Board. At its annual meeting, the Board would appoint a chairman of the Board, President, Secretary, and Treasurer, and could appoint one or more Vice Presidents, Assistant Secretaries, Assistant Treasurers, and such other officers as may be required.[3] The President would be the chief executive officer of the Exchange. BCC would similarly be governed by a Board of Directors that would, among other things, appoint a President as chief executive officer of the company.[4]

Eligibility requirements for BTEX membership would include demonstration of operational capabilities deemed appropriate by the Exchange in light of the applicant's anticipated type and level of trading activity. A non-clearing member would be required to make a security deposit, purchase one share of Class C stock, and file an agreement under which a clearing member would agree to accept for clearing any transactions effected by the non-clearing member which were not accepted for clearing by any other clearing member. Any Exchange member could become a clearing member, provided that it met certain net capital and other specified requirements, including operational capacity. A clearing member would be required to purchase a number of Class B shares that is approximately the same proportion of the total number of outstanding shares of Class B stock as the amount required to be deposited by the clearing member into BCC's Guaranty Fund bears to the total amount required to be on deposit in the Guaranty Fund.[5] Each member would be responsible for diligently supervising all activities of its employees relating to transactions affected on the Exchange or subject to its rules, including those employees who have access to BTEC ("Authorized Traders"). Each member would also be required to establish a working connection with BTEC and be responsible for training and testing its employees with respect to BTEX rules and the proper use of BTEC and of any terminal or other device used for obtaining access thereto.

BTEX contracts would trade over BTEC, an electronic trading system that will be based on a customization of the OM CLICK Exchange System. The OM CLICK Exchange System, provided by OM Technology AB ("OM"), is used by more than ten exchanges worldwide. BTEC will also be based on the BrokerTec fixed income cash market trading system that has been developed by OM and is scheduled to commence operations in June 2000. OM would operate BTEC and provide facilities management and ongoing technical and other support.[6]

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[1] Included as shareholders are the following: ABN AMRO Bank N.V., Banco Santander Central Hispano, S.A., Barclays Electronic Commerce Holdings, Inc., Credit Suisse First Boston, Inc., DB U.S. Financial Markets Holding Corporation, Dresdner Bank, AG, The Goldman Sachs Group, Inc., LB I Group, Inc., Merrill Lynch L.P. Holdings Inc., Morgan Stanley Dean Witter & Co., Salomon Brothers Holding Company Inc., and UBS (USA) Inc. BrokerTec's operating subsidiaries are headquartered in Jersey City, New Jersey, and London.

[2] Only the holders of Class A shares would be entitled to receive any dividends or distributions that may be declared or paid by the Exchange, including upon liquidation.

[3] Other Board responsibilities would include, among others, setting executive compensation, imposing dues or other charges upon Class B and Class C members of the Exchange, imposing or reducing fees or charges for contracts effected on or subject to the Exchange's rules, and appointing the following committees: Adjudication, Appeals, Arbitration, Business Conduct, Membership, Nominating, and trade Review. Certain specified actions relating to corporate and business matters, such as mergers or acquisitions, joint ventures or similar arrangements, and eligibility standards for membership, may be taken by a majority of the Class A Directors, regardless of the votes of other members of the Board, and may not be taken without the concurrence of a majority of the Class A Directors. Certain other specified matters, including appointment of a chief executive officer and any action to approve or modify the Exchange's budget, may be taken only with the concurrence of a majority of the Class A Directors.

[4] BBC is organized as a Delaware limited liability company with two classes shares. Class A shares would be held by BrokerTec or an affiliate thereof, and possibly other entities with whom BrokerTec may become associated. Class B shares would be held by BCC members in proportion to their contributions to the BCC Guaranty Fund, thereby providing them with the ability to participate in the governance of BCC in proportion to the amount of capital they would have at risk in the BTEX market. Once operational, BCC would be governed by a Board of Directors comprised of one Class A Director and eight Class B Directors. Dividends or other distributions that may be declared or approved by BCC's Board of Directors would be payable as follows: 75 percent to holders of Class A stock and 25 percent to holders of Class B stock. Certain specified actions relating to corporate and business matters, such as mergers, consolidations, joint ventures, alliances or similar arrangements, and the creation of any new class of members, may be taken by a majority of the Class A Directors, regardless of the votes of other members of the Board of Directors, and may not be taken without the concurrence of a majority of the Class A Directors. Certain other specified matters, including any action to dissolve, liquidate or wind up BCC, appointment of the President, and any action to approve or modify BCC's budget, may be taken only with the concurrence of a majority of the Class A Directors.

[5] Required deposits would be determined in accordance with a formula based on cleared volume and open interest over the previous six months.

[6] OM and BrokerTec have executed numerous agreements governing the design, development, and implementation of the BrokerTec trading platform, proprietary network, and facilities management support. The parties are currently completing

Under the proposal, orders could be entered into BTEC only by or through BTEX members, who would be responsible for all orders placed through them.[7] BTEC would accept orders for outright trades and calendar spreads.[8] Orders entered would be required to include user identity (including member identity), series (listed contract month), bid or ask, price, quantity, validity time,[9] and account or client. Except for bunched orders, each customer order entered into BTEC would be for one account.

BTEC would accept the entry of limit orders[10] and market orders.[11] These orders would be executed pursuant to a trade-matching algorithm that would give first priority to orders at the best prices, and then give priority among orders at the same price based upon time of entry into BTEC.[12] Upon execution of transaction, transaction data would be automatically transmitted to the BCC for clearing. Trade data and bids and offers would also be provided to members through BTEC.[13] Once executed, a member may cancel an erroneous transaction only if, among other things, the price of the transaction is outside the Board-specified No-Cancellation Range and the member advises the Exchange of the error within 10 minutes after the transaction was confirmed.

BTEX also would permit block trades, exchanges of futures for physicals ("EFP"), and exchanges of futures for swaps ("EFS"). Specifically, BTEX would allow a block trade to be effected between a member's customers, between the member and a customer, and between the member and any other member (acting for itself or its customers), subject to the parties meeting certain specified requirements. The minimum lot size for a block trade would be 250 lots, and the period within which the block trade would be required to be reported to the Exchange would vary, depending upon the size of the trade, *i.e.*, larger block trades would be reported within longer intervals than smaller block trades. BTEX would impose no parameters on the price at which the block trade could be executed.[14]

A member would be able to effect an EFP at any price as may be mutually agreed upon by the parties to the transaction without entering the transaction into BTEC. The commodity being exchanged would be required to have a high degree of price correlation to the underlying commodity for the futures contract such that the futures contract would serve as an appropriate hedge for such commodity. A member would similarly be able to effect an EFS at any price as may be mutually agreed upon by the parties to the transaction without entering the transaction into BTEC. The fluctuations in the value of the swap would be required to have a high degree of correlation to fluctuations in the price of the underlying commodity for the futures contract being exchanged such that the futures contract would serve as an appropriate hedge for such swap Block trades, EFPs, and EFSs would be submitted to the BCC for clearing at the time they are reported to the Exchange.

BCC would have its own financial resources (including a Guaranty Fund), market protection mechanisms, risk management staff, and internal controls in place in order to monitor risk exposure and maintain the financial integrity of BTEX and BCC. The amount that would be deposited and maintained in the Guaranty Fund by each clearing member would be equal to that member's proportionate percentage of volume and open interest. BCC would also have the ability to impose assessments on nondefaulting clearing members to meet a shortfall caused by the default of another clearing member, subject to specified limitations. BCC would secure an outside party to provide certain processing services with respect to clearing and settlement of BTEX contracts. Although the details of the duties that would be performed have not been finalized, any such operation would be conducted consistent with BCC rules.

BTEX's provisions for compliance and surveillance programs would include market surveillance, trade practice surveillance, disciplinary functions, financial surveillance in cases where BTEX is the member firm's self-regulatory organization, and arbitration. BTEX would secure an outside party to perform certain trade practice and market surveillance activities and other functions in support of the BTEX compliance program. The details of the surveillance techniques to be applied and the allocation of functions between BTEX and the third party have not been finalized.[15]

II. Request for Comments

Any person interested in submitting written data, views, or arguments on the proposal to designate BTEX should submit their views and comments by the specified date to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to *secretary@cftc.gov*. The Divisions seek comment on all aspects to BTEX's application for designation as a new contract market. Reference should be made to BTEX's application for designation as a contract market in U.S. Treasury Note and U.S. Treasury Bond futures contracts. Copies of each contract's proposed terms and conditions are available for inspection at the Office of the Secretariat at the above address. Copies also may be obtained through the Office of the Secretariat at the above address or by telephoning (202) 418–5100.

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definitive documentation governing the complete OM-BrokerTec relationship.

[7] Customers of members may be able to place orders through automated order routing systems, but all such orders would have to pass through a server or other connection of an Exchange member.

[8] Other types of combination trades may be introduced at a later date.

[9] The validity time rules for an order would require that the order be one of the following: good until cancelled (expiration); good up to a specified number of trading days (maximum of 255 days); or good until the end of the trading day.

[10] A limit order could be any of the following: (1) "fill or kill," an order to be filled for the entire quantity against opposite orders open in BTEC or to be automatically canceled; (2) "fill and kill," an order to be executed to the extent there are opposite orders open in BTEC, with any balance of the order to be automatically canceled; and (3) "fill and store," an order to be executed to the extent there are opposite orders open in BTEC, with any balance of the order to remain an open order until it expires, is executed, or is canceled.

[11] A market order may be either "fill or kill" or "fill and kill."

[12] Subject to this sequence, orders for combination trades would be executed and the legs thereof would be priced pursuant to an algorithm that gives priority to execution of each leg of the transaction as a separate transaction rather than to execution of the transaction at a differential, if the legs of the transaction are better than, or equal to, the differential price.

[13] BTEX represents that it intends to make the trade data available on a commercial basis to trade dissemination vendors.

[14] BTEX's rules permit the Board to establish a market-maker program whereby members or their affiliates may be designated as market makers and may be granted benefits in return for assuming obligations in order to provide liquidity and orderliness in an Exchange market. Benefits accruing to market makers could include, among others, access to information regarding standing orders in BTEC, priority in the execution of transactions effected in the capacity of market maker, reduced transaction fees, and receipt of compensatory payments. The Board may also restrict the right to effect block trades only to members which are market makers.

[15] The Exchange's proposed disciplinary rules generally follow the provisions of Part 8 of the Commission Regulations. As previously noted, the Board would appoint Business Conduct, Adjudication, and Appeals Committees. Investigations of any suspected violation of Exchange bylaws or rules would be presented to the Business Conduct Committee. BTEX rules also would include summary proceedings, under which the compliance staff could summarily impose a fine against a member for certain types of violations.

Other materials submitted by BTEX may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552), except to the extent that they are entitled to confidential treatment pursuant to 17 CFR 145.5 or 145.9. Requests for copies of such materials should be made to the Freedom of Information, Privacy and Sunshine Act compliance staff of the Office of the Secretariat at the Commission headquarters in accordance with 17 CFR 145.7 and 145.8.

Issued in Washington, DC, on June 5, 2000.

Alan L. Seifert,

Deputy Director.

[FR Doc. 00–14523 Filed 6–8–00; 8:45 am]

BILLING CODE 6351–01–M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 00–C0010]

Red Rock Trading Co., Inc., a Corporation, and Blackjack Fireworks, Inc., a Corporation, Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Federal Hazardous Substances Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e)–(h). Published below is a provisionally-accepted Settlement Agreement with Red Rock Trading Co., Inc., a corporation, and Blackjack Fireworks, Inc., a corporation, containing a civil penalty of $90,000.[1]

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by June 24, 2000.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 00–C0010, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Dennis C. Kacoyanis, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0626, 1346.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: June 5, 2000.

Sadye E. Dunn,

Secretary.

Settlement Agreement and Order

1. Red Rock Trading Company, Inc. (hereinafter, "Red Rock"), a corporation and Blackjack Fireworks, Inc. (hereinafter, "Blackjack"), a corporation enter into this Settlement Agreement and Order (hereinafter, "Settlement Agreement" or "Agreement") with the staff of the Consumer Product Safety Commission, and agree to the entry of the attached Order incorporated by reference herein. The purpose of the Settlement Agreement is to settle the staff's allegations that Red Rock and Blackjack knowingly violated sections 4(a) and (c) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1263(a) and (c)."

I. The Parties

2. The "staff" is the staff of the Consumer Product Safety Commission (hereinafter, "Commission"), an independent regulatory commission of the United States government established pursuant to section 4 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2053.

3. Red Rock is a corporation organized and existing under the laws of the State of Nevada. Red Rock's corporate address is 6000 South Eastern, Suite 11E, Las Vegas, NV 89119, Red Rock imports and distributes consumer fireworks.

4. Blackjack is a corporation organized and existing under the laws of the State of Nevada. Blackjack's corporate address is 6000 South Eastern, Suite 11E, Las Vegas, NV 89119. Blackjack sells consumer fireworks.

II. Allegations of the Staff

5. On 19 occasions between December 14, 1994 and May 20, 1999, Red Rock and Blackjack introduced or caused the introduction in interstate commerce of 36 different kinds of fireworks devices (703,823 retail units) identified and described below that failed to comply with the Commission's Fireworks Regulations at 16 CFR Part 1507 and 16 CFR 1500.14(b)(7) and 1500.17(a)(3).

Collection date * Entry date	Sample No.	Product	Violation
12/14/94 *	T–830–7216	Bottle Rockets	Fuse Attachment.
05/08/95	T–830–4030	Candle Star	Fuse Burn Time, Side Ignition.
05/08/95	T–830–4162	News Transmitter	Fuse Attachment, Fuse Burn Time.
06/02/95	T–830–7345	Moon Traveller	Fuse Burn Time, Fuse Attachment.
09/26/96 *	96–860–6467	Jumping Jacks	Fuse Burn Time.
09/26/96 *	96–860–6468	Whistling Moon Traveller	Stick Rigidity.
09/26/96 *	96–860–6470	General Custer's Last Stand	Fuse Burn Time.
09/26/96 *	96–860–6472	Artillery Shell	Fuse Burn Time.
04/21/97 *	97–830–3219	Cobra Black Snake	Excess Arsenic.
04/21/97 *	97–860–3220	Battle of Colors	Excess Pyrotechnic, Composition.
05/15/97	97–830–4214	Night Shell	Fuse Burn Time.
05/15/97	97–830–4215	Overlord in Sky	Excess Pyrotechnic, Composition, Pyrotechnic Leakage.
05/15/97	97–830–4216	Battle of Colors	Excess Pyrotechnic, Compositon, Fuse Burn Time, Burnout/Blowout.
06/19/97	97–830–3259	Spring Thunder	Excess Pyrotechnic, Composition.
06/19/97	97–830–3530	Rattles Colored Snakes	Excess Arsenic.
07/11/97	97–830–6350	Ninja Shell	Fuse Burn Time.
04/09/98	98–860–6074	News Transmitter	Fuse Burn Time.
04/09/98	98–860–6079	7 Shot Night Shell	Fuse Attachment, Tipover.
05/05/98	98–860–6848	Sky Travel Barrage	Fuse Burn Time.
05/21/98	98–860–6999	Victory Celebration	Fuse Attachment.

[1] Chairman Ann Brown and Commissioner Thomas H. Moore voted to provisionally accept the agreement. Commissioner Mary Sheila Gall voted to reject the agreement. Chairman Brown and Commissioner Gall filed statements concerning their respective votes, copies of which are available from the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

Collection date * Entry date	Sample No.	Product	Violation
05/22/98	98–860–6810	Smoke Toy Device	Fuse Burn Time, Side Ignition, External Flame.
05/22/98	98–860–6811	2 Color Smoke	Fuse Burn Time, External Flame.
06/19/98	98–830–3830	Night Shell	Tipover, Side Ignition.
06/19/98	98–830–3831	Thunder Crackling	Labeling, Excess Pyrotechnic, Composition, Fuse Burn Time, Side Ignition.
06/19/98	09–830–3832	Thunder & Rain	Labeling Excess Pyrotechnic, Composition, Fuse Burn Time, Side Ignition.
06/19/98	98–830–3833	Command Teste	Excess Pyrotechnic, Composition.
06/19/98	98–830–3834	Sunglow	Excess Pyrotechnic, Composition.
06/15/98	98–830–6843	Moon Travellers	Stick Rigidly.
06/15/98	98–830–6844	Air Travel	Fuse Burn Time.
12/09/98	99–830–3311	96 Color Peal	Fuse Burn Time, Side Ignition.
03/30/99	99–860–5662	10 Ball Roman Candle	Fuse Burn Time.
03/30/99	99–860–5663	10 Ball Roman Candle	Excess Pyrotechnic, Composition.
04/19/99	99–860–6063	Jumping Jacks	Pyrotechnic, Leakage.
05/12/99	99–860–5654	Small Festival Balls	Fuse Burn Time.
05/12/99	99–860–5658	Dragon Dancing	Side Ignition.
05/20/99	99–860–6192	Artillery Shell	Pyrotechnic, Leakage.

6. Each of the fireworks devices identified in paragraph 5 above is a "banned hazardous substance" pursuant to section 2(q)(1)(B) of the FHSA, 15 U.S.C. 1261(q)(1)(B), 16 CFR Part 1507, and 16 CFR 1500.17(a)(3).

7. Each of the fireworks devices identified in paragraph 5 above that failed to comply with the labeling requirements are "misbranded hazardous substances" pursuant to section 3(b) of the FHSA, 15 U.S.C. 1262(b) and 16 CFR 1500.14(b)(7).

8. Red Rock and Blackjack knowingly introduced or caused the introduction in interstate commerce; or received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, the banned and misbranded hazardous fireworks identified in paragraph 5 above, in violation of sections 4(a) and (c) of the FHSA, 15 U.S.C. 1263(a) and (c).

III. Response of Red Rock and Blackjack

9. Red Rock and blackjack deny the allegations of the staff set forth in paragraphs 5 through 8 above.

10. Red Rock's and Blackjack's products comply with all federal statutes and regulations (including those cited above) and are specifically manufactured to comply with such laws. Red Rock and Blackjack, in fact, have arranged for many of their products to be tested by qualified individuals to ensure compliance with all such laws. Moreover, Red Rock and Blackjack are aware of no injuries associated with any products imported by them over the years.

11. Red Rock and Blackjack vehemently deny they knowingly introduced or caused the introduction in interstate commerce; or received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise any banned hazardous substances and/or misbranded hazardous substances, including the alleged banned hazardous substances and/or alleged misbranded hazardous substances described above in paragraph 5.

12. Red Rock and Blackjack are only entering into this Settlement Agreement because of the tremendous legal cost of contesting a fine action against the Commission in Court as well as the negative publicity that could be associated with a long drawn out trial.

IV. Agreement of the Parties

13. The Consumer Product Safety Commission has jurisdiction over Red Rock and Blackjack, and the subject matter of this Settlement Agreement and incorporated Order under the following acts: Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*, and the Federal Hazardous Substances Act, 15 U.S.C. 1261 *et seq.*

14. Red Rock and Blackjack agree to the entry of the attached Order which is incorporated herein by reference.

15. This Settlement Agreement and Order is entered into for the purposes of settlement only and does not constitute a determination by the Commission or an admission by Red Rock and Blackjack that Red Rock and Blackjack knowingly violated the FHSA and the Commission's Fireworks Regulations.

16. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, Red Rock and Blackjack knowingly, voluntarily, and completely waived any rights they may have in this matter (1) to an administrative or judicial hearing (2) to judicial review or other challenge or contest of the validity of the Commission's actions, (3) to a determination by the Commission as to whether Red Rock and Blackjack failed to comply with the FHSA, (4) to a statement of findings of fact and conclusions of law, and (5) to any claims under the Equal Access to Justice Act.

17. For purposes of section 6(b) of the CPSA, 15 U.S.C. 2055(b), this matter shall be treated as if a complaint had issued, and the Commission may publicize the terms of the Settlement Agreement and incorporated Order.

18. In settlement of the staff's allegations, Red Rock and Blackjack agree to pay a civil penalty of $90,000.00 as set forth in the incorporated Order.

19. Upon the full payment of the civil penalty as set forth in the Final Order, the Commission fully releases, acquits, and forever discharges Red Rock and Blackjack and its officers, directors, and/or employees from all claims for civil penalties, demands for civil penalties, liabilities for civil penalties, actions for civil penalties, or causes of actions for civil penalties for all violations from December 14, 1994 through December 31, 1999 for which the Commission has issued letters of advice to Red Rock and Blackjack.

20. Upon provisional acceptance of this Settlement Agreement by the Commission, the Commission will place the Settlement Agreement and the incorporated Order on the public record, and publish it in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1118.20(e)–(h). If the Commission does not receive any written requests not to accept the Settlement Agreement within 15 days, the Settlement Agreement shall

be deemed finally accepted and the Final Order issued on the 16th day.

21. Red Rock and Blackjack have recently become members of the American Fireworks Standards Laboratory (AFSL). Based on current data, the Commission staff believes that fireworks imported under the AFSL testing and certification program are more likely to comply with the Commission's Fireworks Regulations than non-AFSL fireworks are. Accordingly, the Commission will not pursue FHSA violations against Red Rock and Blackjack for those fireworks products legitimately tested and certified by AFSL as complying with the Commission's Fireworks Regulations, as the AFSL program is currently structured and administered. However, the Commission staff will continue to monitor the AFSL program. If the Commission staff determines that the AFSL program does not adequately assure compliance with the fireworks regulations, it will notify Red Rock and Blackjack in writing. After providing such written notice to Red Rock and Blackjack, the Commission staff will have the enforcement discretion to pursue violations of the FHSA and the Commission's Fireworks Regulations against Red Rock and Blackjack for AFSL tested fireworks products received and/or imported by Red Rock and Blackjack after such notification date. The Commission staff's determination on the adequacy of the AFSL testing and certification program is neither reviewable nor subject to challenge by Red Rock and Blackjack nor provides a basis for Red Rock and Blackjack to challenge this Agreement.

22. This Settlement Agreement may be used in interpreting the Order. Agreements, understandings, representations, or interpretations apart from those contained in this Settlement Agreement and incorporated Order may not be used to vary or contradict its terms.

23. The provisions of this Settlement Agreement and Order shall apply to Red Rock and Blackjack and each of their successors and assigns.

24. Upon final acceptance of this Agreement, the Commission shall issue the attached Final Order.

Respondent's Red Rock Trading Company, Inc. and Blackjack Fireworks, Inc.

Dated: March 13, 2000.

Tim McCoy,

President, Red Rock Trading Company, Inc. and Blackjack Fireworks, Inc., 6000 South Eastern, Suite 11E, Las Vegas, NV 89119.

Commission Staff

Alan H. Schoem,

Assistant Executive Director, Consumer Product Safety Commission, Office of Compliance, Washington, D.C. 20207–0001.

Eric L. Stone,

Director, Legal Division, Office of Compliance.

Dated: March 16, 2000.

Dennis C. Kacoyanis,

Trial Attorney, Legal Division, Office of Compliance.

Order

Upon consideration of the Settlement Agreement entered into between Respondents Red Rock Trading Company, Inc., a corporation, Blackjack Fireworks, Inc., a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and Red Rock Trading Company, Inc. and Blackjack Fireworks, Inc.; and it appearing that the Settlement Agreement and Order is in the public interest, it is

Ordered, that the Settlement Agreement be and hereby is accepted; and it is

Further ordered, that upon final acceptance of the Settlement Agreement and Order, Red Rock Trading Company, Inc. and Blackjack Fireworks, Inc. shall pay a civil penalty in the amount of ninety thousand and 00/100 dollars ($90,000.00) in three (3) payments. The first payment of forty thousand and 00/100 dollars ($40,000.00) shall be due within twenty (20) days after service upon Red Rock Trading Company, Inc. and Blackjack Fireworks, Inc. of the Final Order of the Commission accepting the Settlement Agreement (hereinafter, the "anniversary date"). The second payment of twenty-five thousand and 00/100 dollars ($25,000.00) shall be paid on or before August 1, 2000. The third payment of twenty-five thousand and 00/100 dollars ($25,000.00) shall be made within one year of the anniversary date. Upon the failure of Red Rock Trading Company, Inc. and Blackjack Fireworks, Inc. to make a payment or upon Red Rock Trading Company, Inc. and Blackjack Fireworks, Inc. making a late payment (a) the entire amount of the civil penalty shall be due and payable, and (b) interest on the outstanding balance shall accrue and be paid at the federal legal rate of interest under the provisions of 28 U.S.C. 1961(a) and (c).

Provisionally accepted and Provisional Order issued on the 5th day of June, 2000.

By order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 00–14543 Filed 6–8–00; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Reissuance of MFTRP No. 1A as MFTRP No. 1B, Including PowerTrack Requirements

AGENCY: Military Traffic Management Command, DoD.

ACTION: Notice.

SUMMARY: The Military Traffic Management Command (MTMC), as the Department of Defense (DoD) Traffic Manager for surface and surface intermodal traffic management services, hereby cancels MTMC Freight Traffic Rules Publication (MFTRP) No. 1A in its entirety and replaces it with MFTRP No. 1B, effective September 30, 2000. The actual text of the 1B will be available on the Internet at MTMC's website at *www.mtmc.army.mil* by clicking in succession on: (1) Transportation Services, (2) Freight Logistics, (3) Freight Traffic Rules Publications and then clicking on the appropriate box indicating the 1B. In conjunction with the replacement of the 1A with the 1B, use of the PowerTrack automated billing and payment system will become mandatory on September 30, 2000 for all DoD freight shipped in accordance with the 1B motor rules publication. Specifically, motor carriers wishing to transport DoD freight effective September 30, 2000 must have a signed agreement with US Bank and be PowerTrack certified to be eligible to pick up shipments on or after that date. The 1B is being issued by MTMC Headquarters in Alexandria, Virginia; however, responsibility for the publication after its original issuance will pass from MTMC Headquarters to MTMC's Deployment Support Command at Fort Eustis, Virginia.

DATES: MFTRP No. 1A is cancelled and MFTRP No. 1B is effective September 30, 2000.

ADDRESSES:

(Until September 30, 2000)
Headquarters, Military Traffic Management Command, ATTN: MTOP–MRM, Room 10N–07, Hoffman II Building, 200 Stovall Street, Alexandria, VA 22332–5000, attn: Jerome Colton, e-mail:

coltonj@mtmc.army.mil
(After September 30, 2000)
MTMC Deployment Support Command, attn: Steve Lord, Room 201, Bldg. 664 Sheppard Place, Fort Eustis, VA 23604, e-mail: lords@mtmc.army.mil

FOR FURTHER INFORMATION CONTACT: For additional information contact Mr. Jerome Colton at 703–428–2324.

SUPPLEMENTARY INFORMATION: This change is effective on September 30, 2000. A notice proposing this change was published in the **Federal Register**, Vol. 64, No. 245, page 71742, Wednesday, December 22, 1999. In response to this notice, a total of three (3) letters (two from carriers and one from a carrier association) were received during the 60-day comment period. The synopsis of the comments and MTMC's responses appear below. Comments pertaining to material which did not change from the 1A from the 1B will be referenced but not synopsized, and will be followed by the standard response "There has been no substantive change from the 1A to the 1B". The comments and responses are as follows:

Comment: Electronic Commerce/ Electronic Data Interchange and PowerTrack (Items 16 and 20). Will there be ample time to implement these programs prior to their becoming mandatory? When will these programs be mandatory? Some aspects of these programs impose an unfair burden on carriers.

Response:

(a) PowerTrack and other automation programs are required by the Secretary of Defense under Management Reform Memorandum Number 15.

(b) Motor carriers wishing to transport DoD motor freight must have a signed agreement and be PowerTrack certified by September 30, 2000.

(c) These initiatives were publicized at various times in the past year including announcements at workshops and symposia and carriers have had ample time to prepare. Item 20 of the 1B draft text, referenced in the **Federal Register** announcement of and posted on MTMC's website since December 22, 1999 stated: "Implementation of PowerTrack began in 1999, and is expected to become mandatory in September 2000 * * *, at which time it will become the exclusive mechanism for payment of freight bills by DoD. Carriers are therefore strongly encouraged to become PowerTrack-certified as soon as possible." Qualified motor carriers still not PowerTrack capable who wish to continue carrying DoD freight after September 30, 2000 are urged to contact US Bank immediately at 1010 South Seventh Street, Minneapolis, MN 55415, Tel: 612–973–6597. Additional information on PowerTrack is available at www.usbank.com/powertrack.

(d) Over three hundred MTMC-qualified motor carriers already have a signed PowerTrack agreement with US Bank.

(e) Although MTMC is not privy to the individual PowerTrack agreement between US Bank and each carrier, it is our understanding that the fees charged are well within industry norms and lower than those charged by factoring companies. This is in part due to the elimination of paper from the billing process and the benefits of automation, which has also resulted in carriers being paid in a fraction of the time it has taken in a non-automated environment. Overall response to PowerTrack has been overwhelmingly positive.

Comment: After-the-fact negotiations (Items 18 and 21).

Response: There has been no substantive change from the 1A and 1B.

Comment: GBL Correction Notices (Item 19). The thirty-day time limit for carriers to request a Correction Notice is restrictive, unfair, and unrealistic, and not in the spirit of related statutes which provide for a 180-day time limit.

Response: In accordance with the implementation of PowerTrack which will eliminate GBLs, the new PowerTrack procedures will come into effect vice GBL Correction Notices.

Comment: Alternation—Item 60. (1) Transportation Officers (TOs) should be permitted to authorize a non-alternating point-to-point tender in special cases or by specifying same on the GBL; (2) Sixteen point-to-point exceptions in PowerTrack territorial tenders will not be sufficient; (3) Alternation to the lowest rate will result in service degradation, as certain shipping lanes have special requirements.

Response: (1) Both the automated environment and necessary administrative procedures make it unfeasible to allow TOs to authorize non-alternating point-to-point tenders. (2) The 1B has increased point-to-point exceptions from six to sixteen. Sixteen exceptions is more than sufficient for virtually all situations, as confirmed by both experience and multiple informal conversations and meetings with carriers. If ever a rare case arises where this is insufficient, that one tender can be restructured or divided using various options, such as reducing the size of the territory covered. (3) Shipping lanes with special requirements should be listed as one of the exceptions to the territorial rate.

Comment: Customs or In Bond Freight (Item 80). Why is this deleted?

Response: This Item is deleted because it is virtually never used. Customs fees are rarely, if ever, applied to DoD shipments. DoD does not ship items on a COD basis.

Comment: Detention (Item 85).

Response: There has been no substantive change from the 1A to the 1B.

Comment: Expedited Service (Item 110).

Response: There has been no substantive change from the 1A to 1B. Please note that the redundant phrase "in addition to all other transportation charges" which appeared throughout the 1A in describing various accessorial services has been deleted in favor of a single sentence to be inserted in Item 13 stating that accessorial charges shall be paid in addition to line haul rates.

Comment: Handling of Freight at Positions Not Immediately Adjacent to Vehicle (Item 125). Why is this rule eliminated? There is no justification for converting this service, for which a price can legitimately be set, to an after-the-fact negotiation.

Response: Item 125 has been restored.

Comment: Routing—Items 200, 300, 400. (1) Some shipments and/or routes require mileages in excess of the applicable DTOD module. (2) Implementation of the 1B should be held up while a study of DTOD's accuracy is conducted. (3) A MTMC letter authorizing payment on these extra miles should be (but has not been) incorporated into the 1B.

Response: This issue will be largely eliminated as the majority of such cases arise for Overdimensional/Overweight (ODOW) Shipments, which will become moot under the 1B, which requires that ODOW shipments be handled under Spot Bid (under which mileage calculations do not exist) except in special circumstances (see Item 400). However, for those few remaining cases where such issues will continue to arise:

(1) It is a well-established principle that a discrepancy between actual mileage and the mileage listed by a Governing Mileage Guide (GMG) is resolved in favor of the GMG. Any discrepancy or anomaly in a particular lane should be reported to the GMG manager for correction.

(2) DTOD is currently in effect under the 1A, so DTOD as such is not a 1A to 1B issue.

(3) The new rule reflects both commercial transportation practice and the realities of an automated environment such as PowerTrack whereby the GMG is the sole mileage authority. The relevant rule in the 1A

(which was so confusing and impractical that the cited letter has to be written to interpret it) was changed because it: (a) Is not feasible in a non-paper environment, (b) does not correspond to commercial practice of using a GMG as the sole arbiter of mileage, and (c) resulted in an unrealistic administrative burden calculating and reconciling mileages in each and every state through which a shipment passed, and typically involved adding mileages from one state line to the next.

Comment: Towaway Service (Item 228) This new Item does not fairly divide liability issues between shipper and carrier; instead all liabilities are imposed on the carrier.

Response: We have adopted the language "or other failure to properly maintain * * *". We have considered the additional request that DoD assume liability, including attorney fees, for third-party claims resulting from Towaway Service. We cannot assume this liability and do not believe that it would be equitable to do so. Each claim, if any, would have to be decided on a case-by-case basis.

Comment: Weight Verification (Item 250).

Response: There has been no substantive change from the 1A to the 1B.

Comment: Dromedary Services (old Items 325 and 327). Why are these Items eliminated? While much of the information has been incorporated elsewhere (*e.g.* Item 105), some essential information appears nowhere in the 1B. 5000 and 10000 pound minimum charges for regular and 410 dromedary shipments, respectively, have been eliminated for Dual Driver and Protective Security accessorials, and for White Phosphorus and similar commodities.

Response: These provisions have not been eliminated for the two accessorials cited; the 1B includes them in Item 35, para 1n, Item 40, para 2b, and Item 105, para c. The provisions for white phosphorus and similar commodities have been restored, and now appear in Item 328, paragraph 2.

Regulatory Flexibility Act: This change is not considered rule making within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

Paperwork Reduction Act: The Paperwork Reduction Act, 44 U.S.C. 3051 *et seq.*, does not apply because no information collection requirement or recordskeeping responsibilities are imposed on offerors, contractors, or members of the public.

Thomas Hicks,

Deputy Chief of Staff for Operations.

[FR Doc. 00–14677 Filed 6–8–00; 8:45 am]

BILLING CODE 3710–08–U

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Notice of Intent To Prepare an Environmental Assessment for Proposed Authorization of an Ohio River Ecosystem Restoration Program

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: This Notice of Intent is an amendment to the Department of the Army, Corps of Engineers, "Notice of Intent to Prepare an Environmental Impact Statement for the Ohio River Main Stem System Study," published in **Federal Register,** volume 63, number 203 page 56165, on Wednesday, October 21, 1998.

The U.S. Army Corps of Engineers, in partnership with the U.S. Fish and Wildlife Service, and resource agencies of states bordering the Ohio River, is currently evaluating various ecosystem restoration opportunities for the Ohio River corridor. The proposed action is being conducted under the authority of United States Senate, Committee on Public Works resolution dated May 16, 1955; and, United States House of Representatives. Committee on Public Works and Transportation resolution dated March 11, 1982.

The Corps of Engineers will prepare and circulate a Decision Document and integrated Environmental Assessment which will announce an intention to prepare a Finding of No Significant Impact (FONSI), IF appropriate. Public review of this report is scheduled to begin in July 2000. Interested parties are encouraged to send written comments or requests for information, regarding the proposed study process, to the point-of-contact below. All comments and information requests should be postmarked no later than 30 days after this Notice of Intent is published.

FOR FURTHER INFORMATION CONTACT: Please address questions regarding this notice to Mr. Michael Q. Holley, PM–C, Louisville District, Corps of Engineers, P.O. Box 59, Louisville, Kentucky 40201–0059, Telephone: (502) 582–5152.

SUPPLEMENTARY INFORMATION:

a. Reference **Federal Register,** volume 63, number 203, dated Wednesday, October 21, 1998. Within that document, the Corps of Engineers gave notice of intent to prepare an Environmental Impact Statement for the Ohio River Main Stem System Study.

This study is designed to capture foreseeable maintenance, rehabilitation and new construction needs for the navigation infrastructure of the Ohio River until the year 2060 and to investigate habitat restoration options along the main stem Ohio River. The study would also identify those actions which are economically justified and environmentally prudent.

b. As part of the Ohio River Main Stem System Study, an environmental team, consisting of personnel from the U.S. Fish and Wildlife Service, the natural resource agencies of six states, and the Corps of Engineers was formed. This team investigated opportunities and established general goals for ecosystem restoration projects. During the initial study process, resource officials of states bordering the Ohio River, identified over 250 site-specific environmental projects for further analysis. Because of the considerable interest, the Corps of Engineers, with support from state officials, initiated a study report for proposed authorization of a cost shared ecosystem restoration program for the Ohio River.

c. The Corps of Engineers originally intended to study ecosystem restoration, within the entire Ohio River Main Stem System Study, as indicated in the Supplemental Information of **Federal Register,** volume 63, number 203. However, an ecosystem restoration program does not relate directly to navigational improvements and can stand independent of those improvements. It was therefore determined that an ecosystem restoration program would be developed as a separate product of the Ohio River Main Stem System Study.

d. The primary purpose of the proposed ecosystem restoration program is to restore and protect aquatic, wetland, floodplain and riparian habitats that would benefit from such a program for the Ohio River watershed. These goals would be accomplished by means of erosion control, island restoration, bottomland reforestation, creation of aquatic habitat, and other generally accepted environmental measures. As a secondary objective, the program would preserve the historic and cultural resources of the Ohio River through implementation of various low cost educational and recreational amenities that would not detract from

the environmental restoration goals of the program.

e. The Corps of Engineers will prepare and circulate a Decision Document and integrated Environmental Assessment which will announce an intention to prepare a FONSI, if a FONSI is determined to be appropriate. Circulation of this document will assist the Corps in determining whether an Environmental Impact Statement (EIS) or a FONSI is the next appropriate step in the NEPA process prior to authorization of a cost shared ecosystem restoration program for the Ohio River.

Daniel E. Steiner,

Chief, Planning Division.

[FR Doc. 00–14676 Filed 6–8–00; 8:45 am]

BILLING CODE 3710–85–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Announcement of Army Corps of Engineers Regional Listening Sessions

AGENCY: Corps of Engineers, DoD.

ACTION: Notice correction.

SUMMARY: In a previous **Federal Register** notice (65 FR 34453), Tuesday, May 30, 2000, an incorrect phone number was inadvertently provided on page 34454, column 1, line 12. The correct phone number for local calls in Northern Virginia area is (703) 428–8535.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Gmitro, Program Manager, phone toll free (877) 447–6342 or if you're in the Northern Virginia area, please refer to the correct phone number as listed above.

SUPPLEMENTARY INFORMATION: None.

John A. Hall,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 00–14675 Filed 6–8–00; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Inventions for Licensing; Government-Owned Inventions

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and are available for licensing by the Department of Navy.

U.S. Patent Application Serial No. 09/551,364 entitled, "Collaborative Development Network for Widely Dispersed Users and Methods Therefor," filing date: April 17, 2000, Navy Case No. 79260.

ADDRESS: Requests for copies of the patent application cited should be directed to the Naval Surface Warfare Center, Dahlgren Laboratory, Code CD222, 17320 Dahlgren Road, Building 183, Room 015, Dahlgren, VA 22448–5100, and must include the Navy Case number. Interested parties will be required to sign a Confidentiality, Non-Disclosure and Non-Use Agreement before receiving copies of requested patent applications.

FOR FURTHER INFORMATION CONTACT: James B. Bechtel, Patent Counsel, Naval Surface Warfare Center, Dahlgren Laboratory, Code CD222, 17320 Dahlgren Road, Building 183, Room 015, Dahlgre, VA 22448–5100, telephone (540) 653–8016.

(Authority: 35 U.S.C. 207, 37 CFR Part 404)

Dated: May 31, 2000.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 00–14640 Filed 6–8–00; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 8, 2000.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 5, 2000.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: National Longitudinal Transition Study—2.

Frequency: One time.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 432.

Burden Hours: 354.

Abstract: NLTS2 will provide nationally representative information about youth with disabilities in secondary school and in transition to adult life, including their characteristics, programs and services, and achievements in multiple domains (*e.g.*, postsecondary education, employment).

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be

electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–14578 Filed 6–8–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 10, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 5, 2000.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Extension.

Title: Final Performance Report for the Business and International Education Program.

Frequency: After the completion of the project.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden: Responses: 30.

Burden Hours: 150.

Abstract: The data collected through the final performance report will enable ED officials to determine the impact of the Business and International Education federal funds on its recipients. US/ED will use the information collected to meet Government Performance and Results Act requirements and to provide budget justification.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–9266 or via his internet address Joe_Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–14579 Filed 6–8–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

[Docket No. EA–224]

Application To Export Electric Energy; Dominion Resources

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Dominion Resources, on behalf of its subsidiaries, Virginia Electric and Power Company and Dominion Energy, Inc., has applied for 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 10, 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: Xavier Puslowski (Program Office) 202–586–9506 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On May 16, 2000, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from Dominion Resources to export electric energy to Canada on behalf of two of its operating subsidiaries, Virginia Electric and Power Company ("Virginia Power") and Dominion Energy Inc. ("Dominion Energy"). Dominion Resources requests DOE to renew Virginia Power's existing export authorization granted by DOE on July 16, 1998, (Order No. EA–180) and to grant new export authority to Dominion Energy to sell electric energy to Canada.

Virginia Power owns generation, transmission and distribution facilities in Virginia and North Carolina and has a franchised service area. Dominion Energy, an independent producer of power operating in five U.S. States, has no franchised service territory.

Virginia Power and Dominion Energy propose to export electric energy to Canada using the existing international electric transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison Company, Joint Owners of Highgate,

Long Sault, Inc., Maine Electric Power Company, Maine Public Service, Eastern Maine Electric Cooperative, Minnesota Power and Light, Minnkota Power, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power and Vermont Electric Transmission Company. The construction of each of the international transmission facilities to be utilized, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

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 Dominion Resources application to export electric energy to Canada should be clearly marked with Docket EA–224. Additional copies are to be filed directly with Michael C. Regulinski, Esq., Virginia Electric and Power Co, 1 James River Plaza, 701 East Carey Street, Richmond, Virginia 23219 and James H. McGrew, Esq., Bruder, Gentile & Marcoux, LLP., 1100 New York Avenue, N.W., Suite 510 East, Washington, D.C. 20005–3934.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969 and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

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 "Regulatory," then "Electricity," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on June 5, 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. 00–14593 Filed 6–8–00; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Notice of Solicitation for Financial Assistance Applications for Cooperative Research and Development for Advanced Natural Gas Reciprocating Engines

AGENCY: Chicago Operations Office, Department of Energy.

ACTION: Notice of solicitation availability.

SUMMARY: The Department of Energy (DOE) announces its interest in receiving applications for federal assistance for research and development of Advanced Natural Gas Reciprocating Engines. Development, subsystem testing, and demonstration of optimized and fully integrated components for advanced natural gas engines must be performed.

DATES: The solicitation document is available on the Internet. The due date for applications is July 31, 2000.

ADDRESSES: The solicitation is available on the Internet by accessing the DOE Chicago Operations Office Acquisition and Assistance Group home page at *http://www.ch.doe.gov/business/acq.html* under the heading "Current Solicitations", Solicitation No. DE-SC02–00CH11029. Completed applications referencing Solicitation No. DE–SC02–00CH11029 must be submitted to the U.S. Department of Energy, Chicago Operations Office, Communications Center, Building 201, Room 168, 9800 South Cass Avenue, Argonne, IL 60439–4899, Attn: Nadine S. Kijak, Acquisition and Assistance Group.

FOR FURTHER INFORMATION CONTACT: Nadine S. Kijak at 630/252–2508, U.S. Department of Energy, Chicago Operations Office, Acquisition and Assistance Group, 9800 South Cass Avenue, Argonne, IL 60439–4899, by facsimile at 630/252–5045, or by electronic mail at *nadine.kijak@ch.doe.gov*

SUPPLEMENTARY INFORMATION: For purposes of this solicitation, an Advanced Natural Gas Reciprocating Engine is a new or upgraded internal combustion reciprocating piston engine that deploys one or more technologies that partially or totally accomplish the following goals for higher energy efficiency (ultimate program target goal of 50%), lower emissions (NO_x less than .1g/hp-hr), and increased competitiveness. The fully-developed, demonstrated Advanced Natural Gas Reciprocating Engine would accomplish the following objectives:

1. Improve the performance of Advanced Natural Gas Reciprocating Engines. Potential benefits to energy consumers include: (1) Decreased energy consumption and emissions; (2) increased manufacturing process efficiencies; (3) enhanced U.S. industrial competitiveness; (4) decreased reliance on strategic materials; and (5) reduced operational and maintenance costs. Other projected benefits may include longer operating time before maintenance and overhaul, utilization of waste fuels, *etc.*

2. Transition the technology to back-up fuels as well as alternative biomass-derived fuels, while achieving a substantial reduction in oxides of nitrogen (NO_x) emissions for these fuels, and decrease in energy consumption.

3. Demonstrate the durability for up to 8000 hours while otherwise maintaining reliability, availability, and maintainability of the Advanced Natural Gas Reciprocating Engine and its component subsystems.

4. Incur no negative impacts on the performance of gas engines including efficiency, fuel flexibility, cost of power, and reliability and maintainability.

5. Encourage adoption and use of energy-efficient, cost-effective natural gas engines by the distributed generation markets.

The Scope of Work covers applied research and pre-commercial demonstration in five work areas as described below as Tasks 1, 2, 3, 4 and 5. In addition to these tasks, the Scope of Work includes Subtasks A and B. Subtask A will require the Participant to provide a report covering the potential technical market and technical/economic barriers. Subtask B will require the Participant to provide a commercialization plan for Advanced Natural Gas Reciprocating Engines.

The tasks represent an increasing progression of maturation stages for technology development. Task 1 involves component development and testing; Task 2 involves system development and testing; Task 3 involves engine integration and preparation; Task 4 involves engine system fabrication and proof test, and Task 5 involves pre-commercial demonstration. Depending on current maturation of proposed technologies, the work may start at any task if prior work has been performed that would satisfy completion or sufficient progress of the previous task(s). Applications may address any combination or portions of the tasks.

The ultimate maturation of technologies will be reached upon the attainment of the solicitation objectives

in a pre-commercial demonstration of 8000 hours (Task 5). Although it is the intention of this solicitation to support development of advanced engine technologies that will so culminate, there also is relevancy in gaining a better understanding of the advanced engine technologies and their impact on natural gas engines. In such a case, development of a completed commercial system may not be feasible. For example, development may end prior to the maturation state of Task 5, or Task 5 may be scheduled to complete less than the 8000 hours (but more than 4000 hours as discussed below) identified as a goal for commercialization.

Regardless of the tasks proposed, applications will raise the maturation level of the concept relative to the solicitation objectives.

Under Tasks 1 and 2 that follow, the work may be performed with respect to test devices or engines that could serve as a logical and cost effective intermediate basis for developing technologies for Advanced Natural Gas Reciprocating Engines. However, any such technology developed under Tasks 1 and 2 must have applicability to Advanced Natural Gas Reciprocating Engines.

Under Tasks 3, 4 and 5 that follow, all work must be performed with respect to Advanced Natural Gas Reciprocating Engines, and the demonstration required under Task 5 must be performed on an Advanced Natural Gas Reciprocating Engines. All work proposed to be performed under an application must be scheduled for completion within the five-year life expectancy of this program. Work under all tasks requires the participation of a natural gas engine manufacturer.

Task 1

The starting point of this task shall be, as a minimum, a concept of an advanced engine technology with prior experimental evidence of its potential for meeting the solicitation objectives. The Participant will identify the form, function, and fit of all components necessary to execute the proposed technology. The Participant will also develop preliminary component designs. First article components will be constructed and tested at a scale suitable to confirm the design parameters that were used and to give qualitative and quantitative indications that the components will perform as planned.

Task 2

The Participant will complete detailed designs of the selected system components. The design process will include the optimization and cost reduction of the processing, fabrication, and integration of the selected components into a viable engine system. The components will be manufactured and the sub-system will be assembled. Development and testing will be done to verify and optimize the overall approach, to provide operating and control parameters during manufacture and use, and to provide full-scale definition such as allowable engine operating ranges, sensitivity to fuel variability, and other factors affecting the performance and competitiveness of the engine system.

Task 3

The design of an Advanced Natural Gas Reciprocating Engine will be adapted in parallel to component development to assure compatibility, optimum fit, and functionality. The work under this task will integrate hardware, controls, and operating procedures for startup, steady operation over the engine's usual power range (for example 50% to 100% of rated output), planned changes (such as anticipated shutdown or transitions of operating load), and unexpected changes in power output (such as lost load).

Task 4

The Participant shall design and fabricate a complete engine system that utilizes the components developed under Task 2 or elsewhere. The components shall exhibit the form, function, and fit compatible with the modified engine developed either under Task 3 or elsewhere. The Participant shall prove, either by subsystem rig testing or by demonstrating on an engine, the ability of the subsystem components to perform as planned. Such testing shall include those sensors and controllers needed to maintain testing over the design operating range of the engine. Test results shall include relationships among performance, efficiency, emissions, temperatures, and all other relevant parameters that quantify and qualify the system for commercial delivery. The proof testing shall be based on natural gas fuel or any other fuel with a viable market presence in the distributed generation market such as waste fuels and biomass. Also, the market may require dual fuel capabilities. Such dual fuel capabilities may be considered in the design.

The completion of Task 4 would result in the assembly of an Advanced Natural Gas Reciprocating Engine that incorporates components completed under this task or elsewhere. The engine shall be ready for insertion into a commercial package that is suitable for shipment, installation, and demonstration in the field under Task 5.

Task 5

A host site(s) will be selected for demonstration of the Advanced Natural Gas Reciprocating Engine qualified either by the completion of Task 4 or elsewhere. The Participant will integrate the engine with the balance of plant equipment such as a generator that is compatible with the needs of a specific host site(s). The completion of Task 5 would result in an 8000-hour demonstration of the engine that can be reasonably expected to meet project objectives. At a minimum, the demonstration shall comprise 4000 hours of operation with natural gas fuel at a host site that is compatible with an operating rate of at least 4000 hours per annum. The applicant shall complete a coordinated plan for the demonstration that incorporates the perspectives of all relevant parties, including the host site. The plan will also assign responsibilities on all matters necessary to execute the demonstration plan, such as business arrangements, balance of plant equipment, site construction, site integration, periodic inspections of hardware, visitations of third parties, data acquisition at the host site to verify expected benefits, and obtainment of environmental, construction, operating, and other permits.

The demonstration shall be representative of significant market segments of the distributed power generation industry. As a result, the successful demonstration at the host site will be expected to exemplify the resolution of the typical barriers (such as technical, environmental, industry acceptance, and utility grid control issues) that impede the widespread adoption of distributed generation. In this regard, all hours of operation accumulated under the demonstration shall be gained while generating electric power. Additionally, all such hours of operation shall be accumulated while the host site is interconnected to the existing local utility transmission and distribution grid that exists for the routine transmission and distribution of electric power. Accordingly, the balance of plant equipment shall be sufficient to generate and condition such electric power, and all hardware shall be provided for interconnection, transmission, and distribution on the local utility grid. (The sole use of isolation switches shall not be sufficient to meet this requirement.)

Subtask A

Subtask A is required for any applicant selected for award and is to be performed in conjunction with the lowest numbered task proposed. The completed report must be received within 90 days of award of the cooperative agreement and will be submitted in accordance with topical report requirements. Relative to gas engine(s), the Participant will do program definition and planning studies that identify all essential steps for enabling the use of an Advanced Natural Gas Reciprocating Engine and meeting the objectives of this solicitation. The elements of these steps will include the critical research and development needs, areas and degree of risk, types and quantities of resources, schedule, and cost.

The report will further define completed distributed energy resource and/or cooling, heating and power systems likely to be available at the successful completion of this project. The Participant will identify and quantify the potential technical markets for such systems. In areas such as energy efficiency, performance, cost, and emissions, the Participant will provide detailed rationale that supports these projections. All barriers such as the lack of uniform code standards that will impact on the technical market will be identified. However, any such barriers that are out of the control of the Participant shall be deemed not to impact on the projected technical market.

Subtask B

Subtask B is required to be performed in conjunction with the lowest numbered task of Tasks 3, 4, and/or 5 under which the Participant will do work. The completed report must be received within 180 days of initiation of the lowest numbered Task (3–5) proposed. This report will be submitted in accordance with topical report requirements.

The main impetus for this work is the commercial implementation of an efficient, clean, and cost effective Advanced Natural Gas Reciprocating Engine that is deployed in distributed generation and combined heat and power systems. It is essential that a commercialization plan support the proposed Advanced Natural Gas Reciprocating Engine and achieves the goals of this solicitation (Section 1.1.2). Participants doing work under Tasks 3, 4, or 5 shall complete commercialization plans and strategies for all relevant functions in the commercialization process such as cost-effective manufacturing, marketing, production volumes, and support for the Participant's engine system.

DOE expects to award three (3) to five (5) cooperative agreements under this solicitation. It is estimated that individual awards will range in value between approximately $500,000 and $10,000,000 of DOE funding and will require awardee Cost Sharing.

A minimum non-federal cost sharing commitment of 30% of the total proposed costs for Tasks 1 or 2; 45% of Tasks 3 and 4; and 60% of Task 5 is required. Any non-profit or for-profit organization, university or other institution of higher education, or non-federal agency or entity is eligible to apply, unless otherwise restricted by the Simpson-Craig Amendment. DOE Laboratory participation as a subcontractor is limited to no more than 50% of the cost of any individual task under which the laboratory participates. This amount is further limited to 40% if laboratory participation is proposed under Task 5.

As applicants may apply under one or more of the five tasks within the solicitation Scope of Work, there is a range in the number of potential awards and award values.

Estimated DOE funding is $40 million over the five-year period. DOE reserves the right to fund any, all, or none of the applications submitted in response to this solicitation. All awards are subject to the availability of funds.

Issued in Argonne, Illinois on June 1, 2000.

John D. Greenwood,

Acquisition and Assistance Group Manager.

[FR Doc. 00–14591 Filed 6–8–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Department of Energy.

ACTION: Notice of proposed Agency information collection and request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed information collection that DOE is developing for submission to the Office of Management and Budget (OMB), pursuant to the Paperwork Reduction Act of 1995. This collection would gather information over a three-year period from participants in the Industrial Assessment Center (IAC) Program (specifically clients, alumni and web-site users), concerning details of energy, waste, production and cost savings generated through their participation in IAC assessments, or through their use of IAC-sponsored web-sites.

DATES: Written comments must be submitted by August 14, 2000. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to M. Martin, Oak Ridge National Laboratory, PO Box 2008, MS–6070, Oak Ridge, TN 37831–6070; or by FAX at (865) 574–9338; or by e-mail at martinma@ornl.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to M. Martin using the contact information listed above.

SUPPLEMENTARY INFORMATION:

Collection Title: Impact Evaluation of IAC Program Participants: Clients, Alumni and Web-users.

OMB Control Number: None.

Type of Request: New collection.

Frequency of response: One time only.

Respondents: IAC Program clients, alumni and web-users (businesses and individuals).

Estimated number of annual respondents: 570.

Estimated total annual burden hours: 355 hours.

Background

The Department of Energy, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of information conducted by or in conjunction with DOE. Any comments received help the Department to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, DOE will later seek approval by the Office of Management and Budget (OMB) of the collections under Section 3506(c) of the Paperwork Reduction Act of 1995.

Data will be collected from IAC participants concerning energy, waste, productivity and cost savings generated through their participation in IAC assessments or through their use of technical information provided by IAC-sponsored web-sites. Data will be collected from clients, program alumni, and IAC web-users using either electronic, web-based surveys or telephone interviews. The data will

provide input for an impact evaluation of the IAC Program, to be used for reporting on program performance in compliance with the Government Performance and Results Act 1993 (GPRA). The evaluation approach and summarized results will be published.

Request for Comments

DOE invites comments from prospective respondents and other interested parties on: (1) Whether the proposed collection of data is necessary to measure savings impacts generated by IAC participants; (2) enhancements to the quality, utility, and clarity of the information to be collected; (3) the accuracy of DOE's estimate of the burden of the proposed information collection; (4) any means of minimizing the burden of the collection of information on those who choose to respond; (5) the availability and details of similar information collected by other Federal, State or local industrial assistance programs. Additional information about DOE's proposed information collection may be obtained from the contact person named in this notice.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

Statutory Authority: Section 3506(c) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

Issued in Washington, DC on June 5, 2000.

Peter J. Grahn,

Director, Office of Records and Resource Management.

[FR Doc. 00–14592 Filed 6–8–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–176–001]

ANR Pipeline Company; Notice of Refund Report

June 5, 2000.

Take notice that on May 30, 2000, ANR Pipeline Company (ANR) tendered for filing this refund report as required by Section 154.501(e) of the regulations of the Commission. ANR reports that it made refunds totaling $1,143,861 on April 28, 2000, consisting of $1,112,881 in principal and $30,980 in interest, in compliance with the Commission's letter order dated April 13, 2000 at Docket No. RP00–176–000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before June 12, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14564 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP000–308–000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 2000.

Take notice that on May 31, 2000, ANR Pipeline Company (ANR) tendered for filing, as part of its FERC Gas Tariff, Second Revised Volume No. 1, Third Revised Sheet No. 45E.1 to be effective July 1, 2000.

ANR states that the purpose of this filing is to designate in its tariff a new point eligible for service under its existing Rate Schedule IPLS.

ANR states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance.

David P. Boergers,

Secretary.

[FR Doc. 00–14569 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–312–000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 2000.

Take notice that on May 31, 2000, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets proposed to become effective June 1, 2000:

Forty-second Revised Sheet No. 8,
Forty-second Revised Sheet No. 9,
Forty-first Revised Sheet No. 13, Fifty-first Revised Sheet No. 18

ANR states that the above-referenced tariff sheets are being filed to implement recovery of approximately $2.5 million of above-market costs that are associated with its obligations to Dakota Gasification Company ("Dakota"). ANR proposes a reservation surcharge applicable to its Part 284 firm transportation customers to collect ninety percent (90%) of the Dakota costs, and an adjustment to the maximum base tariff rates of Rate Schedule ITS and overrun rates applicable to Rate Schedule FTS–2, so as to recover the remaining ten percent (10%). ANR advises that this filing also includes the annual restatement of the "Eligible MDQ" used to design the reservation surcharge. ANR also advises that the proposed changes would decrease current quarterly Above-Market Dakota Cost recoveries from $2,586,210 to $2,543,133.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party

must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14572 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2398–000]

Baconton Power LLC; Notice of Issuance of Order

June 5, 2000.

Baconton Power LLC (Baconton) submitted for filing a rate schedule under which Baconton will engage in wholesale electric power and energy transactions as a marketer. Baconton also requested waiver of various Commission regulations. In particular, Baconton requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability of Baconton.

On May 31, 2000, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Baconton 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).

Absent a request for hearing within this period, Baconton is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Baconton's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is June 30, 2000.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426. The Order 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. 00–14630 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–311–000]

Colorado Interstate Gas Company; Notice of Tariff Filing

June 5, 2000.

Take notice that on May 31, 2000, Colorado Interstate Gas Company (CIG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Seventeenth Revised Sheet No. 11A reflecting a decrease in its fuel reimbursement percentage for Lost, Unaccounted-For and Other Fuel Gas from 1.01% to 0.70% effective July 1, 2000.

CIG states that copies of this filing have been served on CIG's jurisdictional customers and public bodies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary,

[FR Doc. 00–14571 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–310–000]

Discovery Gas Transmission LLC; Notice of Lost and Unaccounted for Gas Filing

June 5, 2000.

Take notice that on May 31, 2000, Discovery Gas Transmission LLC (Discovery) filed to comply with the terms of its FERC Gas Tariff, First Revised Sheet Nos. 34, 44, and 53 relating to lost and unaccounted for gas for the calendar year 1999.

Discovery states that it has reviewed the amount of lost and unaccounted for gas experienced by the Discovery system during the 1999 calendar year, and based on that review it proposes to retain the current retention rate of 0.5 percent for the period commencing July 1, 2000.

Discovery states that copies of this filing are being mailed to its customers, state commissions and other interested parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before June 12, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14570 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–287–051]

El Paso Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 2000.

Take notice that on June 1, 2000, El Paso Natural Gas Company (El Paso) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1–A, the following tariff sheets to become effective June 1, 2000:

Thirtieth Revised Sheet No. 30
Twenty-Fifth Revised Sheet No. 31
Seventh Revised Sheet No. 31A

El Paso states that the above tariff sheets are being filed to implement two negotiated rate contracts pursuant to the Commission's Statement of Policy on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines and Regulation of Negotiated Transportation Services of Natural Gas Pipelines issued January 31, 1996 at Docket Nos. RM95–6–000 and RM96–7–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14558 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2333–000]

Horsehead Industries, Inc.; Notice of Issuance of Order

June 5, 2000.

Horsehead Industries, Inc. (Horsehead) submitted for filing a rate schedule under which Horsehead will engage in wholesale electric power and energy transactions as a marketer. Horsehead also requested waiver of various Commission regulations. In particular, Horsehead requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuance of securities and assumptions of liability by Horsehead.

On May 31, 2000, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Horsehead 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).

Absent a request for hearing within this period, Horsehead is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Horsehead's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is June 30, 2000.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order 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. 00–14629 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–157–004

Kern River Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 2000.

Take notice that on May 31, 2000, Kern River Gas Transmission Company (Kern River) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, First Revised Sheet No. 912, to be effective June 1, 2000.

Kern River states that the purpose of this filing is to implement a negotiated rate transaction between Kern River and Nevada Power Company (Nevada Power), and to reflect the revised negotiated rate transaction between Kern River and Sempra Energy Trading Corporation (Sempra) in the Tariff, in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Kern River states that a copy of this filing has been served upon its customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/

rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14563 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–305–000]

Mississippi River Transmission Corporation; Notice of Tariff Filing

June 5, 2000.

Take notice that on June 1, 2000, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed below to be effective July 1, 2000.

Second Revised Sheet No. 12,
Fourth Revised Sheet No. 71,
Sixth Revised Sheet No. 72,
Sixth revised Sheet No. 73,
Fourth Revised Sheet No. 74,
Third Revised Sheet No. 126,
Third Revised Sheet No. 164,
First Revised Sheet No. 226A,
Original Sheet No. 226B,
Pro-Forma Sheet No. 10,
Pro-Forma Sheet No. 10A

MRT states that the purpose of this filing is to enable MRT and its Transportation Customers, upon FERC authorization, the opportunity to negotiate a rate for transportation service that varies from the current Tariff rate. MRT also states that all customers under the Tariff would continue to have recourse to service at the traditional cost-based rate available under the Tariff for that service.

MRT states that a copy of this filing is being mailed to each of MRT's customers and to the state commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rimbs.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14566 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–367–011]

Northwest Pipeline Corporation; Notice of Compliance Filing

June 5, 2000.

Take notice that on May 31, 2000, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff the following tariff sheets to be effective July 1, 2000:

Third Revised Volume No. 1

Eighteenth Revised Sheet No. 5
Thirteenth Revised Sheet No. 5–A

Original Volume No. 2

Twenty-Fifth Revised Sheet No. 2
Twenty-Eighth Revised Sheet No. 2.1
Twenty-Seventh Revised Sheet No. 2–A

Northwest states that the purpose of this filing is to move into effect the Period Two Rates contained in Appendix A of Northwest's Stipulation and Agreement of Settlement filed on July 22, 1997 in Docket No. RP96–367 and approved by the Commission on November 25, 1997.

Northwest states that a copy of this filing has been served upon its customers and interested state regulatory commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14556 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–56–001]

Northwest Pipeline Corporation; Notice of Compliance Report

June 5, 2000.

Take notice that on June 1, 2000, Northwest Pipeline Corporation (Northwest) tendered for filing a compliance report.

Northwest states that the compliance report shows that during the 1999–2000 winter heating season, Northwest did not cut any primary gas during the timely scheduling process and that there were no adverse impacts associated with the letter Agreement dated August 24, 1999 between Northwest and Pan Alberta Gas (U.S.) Inc. with respect to the use of firm transportation through primary corridor rights.

Northwest states that a copy of this compliance report has been served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before June 12, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14562 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–304–000]

PG&E Gas Transmission, Northwest Corporation; Notice of Tariff Filing

June 5, 2000.

Take notice that on May 31, 2000, PG&E Gas Transmission, Northwest Corporation (PG&E GT–NW) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A: Twenty-fourth Revised Sheet No. 5. PG&E GT–NW requests that the above-referenced tariff sheet become effective July 1, 2000.

PG&E GT–NW asserts that the purpose of this filing is to comply with Paragraph 37 of the terms and conditions of First Revised Volume No. 1–A of its FERC Gas Tariff, "Adjustment for Fuel, Line Loss and Other Unaccounted For Gas Percentages." These tariff changes reflect that PG&E GT–NW's fuel and line loss surcharge percentage will increase to 0.0015% per Dth per pipeline-mile for the six-month period beginning July 1, 2000. Also included, as required by Paragraph 37, are workpapers showing the derivation of the current fuel and line loss percentage in effect for each month the fuel tracking mechanism has been in effect.

PG&E GT–NW further states that a copy of this filing has been served on PG&E GT–NW's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14565 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–3393–002]

PJM Interconnection, L.L.C.; Notice of Filing

June 5, 2000.

Take notice that on May 30, 2000, Jersey Central Power & Light Company (doing business as GPU Energy) hereby submitted for filing a Refund Report with supporting materials.

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 20, 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. 00–14553 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–513–004]

Questar Pipeline Company; Notice of Tariff Filing

June 5, 2000.

Take notice that on June 1, 2000, pursuant to 18 CFR 154.7 and 154.203, and as provided by Section 30 (Negotiated Rates) to the General Terms and Conditions of Part 1 of Questar Pipeline Company's (Questar) FERC Gas Tariff, Questar filed a tariff filing to implement a negotiated-rate contract as authorized by Commission orders issued October 27, 1999, and December 14, 1999, in Docket Nos. RP99–513, *et al.* The Commission approved Questar's request to implement a negotiated-rate option for Rate Schedules T–1, NNT, T–2, PKS, FSS and ISS shippers. Questar submitted its negotiated-rate filing in accordance with the Commission's Policy Statement in Docket Nos. RM95–6–000 and RM96–7–000 (Policy Statement) issued January 31, 1996.

Questar states that the tendered tariff sheet revises Questar's Tariff to implement a new negotiated-rate transportation service agreement between Questar and Barrett Resources Corp. Questar requested waiver of 18 CFR 154.207 so that the tendered tariff sheet may become effective June 1, 2000.

Questar states that copies of this filing has been served upon Questar's customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14561 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–200–054]

Reliant Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

June 5, 2000.

Take notice that on May 31, 2000, Reliant Energy Gas Transmission Company (REGT) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets to be effective June 1, 2000:

Fifth Revised Sheet No. 8F
Fourth Revised Sheet No. 8G

REGT states that the purpose of this filing is to reflect the expiration of an existing negotiated rate contract and the addition of a new negotiated rate contract.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14555 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2648–000]

Southern California Edison Company; Notice of Filing

June 5, 2000.

Take notice that on May 26, 2000, Southern California Edison Company (SCE) tendered for filing a Service Agreement for wholesale Distribution service and an Interconnection Facilities Agreement (Agreements) between Gas Recovery Systems (GRS) and SCE.

These Agreements specify the terms and conditions pursuant to which SCE will interconnect GRS's generating facility to its electrical system and provide Distribution Service for up to 17.1 MW of power produced by GRS's Coyote Canyon generating facility upon the termination date of the CPUC-jurisdictional Power Purchase Contract between SCE and GRS.

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 16, 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. 00–14551 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP91–203–071 and RP92–132–059]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

June 5, 2000.

Take notice that on May 31, 2000, Tennessee Gas Pipeline Company (Tennessee), tendered for filing certain revised tariff sheets for inclusion in Tennessee's FERC Gas Tariff, Fifth Revised Volume No. 1. Tennessee requests that the attached sheets be made effective July 1, 2000.

Tennessee states that pursuant to the May 15, 1995 comprehensive settlement agreement in the referenced proceeding, which resolved outstanding issues relating to Tennessee's recovery through rates of the costs of remediating polychlorinated biphenyl ("PCB") and other hazardous substance list ("HSL") contamination on its system ("Settlement"), Tennessee is seeking to extend the initial PCB adjustment period and to decrease the PCB adjustment surcharge amount to $0.00, all as provided for under the Settlement. Tennessee also states that although there are uncertainties attached to the PCH/HSL remediation project ("Project"), based on its best reasonable expectations to date, Tennessee may be able to complete the Project by the end of 2004.

Tennessee further states that the extended adjustment period is required under the Settlement to reflect additional eligible costs that Tennessee expects to expend to complete the Project. Tennessee also notes that its request to reduce the surcharge to $0.00 is meant to temporarily relieve its customers of the surcharge obligation while at the same time leaving the recovery mechanism intact if unforeseen circumstances arise.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action be taken, but will not serve to protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims/htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14554 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–306–000]

Tennessee Gas Pipeline Company, Notice of Filing and Request for Waiver

June 5, 2000.

Take notice that on June 1, 2000, Tennessee Gas Pipeline Company (Tennessee), tendered for filing 1) a revised accounting of Tennessee's take-or-pay transition surcharges.

Tennessee states that this filing of the revised accounting is in compliance

with Article XXV of the General Terms and Conditions of its FERC Gas Tariff, Fifth Revised Volume No. 1. Tennessee further states that the request for waiver is based on the fact that Tennessee has not incurred any significant recoverable take-or-pay costs since its last filing on December 1, 1999.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before June 12, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14567 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–255–007]

TransColorado Gas Transmission Company; Notice of Tariff Filing

June 5, 2000.

Take notice that on May 31, 2000, pursuant to 18 CFR 154.7 and 154.203, and in compliance with the Commission's letter order issued March 20, 1997, in Docket No. RP97–255–000, TransColorado Gas Transmission Company tenders for filing and acceptance, to be effective May 26, 2000, Seventh Revised Sheet No. 21. Third Revised Sheet No. 22 and Second Revised Sheet No. 23 to Original Volume No. 1 of its FERC Gas Tariff (TransColorado's tariff).

TransColorado states that the tendered tariff sheets revise TransColorado's Tariff to implement new negotiated-rate transportation service agreements between TransColorado and Western Gas Resources, Inc., Enron North America, Inn., Enserco Energy, Inc. and Barrett Resources Corporation. TransColorado requests waiver of 18 CFR 154.207 so that the tendered tariff sheets may become effective May 26, 2000.

TransColorado states that a copy of this filing has been served upon all parties to this proceeding, TransColorado's customers, the Colorado Public Utilities Commission and New Mexico Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14557 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–1–000]

TransEnergie U.S., Ltd.; Notice of Issuance of Order

June 5, 2000.

On October 1, 1999, TransEnergie U.S., Ltd. (TransEnergie) filed with the Commission a petition for an order accepting a tariff offering non-discriminatory transmission service over a 26-mile undersea high-voltage, bi-directional, direct current cable it proposes to build underneath the Long Island Sound. TransEnergie also requested certain waivers and authorizations. In particular, TransEnergie requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by the TransEnergie. On June 1, 2000, the Commission issued an Order Approving Proposal Subject To Conditions (Order), in the above-docketed proceedings.

The Commission's June 1, 2000 Order granted TransEnergie's request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (C), (D), and (E):

(C) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by TransEnergie should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(D) Absent a request to be heard within the period set forth in Ordering Paragraph (C) above, TransEnergie is hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of TransEnergie, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(E) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of TransEnergie's issuances of securities or assumptions of liabilities * * *.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 3, 2000.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426. This issuance 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. 00–14632 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–373–000]

Tuscarora Gas Transmission Company; Notice of Application

June 5, 2000.

Take notice that on May 31, 2000, Tuscarora Gas Transmission Company (Tuscarora), 1575 Delucchi Lane, Suite 225, Reno, Nevada 89520–3057, filed in Docket No. CP00–373–000 an application pursuant to Section 7 of the Natural Gas Act (NGA) and the Commission's Rules and Regulations, for a certificate of public convenience and necessity authorizing Tuscarora to construct, own, operate, and maintain facilities in order to provide up to 10,000 dth per day of additional firm transportation for Sierra Pacific Power Company (SPPC), all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Specifically, Tuscarora proposes to construct a new 16.4 mile, 16-inch diameter lateral (Hungry Valley Lateral) extending from its mainline at milepost 205.9 in Hungry Valley, Nevada to a city gate to be constructed by SPPC in Lemmon Valley, Nevada. Tuscarora also proposes to construct a new meter station and valve assemblies in Golden Valley, Nevada. All of the facilities will be located in Washoe County, Nevada. Tuscarora estimates that the proposed facilities will cost approximately $10.2 million. Tuscarora states that the additional mainline capacity will result from an increase in its receipt pressure from PG&E Gas Transmission-Northwest Corporation from 700 psig to 825 psig. Tuscarora proposes to charge Sierra Pacific its existing Part 284 firm transportation rate.

Any questions regarding this application should be directed to Gregory L. Galbraith, Tuscarora Gas Transmission Company, 1575 Delucchi Lane, Suite 225, P.O. Box 30057, Reno, Nevada 89520–3057, call (775)–834–4292, or fax (775)–834–3886.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before June 26, 2000, file with the Federal Energy Regulatory Commission, 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 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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 filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties, or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

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

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

David P. Boergers,

Secretary.

[FR Doc. 00–14633 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–307–000]

U–T Offshore System, L.L.C.; Notice of Compliance Filing

June 5, 2000.

Take notice that on May 31, 2000, U–T Offshore System, L.L.C. (U–TOS) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets to be effective September 28, 1999:

First Revised Sheet No. 56
First Revised Sheet No. 57
First Revised Sheet No. 60
First Revised Sheet No. 61
Original Sheet No. 61A
First Revised Sheet No. 95
First Revised Sheet No. 96
First Revised Sheet No. 97

U–TOS states that the instant filing incorporates and properly paginates in UTOS' current tariff changes that were pending at the time UTOS' conversion tariff filing was being approved.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/

rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14568 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–290–008]

Viking Gas Transmission Company; Notice of Tariff Filing

June 5, 2000.

Take notice that on May 30, 2000, Viking Gas Transmission Company (Viking) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to be effective July 1, 2000.

Twenty-Second Revised Sheet No. 6
Fifteenth Revised Sheet No. 6A
Fifth Revised Sheet No. 6B

Viking states that the purpose of this filing is to comply with the Offer of Settlement and Stipulation and Agreement (Settlement) filed by Viking on March 16, 1999 in the above-referenced docket and approved by the Commission by order issued May 12, 1999 by filing to place the Stage 2 Settlement Rates into effect in accordance with the terms and conditions of the Settlement.

Viking states that copies of this filing have been served on all parties designated on the official service list in this proceeding, on all Viking's jurisdictional customers and to affected state regulatory commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14559 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–371–005]

Williams Gas Pipelines Central, Inc.; Notice of Filing of Report of Activities Under Rate Schedule PLS, Parking and Loan Service

June 5, 2000.

Take notice that on June 1, 2000, Williams Gas Pipelines Central, Inc. (Williams) filed a report of activities for the first year of operation under Rate Schedule PLS as required by the Commission's September 2, 1998 order in Docket No. RP98–371. Williams first offered service under Rate Schedule PLS for March 1999. Therefore, the report covers the period March 1999 through February 2000. The report lists total volumes parked or loaned by month and the peak daily volumes for service by month, all PLS contracts, the term of the contracts, including the dates gas was parked or loaned and the dates the gas was returned, the contract dates, and the location where gas was parked or loaned and returned, whether the contract was with an affiliate, and aggregate revenues derived from PLS service during the first year.

Williams states that a copy of its filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before June 12, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–14560 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2236–000]

Worthington Generation L.L.C.; Notice of Issuance of Order

June 5, 2000.

Worthington Generation L.L.C. (Worthington) submitted for filing a rate schedule under which Worthington will engage in wholesale electric power and energy transactions as a marketer. Worthington also requested waiver of various Commission regulations. In particular, Worthington requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Worthington.

On May 31, 2000, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Worthington 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).

Absent a request for hearing within this period, Worthington is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Worthington's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is June 30, 2000.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426. The Order 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. 00–14631 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2000–010]

New York Power Authority; Notice Modifying a Restricted Service List for Comments on a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places

June 5, 2000.

On April 14, 2000, the Federal Energy Regulatory Commission (Commission) issued a notice of the St. Lawrence-FDR Power Project (FERC No. 2000–010) proposing to establish a restricted service list for the purpose of developing and executing a Programmatic Agreement for managing properties included in or eligible for inclusion in the National Register of Historic Places. The St. Lawrence-FDR Power Project is located on the St. Lawrence River, in St. Lawrence County, New York. The New York Power Authority is the licensee.

On May 1, 2000, the Department of the Interior (Interior) filed a request to be added to the restricted service list established pursuant to Commission's Notice of April 14, 2000. In support of the request, Interior notes that it has an interest in the development of a Programmatic Agreement for managing and protecting Historic Properties affected by the St. Lawrence-FDR Power Project. Furthermore, Interior notes that it is an active participant in the St. Lawrence-FDR Power Project proceeding and should be included on the restricted service list.

Rule 2010 of the Commission's Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding.[1] The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

Interior has been and would continue to be an active party in the relicensing proceeding for the project. Therefore, Interior will be added to the restricted service list.

The following additions are made to the restricted service list notice issued on April 14, 2000, for Project No. 2000–010:

Francis Jock, St. Regis Mohawk Tribe, 561 County Rte. 1, Fort Covington, NY 12937.

Lydia T. Grimm, Department of the Interior, Office of the Solicitor-Div. Indian Affairs, 1849 C Street, NW, Mailstop 6456, Washington, DC 20240.

Malka Pattison, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW, Mailstop 4513, Washington, DC 20240.

Kevin Mendik, National Park Service, 15 State Street, Boston, MA 02109.

Judith M. Stolfo, Department of the Interior, Office of the Regional Solicitor, One Gateway Center, Suite 612, Newton, MA 02458–2802.

David P. Boergers,

Secretary.

[FR Doc. 00–14552 Filed 6–8–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6712–6]

Adequacy Status of the Submitted Attainment Demonstration for the Ozone National Ambient Air Quality Standards for Transportation Conformity Purposes for the New Jersey Severe Ozone Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets for volatile organic compounds and nitrogen oxides in the submitted ozone attainment demonstration for the New Jersey severe nonattainment areas to be adequate for conformity purposes. On March 2, 1999, the D.C. Circuit Court ruled that submitted state implementation plans (SIPs) cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, the New Jersey portions of the New York-New Jersey-Connecticut and Philadelphia-Wilmington-Trenton severe ozone nonattainment areas can use the motor vehicle emissions budgets of volatile organic compounds and nitrogen oxides for 2007 and 2005, respectively, from the submitted ozone attainment demonstration for future conformity determinations.

DATES: This finding is effective June 26, 2000.

FOR FURTHER INFORMATION CONTACT: Matthew B. Cairns, Mobile Source Team, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3895, e-mail address: cairns.matthew@epa.gov.

The finding and the response to comments will be available at EPA's conformity website: *http://www.epa.gov/oms/traq*, (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity").

SUPPLEMENTARY INFORMATION:

Background

Today's notice is simply an announcement of a finding that we have already made. EPA Region 2 sent a letter to the New Jersey Department of Environmental Protection on May 31, 2000, stating that the motor vehicle emissions budgets in the submitted ozone attainment demonstration (dated April 26, 2000) for the New Jersey portions of the New York-New Jersey-Connecticut and Philadelphia-Wilmington-Trenton severe nonattainment areas are adequate for conformity purposes. This finding will also be announced on EPA's conformity website: http://www.epa.gov/oms/traq, (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity").

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

[1] 18 CFR 385.2010.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

We've described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision"). We followed this guidance in making our adequacy determination.

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

Dated: May 31, 2000.

Jeanne M. Fox,

Regional Administrator, Region 2.

[FR Doc. 00–14637 Filed 6–8–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[Region II Docket No. NY 36–201 FRL–6712–9]

Adequacy Status of the Submitted 2007 Attainment Demonstration for the Ozone National Ambient Air Quality Standards for Transportation Conformity Purposes for the New York State Portion of the New York-New Jersey-Connecticut Severe Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets for volatile organic compounds and nitrogen oxides in the submitted 2007 ozone attainment demonstration for the New York State portion of the New York-New Jersey-Connecticut severe nonattainment area for ozone to be adequate for conformity purposes. On March 2, 1999, the D.C. Circuit Court ruled that submitted state implementation plans (SIPs) cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, the New York State portion of the New York-New Jersey-Connecticut severe nonattainment area for ozone can use the motor vehicle emissions budgets for volatile organic compounds and nitrogen oxides from the submitted 2007 attainment demonstration for ozone for future conformity determinations. These budgets are effective June 26, 2000.

FOR FURTHER INFORMATION CONTACT: Rudolph K. Kapichak, Mobile Source Team Leader, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3804, e-mail address: Kapichak.Rudolph@epa.gov.

The finding and the response to comments will be available at EPA's conformity website: *http://www.epa.gov/oms/traq,* (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity").

SUPPLEMENTARY INFORMATION:

Background

Today's notice is simply an announcement of a finding that we have already made. EPA Region 2 sent a letter to the New York State Department of Environmental Conservation on May 31, 2000 stating that the motor vehicle emissions budgets in the submitted 2007 attainment demonstration for the New York State portion of the New York-New Jersey-Connecticut severe nonattainment area for ozone are adequate for conformity purposes. This finding will also be announced on EPA's conformity website: *http://www.epa.gov/oms/traq,* (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity").

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

We've described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision"). We followed this guidance in making our adequacy determination.

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

Dated: May 31, 2000.

Jeanne M. Fox,

Regional Administrator Region 2.

[FR Doc. 00–14638 Filed 6–8–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6607–9]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information, (202) 564–7167 or www.epa.gov/oeca/ofa

Weekly receipt of Environmental Impact Statements

Filed May 29, 2000 Through June 02, 2000

Pursuant to 40 CFR 1506.9.

EIS No. 000170, Draft Supplement, FHW, WA, North Spokane Freeway Project, Improvements Transportation through the City of Spokane and Spokane County between I–90, Spokane County, WA, Due: July 24, 2000, Contact: Gene Fong (360) 753–9480.

EIS No. 000171, Draft EIS, AFS, WY, State of Wyoming School Section 16 T.12N., R.83W., 6th P.M., Issuing a Forest Road Special-Use-Permit for Access, Medicine Bow-Routt National Forests, Brush Creek/Hayden Ranger District, Carbon County, WY, Due: July 24, 2000, Contact: John Baumchen (307) 326–2500.

EIS No. 000172, Final EIS, AFS, MT, Swamp Timber Sales Project, Implementation, Kootenai National Forest, Fortine Ranger District, Lincoln County, MT, Due: July 10, 2000, Contact: Edward C. Monning (406) 882–4451.

EIS No. 000173, Final EIS, AFS, MN, Gunflint Corridor Fuel Reduction, Implementation, Superior National Forest, Gunflint Ranger District, Cook County, MN, Due: July 10, 2000, Contact: Becky Bartol (218) 387–1750.

EIS No. 000174, Draft EIS, SFW, NV, Clark County Multiple Species Habitat Conservation Plan, Issuance of a Permit to Allow Incidental Take-of-79 Species, Clark County, NV, Due: July 24, 2000, Contact: Ben Harrison (503) 231–2068.

EIS No. 000175, Draft EIS, IBR, CA, Colusa Basin Drainage District, Developing an Integrated Resource Management Program for the Control

of Flooding, Glenn, Colusa and Yolo Counties, CA, Due: August 25, 2000, Contact: Russ Smith (530) 275–1554.

EIS No. 000176, Draft SUPPLEMENT, UAF, TX, Programmatic EIS—Kelly Air Force Base (AFB), Disposal and Reuse, Implementation, San Antonio County, TX, Due: July 24, 2000, Contact: Jonathan D. Farthing (210) 536–3787.

EIS No. 000177, Draft EIS, GSA, DC, Department of Transportation Headquarters, Proposal to Lease 1.3 to 1.35 Million Rentable Square Feet of Consolidated and Upgraded Space, Five Possible Sites, Located in the Central Employment Area, Washington, DC, Due: July 24, 2000, Contact: John Simeon (202) 260–9586.

Amended Notices

EIS No. 000101, Draft EIS, FAA, NC, Piedmont Triad International Airport, Construction and Operation, Runway 5L/23R and New Overnight Express Air Cargo Sorting and Distribution Facility, and Associated Developments, Funding, NPDES and COE Section 404 Permit, City of Greensboro, Guilford County, NC, Due: June 22, 2000, Contact: Donna M. Meyer (404) 305–7150. Revision of FR notice published on 05/19/2000: CEQ Comment Date has been Extended from 06/07/2000 to 06/22/2000.

Dated: June 6, 2000.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 00–14668 Filed 6–8–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6608–1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared May 22, 2000 Through May 26, 2000 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–L65348–ID Rating EC2, Idaho Panhandle National Forests, Small Sales, Harvesting Dead and Damaged Timber, Coeur d'Alene River Range District, Kootenai and Shoshone Counties, ID.

Summary: EPA expressed environmental concerns about potential adverse impacts to old growth units and the level and nature of risk to landowners from wildfire from the proposed actions.

ERP No. D–AFS–L65349–ID Rating EC2, Warm Springs Ridge Vegetation Management Project, Improve Forest Condition, Boise National Forest, Cascade Resource Area, Boise County, ID.

Summary: EPA expressed environmental concerns about potential adverse impacts to already impaired streams within the watershed. EPA recommends that the final EIS supply additional information on watershed condition and proposed restoration strategies.

ERP No. D–TVA–E39052–MS Rating EO2, Union County Multipurpose Reservoir/Other Water Supply Alternatives Project, To Provide an Adequate and Reliable Water Supply, COE Section 404 Permit and NPDES Permit, City of New Alban, Union County, MS.

Summary: EPA raised objections to foreseeable reservoir water quality impacts and engineering design uncertainties. Omission of water conservation and reuse as an alternative should be re-evaluated for the FEIS. EPA could favor the pipeline alternative, depending on additional requested information regarding the impacts on the Tennessee-Tombigbee Waterway source water and potential interbasin water transfer issues.

ERP No. DS–COE–K32046–CA Rating EC2, Port of Los Angeles Channel Deepening Project, To Improve Navigation and Disposal of Dredge Material for the Inner Harbor Channels, Los Angeles County, CA.

Summary: EPA expressed environmental concerns regarding potential impacts to air quality and aquatic resources, indirect and cumulative impacts, environmental justice considerations, and mitigation measures proposed in the supplemental EIS. EPA is concerned that the EIS fails to address hazardous air pollutants (air toxics) currently emitted at the Port and reasonably foreseeable air toxic emissions that could occur under the project.

Final EISs

ERP No. F–AFS–L65302–AK, Kuakan Timber Sale, Timber Harvesting in the Kuakan Project Area, Implementation, Deer Island within the Wrangell Ranger District, Stikine Area of the Tongass National Forest, AK.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. FB–NOA–E86002–00 Fishery Management Plan (FMP), Regulatory Impact Review, Snapper-Grouper Complex, South Atlantic Region.

Summary: EPA has no objections to the proposed plan. EPA strongly supports the proposed stock reassessment every two years and adaptive management approach of the FMP. While agreeing with the overall FMP, EPA prefers the alternative to enact a moratorium on red porgy fishing.

Dated: June 6, 2000.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 00–14669 Filed 6–8–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6712–3]

Science Advisory Board; Notification of Public Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Clean Air Scientific Advisory Committee (CASAC) will meet on Monday, June 26, 2000 from 11 am to 12 pm Eastern Daylight Time to review a report developed by its Technical Subcommittee on Fine Particle Monitoring. The meeting will be coordinated through a conference call connection in Room 6013 in the USEPA, Ariel Rios Building North, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. The public is encouraged to attend the meeting in the conference room noted above. However, the public may also attend through a telephonic link, to the extent that lines are available (phone lines will be very limited). Additional instructions about how to participate in the meeting can be obtained by calling Ms. Diana Pozun prior to the meeting at (202) 564–4544, or via e-mail at <pozun.diana@epa.gov>.

Background

The CASAC Technical Subcommittee on Fine Particle Monitoring (the Subcommittee) was established in 1996 to provide advice and comment to EPA (through CASAC) on appropriate

methods and network strategies for monitoring fine particles in the context of implementing the revised national ambient air quality standards (NAAQS) for particulate matter. The Subcommittee provided such advice on the Federal Reference Method (FRM) and mass-based fine particle network in July 1996, and has recently examined (at a public meeting on April 18–19, 2000) EPA's plans and guidance for several components of the fine particle monitoring network and how these components are linked to research priorities for particulate matter (see 65 **Federal Register** 16916, March 30, 2000 for more details). As a result of that meeting, the Subcommittee prepared a draft report advising the Agency on the $PM_{2.5}$ Monitoring Network.

Purpose of the Meeting

At this meeting, the Clean Air Scientific Advisory Committee, chartered under 42 U.S.C. 7409, will review a report (*Clean Air Scientific Advisory Committee Advisory on the $PM_{2.5}$ Monitoring Network*) developed by its Technical Subcommittee on Fine Particle Monitoring.

Availability of Review Materials

Single copies of the review document (*Clean Air Scientific Advisory Committee Advisory on the $PM_{2.5}$ Monitoring Network,* draft dated May 31, 2000) are available from Ms. Diana Pozun, Clean Air Scientific Advisory Committee, Science Advisory Board (1400A), U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Ms. Pozun can also be reached by telephone at (202) 564–4544, fax at (202) 501–0582, or e-mail: <pozun.diana@epa.gov>. The draft report is also available on the SAB Website (*www.epa.gov/sab*) under the *Reports* heading, and *Draft Reports* subheading.

For Further Information

Members of the public desiring additional information about the meeting should contact Mr. Robert Flaak, Designated Federal Officer, Clean Air Scientific Advisory Committee, Science Advisory Board (1400A), Suite 6450, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone/voice mail at (202) 564–4546; fax at (202) 501–0582; or via e-mail at <flaak.robert@epa.gov>. A copy of the draft agenda is available from Ms. Diana Pozun at (202) 564–4544 or by FAX at (202) 501–0582 or via e-mail at <pozun.diana@epa.gov>.

Members of the public who wish to make a brief oral presentation to the Subcommittee (in Room 6013 only) must contact Mr. Flaak in writing (by letter or by fax—see previously stated information) no later than 12 noon Eastern Daylight Savings Time, Monday, June 19, 2000 in order to be included on the Agenda. Public comments will be limited to five minutes per speaker or organization; 15 minutes total. The request should identify the name of the individual making the presentation, and the organization (if any) they will represent. **Please note:** If we receive more requests than we can accommodate, time of receipt in the CASAC office will determine priority, with the first three requests granted time. All others will have to provide written comments. Written comments of any length may be submitted to Mr. Flaak at any time until the date of the meeting. Please provide at least 25 copies. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Mr. Flaak at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: June 1, 2000.

John R. Fowle III,

Deputy Staff Director, Science Advisory Board.

[FR Doc. 00–14636 Filed 6–8–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

May 31, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before July 10, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0056.

Title: Registration of Telephone and Data Terminal Equipment.

Form No.: FCC Form 730.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 2,400.

Estimated Time Per Response: 24 hours.

Frequency of Response: On occasion reporting requirement .

Total Annual Burden: 57,600 hours.

Total Annual Cost: $2,700,000.

Needs and Uses: Telephone and data equipment located on customer premises must be registered with the Commission. Part 68 of the FCC's rules and regulations establish nationwide technical standards for telephone and data equipment designed for connection to the network. Part 68 also sets forth the terms and conditions for connection and for the registration of customer provided terminal equipment. The purpose of Part 68 is to protect the network from certain types of harm and interference to other subscribers.

The FCC Form 730 is used to obtain registration of telephone equipment pursuant to Part 68. In addition to filing the form, applicants are required to submit exhibits and other informational showings as specified in Part 68.

This notice is necessary to obtain public comment so that the Commission

can continue to collect the necessary information subject to the Paperwork Reduction Act. There is no change to this collection. The Commission is extending the current Office of Management and Budget (OMB) approval for the next three years.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–14539 Filed 6–8–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 99–2674]

Responsible Accounting Officer—Letter 28—Re: Auditor Independence and Objectivity

AGENCY: Federal Communications Commission.

ACTION: Notice; announcement of OMB approval.

SUMMARY: This document discusses the importance of independence and objectivity in the performance of audit work required by the Commission and adopts, as modified for Commission purposes, *Standard No. 1* of the Independence Standards Board, which requires auditors to disclose and discuss potential independence problems.

DATES: Effective May 19, 2000.

FOR FURTHER INFORMATION CONTACT: Mark Stone, Accounting Safeguards Division, Common Carrier Bureau, (202) 418–0816.

SUPPLEMENTARY INFORMATION: On December 1, 1999 the Common Carrier Bureau, Accounting and Audits Division adopted and released a Responsible Accounting Officer (RAO) Letter 28, Re: Auditor Independence and Objectivity, a summary of which was published in the **Federal Register**. See 64 FR 71785 (December 22, 1999). In that document we address the independence implications for the new consulting and advocacy services provided by auditors. In that document the Commission establishes the following standard based on Independence Standards Board's *Standard No. 1*. For independent audits performed pursuant to part 32 and § 64.901 *et seq.* of the Commission's rules (including audits, attest examinations, agreed-upon procedures engagements, and any other engagement required by independent auditors), the auditor shall at least annually: (a) Disclose to the Accounting Safeguards Division (ASD) of the Common Carrier Bureau in writing all relationships between the auditor and its related entities and the carrier and its related entities that in the auditor's professional judgment may reasonably be thought to bear on independence; (b) confirm in writing to ASD that in its professional judgment it is independent of the carrier; and (c) discuss the auditor's independence with ASD.

We stated that "because items in the RAO letter pertain to the collection of information, Office of Management and Budget (OMB) approval of the proposed collection is required by the Paperwork Reduction Act of 1995. Under the Paperwork Reduction Act, members of the public are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor a collection, unless the information collection contains a currently valid OMB control number. Accordingly, independent auditors will not be required to comply with this RAO until OMB has given such approval. ASD will notify the public when OMB has approved the proposed information collection." The information collection was approved by OMB on May 19, 2000. See OMB No. 3060–0927. This publication satisfies our statement that the Commission would publish a document announcing OMB approval of proposed information collection.

Federal Communications Commission.

Kenneth P. Moran,

Chief, Accounting Safeguards Division, Common Carrier Bureau.

[FR Doc. 00–14609 Filed 6–8–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[DA 00–971]

Annual Adjustment of Revenue Threshold

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This notice announces that the 1999 revenue threshold used for classifying carriers for various accounting and reporting purposes is increased to $114 million. Section 402(c) of the 1996 Act mandates that the Commission adjusts the revenue threshold annually to reflect the effect of inflation.

DATES: The agency must receive comments on or before September 7, 2000.

ADDRESSES: Federal Communications Commission, 445–12th Street, SW, Room TW–A325, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Debbie Weber, Accounting Systems Branch, Accounting Safeguards Division, Common Carrier Bureau at (202) 418–0812.

SUPPLEMENTARY INFORMATION: This gives notice that the revenue threshold used for classifying carriers for various accounting and reporting purposes is increased to $114 million. Section 402(c) of the 1996 Act mandates that we "adjust the revenue requirements" of Sections 32.11, 43.21, 43.43 and 64.903 of our rules "to account for inflation as of the release date of the Commission's Report and Order in CC Docket No. 91–141, and annually thereafter." Prior to passage of the 1996 Act, our rules established a $100 million threshold to classify carriers for accounting purposes in Section 32.11, for filing cost allocation manuals in Section 64.903, and for filing certain reports with the Commission in Part 43.

In accordance with the 1996 Act, the Commission adjusts the revenue threshold based on the ratio of the Gross Domestic Product Chain-type Price Index (GDPPI) in the revenue year and the GDPPI for 1992, rounded to the nearest $1 million. The 1999 indexed revenue threshold was calculated as follows:

(1) 1992 GDPPI	91.62
(2) 1999 GDPPI	104.57
(3) Inflation Factor (line 2 / line 1)	1.1413
(4) Original Revenue Threshold	[1] $100
(5) 1999 Revenue Threshold (line 3 * line 4)	[1] $114

[1] Million.

Accordingly, the 1999 indexed revenue threshold is $114 million.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–14540 Filed 6–8–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:19 a.m. on Tuesday, June 6, 2000, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate, supervisory, and resolution activities.

In calling the meeting, the Board determined, on motion of Director Ellen S. Seidman (Director, Office of Thrift

Supervision), seconded by Vice Chairman Andrew C. Hove, Jr., concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donna Tanoue, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice earlier than June 3, 2000, of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Dated: June 6, 2000.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 00–14736 Filed 6–7–00; 10:00 am]

BILLING CODE 6714–01–M

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: *Tuesday, June 13, 2000, at 10 a.m.*

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This Meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C. Matters concerning participation in civil actions or proceedings or arbitration. Internal personnel rules and procedures or matters affecting a particular employee.

Internal personnel rules and procedures or matters affecting a particular employee.

PREVIOUSLY ANNOUNCED DATE & TIME: Thursday, June 15, 2000 at 10 a.m. Meeting open to the public.

This meeting was canceled.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Acting Secretary.

[FR Doc. 00–14670 Filed 6–6–00; 4:17 pm]

BILLING CODE 6715–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed information collection. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments on the National Fire Academy (NFA) Course Evaluation Form.

SUPPLEMENTARY INFORMATION: The NFA is mandated under the Fire Prevention and Control Act of 1974 (Public Law 93–498) to provide training and education to the Nation's fire service and emergency service personnel. To maintain the quality of the training program and courses, it is necessary to evaluate them on an ongoing basis.

Collection of Information:

Title: National Fire Academy Course Evaluation Form.

Type of Information Collection: Extension of a currently approved collection.

OMB Number: 3067–0234.

Form Number: FEMA Form 95–20, National Fire Academy Course Evaluation Form.

Abstract: FEMA uses the National Fire Academy Course Evaluation Form to evaluate on-campus courses delivered at the NFA facility, located in Emmitsburg, Maryland. It is also used to evaluate regional courses, which are identical to the NFA resident courses, offered in selected regions to students unable to travel to the Emmitsburg campus for the resident offering of the course. The data provided by students evaluating an NFA course are used to determine the need for course improvements and the degree of student satisfaction with the course experience.

Affected Public: Individuals participating in NFA on-campus or regional courses.

Estimated Total Annual Burden Hours: 1,375.

Estimated Number of Respondents: 5,500.

Estimated Hour Burden Per Response: 15 minutes.

Frequency of Response: The evaluation form is completed after completion of a course.

Estimated Cost: The estimated cost to the respondent is minimal.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Branch, Program Services Division, Operations Support Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646–2625, Facsimile number (202) 646–3524, or e-mail muriel.anderson@fema.gov.

FOR FURTHER INFORMATION CONTACT: Contact Polly Barnett-Birdsall, Instructional Systems Specialist, National Fire Academy at (301) 447–1228 for additional information. Contact Ms. Anderson at (202) 646–2625 for copies of the proposed collection of information.

Dated: May 24, 2000.

Mike Bozzelli,

Acting Director, Program Services Division, Operations Support Directorate.

[FR Doc. 00–14661 Filed 6–8–00; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1326–DR]

Maine; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Maine, (FEMA–1326–DR), dated April 28, 2000, and related determinations.

EFFECTIVE DATE: June 2, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Maine is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 28, 2000:

Washington County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Bruce Baughman,

Division Director, Operations and Planning Division.

[FR Doc. 00–14659 Filed 6–8–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3154–EM]

New Mexico; Amendment No. 5 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of New Mexico, (FEMA–3154–EM), dated May 10, 2000, and related determinations.

EFFECTIVE DATE: June 1, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of New Mexico is hereby amended to extend the assistance period for reimbursement of the eligible costs associated with the pre-staging of Federal, State, Compact, and Emergency Management Assistance Compact fire suppression assets. This assistance period is extended to July 7, 2000.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 00–14657 Filed 6–8–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3154–EM]

New Mexico; Amendment No. 6 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of New Mexico (FEMA–3154–EM), dated May 10, 2000, and related determinations.

EFFECTIVE DATE: June 1, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Joe D. Bray of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

This action terminates my appointment of Mark S. Ghilarducci as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 00–14658 Filed 6–8–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1329–DR]

New Mexico; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of New Mexico (FEMA–1329–DR), dated May 13, 2000, and related determinations.

EFFECTIVE DATE: June 1, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Joe D. Bray of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Mark S. Ghilarducci as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing

Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,
Director.

[FR Doc. 00–14660 Filed 6–8–00; 8:45 am]
BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for Comment on Information Collection Proposals

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before August 8, 2000.

ADDRESSES: Comments, which should refer to the OMB control number or agency form number, should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551, or mailed electronically to regs.comments@federalreserve.gov. Comments addressed to Ms. Johnson also may be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83–I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Mary M. West, Federal Reserve Board Clearance Officer (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins, (202–452–3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Reports

1. *Report title:* Request for Proposal (RFP); Request for Price Quotations (RFPQ).

Agency form number: RFP; RFPQ.
OMB control number: 7100–0180.
Frequency: On occasion.
Reporters: Vendors and suppliers.
Annual reporting hours: 15,000 hours.
Estimated average hours per response: 56 hours, RFP; 2 hours, RFPQ.
Number of respondents: 75, RFP; 5,400, RFPQ.
Small businesses are affected.
General description of report: This information collection is required to obtain or retain a benefit (12 U.S.C. sections 243, 244, and 248) and is not given confidential treatment unless a respondent requests that portions of the information be kept confidential and the Board grants the request pursuant to the applicable exemptions provided by the Freedom of Information Act (5 U.S.C. section 552).

Abstract: The Federal Reserve Board uses the RFP and the RFPQ as needed to obtain competitive proposals and contracts from approved vendors of goods and services. Depending upon the goods and services for which the Federal Reserve Board is seeking competitive bids, the respondent is requested to provide either prices for providing the goods or services (RFPQ) or a document covering not only prices, but also the means of performing a particular service and a description of the qualification of the staff who will perform the service (RFP). The Board staff uses this information to analyze the proposals and select the offer providing the best value.

2. *Report title:* Recordkeeping Requirements Associated with Real Estate Appraisal Standards for Federally Related Transactions Pursuant to Regulations H and Y.

Agency form number: FR H–4.
OMB control number: 7100–0250.
Frequency: On occasion.
Reporters: State member banks and bank holding company subsidiaries.
Annual reporting hours: 67,588 hours.
Estimated average hours per response: 15 minutes.
Number of respondents: 2,235.
Small businesses are not affected.
General description of report: This information collection is mandatory (12 U.S.C. 3331–3351) and is not given confidential treatment.

Abstract: For federally related transactions, Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) requires state member banks and bank holding company subsidiaries to use appraisals prepared in accordance with the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation. These standards

include the methods and techniques used to analyze a property as well as the requirements for reporting such analysis and a value conclusion in the appraisal. There is no formal reporting form and the information is not submitted to the Federal Reserve.

Board of Governors of the Federal Reserve System, June 5, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–14577 Filed 6–8–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

SUMMARY:

Background

Notice is hereby given of the final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Mary M. West—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829) OMB Desk Officer—Alexander T. Hunt—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202–395–7860).

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Reports

1. *Report title:* Senior Loan Officer Opinion Survey on Bank Lending Practices.

Agency form numbers: FR 2018.

OMB control number: 7100–0058.

Frequency: Up to six times per year.

Reporters: Large U.S. commercial banks and large U.S. branches and agencies of foreign banks.

Annual reporting hours: 1,008 hours.

Estimated average hours per response: 2 hours.

Number of respondents: 84.

Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. §§ 248 (a), 324, 335, 3101, 3102, and 3105) and is given confidential treatment (5 U.S.C. § 552 (b)(4)).

Abstract: The FR 2018 is conducted with a senior loan officer at each respondent bank, generally by means of a telephone interview, up to six times a year. The interview is administered by a Reserve Bank officer having in-depth knowledge of bank lending practices. The reporting panel consists of sixty large domestically chartered commercial banks, distributed as evenly as possible across Federal Reserve Districts, and twenty-four large U.S. branches and agencies of foreign banks. The purpose of the survey is to provide primarily qualitative information pertaining not only to current price and flow developments but also to evolving techniques and practices in the U.S. banking sector. A significant fraction of the questions in each survey consists of unique questions on topics of timely interest. There is the option to survey other types of respondents (such as other depository institutions, bank holding companies, or corporations) should the need arise. The FR 2018 survey provides crucial information for monitoring and understanding the evolution of lending practices at banks and developments in credit markets generally.

2. *Report title:* Senior Financial Officer Survey.

Agency form number: FR 2023.

OMB control number: 7100–0223.

Frequency: Up to four times per year.

Reporters: Commercial banks, other depository institutions, corporations or large money-stock holders.

Annual reporting hours: 240 hours.

Estimated average hours per response: 1 hour.

Number of respondents: 60.

Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. §§ 225a, 248(a), and 263); confidentiality will be determined on a case-by-case basis.

Abstract: The FR 2023 requests qualitative and limited quantitative information about liability management and the provision of financial services from a selection of sixty large commercial banks or, if appropriate, from other depository institutions or corporations. Responses are obtained from a senior officer at each participating institution through a telephone interview conducted by Reserve Bank or Board staff. The survey is conducted when major informational needs arise and cannot be met from existing data sources. The survey does not have a fixed set of questions; each survey consists of a limited number of questions directed at topics of timely interest.

3. *Report title:* Consolidated Report of Condition and Income for Edge and Agreement Corporations.

Agency form number: FR 2886b.

OMB control number: 7100–0086.

Frequency: Quarterly.

Reporters: Edge and agreement corporations.

Annual reporting hours: 3,566 hours.

Estimated average hours per response: 14.7 hours, banking corporations; 8.5 hours, investment corporations.

Number of respondents: 30 banking corporations; 53 investment corporations.

Small businesses are not affected.

General description of report: This information collection is mandatory (12 U.S.C. 602 and 625) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: This report collects a balance sheet, income statement, and ten supporting schedules from banking Edge corporations and investment (nonbanking) Edge corporations. Information collected on the FR 2886b is used by the Federal Reserve to supervise Edge corporations, identify present and potential problems, and monitor and develop a better understanding of activities within the industry.

The Federal Reserve has made several clarifying updates to the reporting instructions to reflect the implementation of FASB Statement No. 133, "Accounting for Derivative Instruments and Hedging Activities," to address the reporting of inactive corporations, and has clarified the reporting of certain International Banking Facility transactions.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Report

1. *Report title:* Report of Repurchase Agreements (RPs) on U.S. Government and Federal Agency Securities with Specified Holders.

Agency form number: FR 2415.

OMB control number: 7100–0074.

Frequency: weekly, quarterly, or annually.

Reporters: U.S.-chartered commercial banks, U.S. branches and agencies of foreign banks, and thrift institutions.

Annual reporting hours: 2,754 hours.

Estimated average hours per response: 30 minutes.

Number of respondents: 84 weekly, 153 quarterly, and 528 annually.

Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 248(a)(2) and 3105(b)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: This report collects one data item—repurchase agreements (RPs) in denominations of $100,000 or more, in immediately-available funds, on U.S. government and federal agency securities, transacted with specified holders. It is filed by three reporting panels of depository institutions with different reporting frequencies (weekly, quarterly, and annual). The weekly panel reports daily data once each week. The quarterly panel files daily data for four one-week reporting periods that contain quarter-end dates. The annual panel reports daily data only for the week encompassing June 30 each year. Data from the FR 2415 supply information necessary for construction of the M3 monetary aggregate.

Current Actions: The Federal Reserve has made two changes to this report: (1) Raised the thresholds for re-screening existing respondents on two of the three reporting panels (weekly and quarterly) and (2) adjusted the cutoff for screening thrift institutions that do not file the FR 2415 to accommodate a definition change on the report of condition for thrift institutions. The Federal Reserve estimates the revision will decrease the annual reporting burden by 314 hours and annual respondent costs by approximately $6,280.

Board of Governors of the Federal Reserve System, June 5, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–14546 Filed 6–8–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 23, 2000.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. William P. Johnson, Boulder, Colorado; to acquire voting shares of FirstBank Holding Company of Colorado, Lakewood, Colorado, and thereby indirectly acquire voting shares of FirstBank, Littleton, Colorado; FirstBank of Adams County, Thornton, Colorado; FirstBank of El Paso County, Colorado Springs, Colorado; FirstBank of Arvada, Arvada, Colorado; FirstBank of Aurora, Aurora, Colorado; FirstBank of Avon, Avon, Colorado; FirstBank of Boulder, Boulder, Colorado; FirstBank of Breckenridge, Breckenridge, Colorado; FirstBank of Douglas County, Castle Rock, Colorado; FirstBank of Colorado Springs, Colorado Springs, Colorado; FirstBank of Cherry Creek, Denver, Colorado; FirstBank of Denver, Denver, Colorado; FirstBank of Longmont, Longmont, Colorado; FirstBank of Evergreen, Evergreen, Colorado; FirstBank of Northern Colorado, Fort Collins, Colorado; FirstBank of Greeley, Greeley, Colorado; FirstBank of Tech Center, Englewood, Colorado; FirstBank of Colorado, Lakewood, Colorado; FirstBank of South Jeffco, Littleton, Colorado; FirstBank of Lakewood, Lakewood, Colorado; FirstBank of Littleton, Littleton, Colorado; FirstBank of Arapahoe County, Littleton, Colorado; FirstBank of Parker, Parker, Colorado; FirstBank of Silverthorne, Silverthorne, Colorado; FirstBank of Vail, Vail, Colorado; FirstBank of North, Westminster, Colorado; and FirstBank of Wheat Ridge, Wheat Ridge, Colorado.

Board of Governors of the Federal Reserve System, June 5, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–14545 Filed 6–8–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 3, 2000.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. First Interstate BancSystem, Inc., Billings, Montana; to acquire 100 percent of the voting shares of Equality Bankshares, Inc., Cheyenne, Wyoming, and thereby indirectly acquire Equality State Bank, Cheyenne, Wyoming.

Board of Governors of the Federal Reserve System, July 5, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–14544 Filed 6–8–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10 a.m., Wednesday, June 14, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

Matters To Be Considered

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: June 7, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–14742 Filed 6–7–00; 10:34 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Analysis of Guidelines for the Conduct of Research Adopted by Medical Schools or their Components—NEW—The Office of Research Integrity (ORI) is responsible for ensuring the integrity of the research supported by the Public Health Service. Section 493 of the Public Health Service Act, provides that the Secretary by regulation shall require that each entity which applies for a grant, contract or cooperative agreement which involves the conduct of biomedical or behavioral research shall establish policies and procedures to review, investigate and report allegations of research misconduct in connection with the research conducted at or sponsored by the applicant institute with PHS supported funds. ORI plans on requesting copies of the guidelines for the conduct of research adopted by accredited medical schools in the United States. ORI will use the information to develop technical assistance materials and an instructional workshop which will assist medical schools in formulating guidelines. *Respondents:* State and Local governments; Businesses or other for-profit, non-profit institutions—Burden Information for Solicitation—*Number of Respondents:* 125; *Burden per Response:* .25 hours; *Total Burden for Solicitation:* 31 hours; Burden Information for Check List—Number of Respondents: 125; *Burden per Response:* 1 hour; *Total Burden for Check List:* 125 hours; Burden Information for Telephone Calls—*Number of Respondents:* 13; *Burden per Response:* 625 hours; *Total Burden for telephone calls:* 16 hours; *Total Burden:* 172 hours.

OMB Desk Officer: Allison Eydt.

Copies of the information collection package listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above the following address:

Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, N.W., Washington, D.C. 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Hubert H. Humphrey Building, 200 Independence Ave S.W., Washington, D.C., 20201. Written comments should be received within 30 days of this notice.

Dated: June 1, 2000.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 00–14688 Filed 6–8–00; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Grants and Cooperative Agreements Awards: Association of Schools of Public Health (ASPH)

AGENCY: Office of International and Refugee Health, Office of Public Health and Science, DHHS

ACTION: The Office of Public Health and Science announces that it will enter into an umbrella cooperative agreement in fiscal year 2000 with the Association of Schools of Public Health (ASPH). This cooperative agreement will establish a framework in which specific projects, which will further department program objectives, will be funded as they are identified over the 5 year period of the agreement. This agreement will be administered by the Office of International and Refugee Health, which will award individual projects on behalf of the DHHS agencies. The cooperative agreement will establish a ceiling of $6 million for the aggregate amount of the individual projects with funds to be obligated as the projects are funded.

SUMMARY: The purpose of the cooperative agreement with the Association of Schools of Public Health (ASPH) is to promote and sustain collaborations and partnerships between ASPH member schools and international schools of public health thereby improving the functions of these institutions, furthering the development of global public health professionals, and stimulating global public health policy.

This cooperative agreement is a collaborative effort between the Office of International and Refugee Health and the Association of Schools of Public Health (ASPH) to develop the next generation of professionals trained in public health and to promote and sustain the development of the global public health professional by facilitating collaborative efforts and partnerships between American schools of public health and schools abroad. These collaborations will include, but not be limited to, training opportunities such as internships and fellowships, research projects, exchanging information through publications, meetings, distance learning opportunities, and faculty exchanges. The collaborative effort will provide for a more diverse and globally capable public health workforce. In today's world, it is essential for public health workers both in the U.S. and abroad to be trained to address health issues in a global environment as well

as those in their own nations. This cooperative agreement will provide a mechanism to stimulate global public health education. Results from collaborative research can be used in curriculum development, publications, and presentations at national or international meetings and to contribute to the improvement of global health. International cooperation such as this serves to meet the objectives of Healthy People 2010. This cooperative agreement will assist the OIRH in its mission to promote the health of the world's population by advancing the Department of Health and Human Service's global strategies and partnerships, thus serving the health of the people of the United States.

This program addresses the 1997 IOM report titled, "America's Vital Interest in Global Health: Protecting Our People, Enhancing Our Economy, and Advancing Our International Interests." This IOM report states the need for public health workers to be exposed to international health training to deal with the health issues of a world that is growing more diverse, but closer due to international travel and commerce, for example, emerging and drug resistant infectious diseases in one country represent a threat to the health and economics of all countries. Tobacco is a global problem by virtue of global marketing and cultural development. Answers to these challenges requires global thinking, training, and collaboration.

AUTHORITY: This cooperative agreement is authorized by Section 307 of the Public Health Service Act.

Background

Assistance will be provided only to the Association of Schools of Public Health (ASPH). No other applications are solicited. ASPH is the only organization providing services specified under this cooperative agreement because:

1. ASPH represents the 29 accredited schools of public health in the United States. These schools represent the primary educational system that trains personnel to operate the Nation's public health agencies, and to administer disease prevention and health promotion programs. ASPH has the institutional knowledge of the needs of both the schools of public health and the public health agencies as well as the access and communications network to coordinate activities of the accredited schools of public health.

2. ASPH is the only organization that can comprehensively affect the development and implementation of international health curricula to public health workers in all of its 29 member schools of public health and provide international experiences to students and faculty in the environment of public health organizations.

3. ASPH is uniquely positioned to partner with international practitioners of public health because of its affiliation with international organizations such as the Association of Schools of Public Health in the European Region (ASPHER), the World Federation of Public Health Associations, the Pan American Health Organization (PAHO), and the World Health Organization (WHO).

4. ASPH is working through its Global Health Committee to provide the framework for its member schools of public health and the practitioners of public health in Federal, State and local governments to partner and share their experience and expertise with international schools of public health, and to enable the international perspectives of Public health to be incorporated into curricula for teaching health administration, health promotion and disease prevention, prevention-based health service delivery and health research methods. This will assist future public health workers to improve the health of the people of the United States and the world and to reduce health disparities suffered by racial and ethnic minorities. Such exchanges will assure consistent approaches to the preparation of public health workers worldwide and their performance in controlling today's major global health issues.

5. ASPH provides the structure and experience for instituting comprehensive international public health education programs and implementing programs that strengthen the public system by preparing public health workers to work in international locations and with diverse populations.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this project, contact *Jerry Rutkoski* at *301–443–4560.*

Dated: June 2, 2000.

David Satcher,

Assistant Secretary for Health and Surgeon General.

[FR Doc. 00–14532 Filed 6–8–00; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–00–38]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Anne E. O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

NIOSH Training Grants, 42 CFR Part 86, Application and Regulations (OMB No. 9020–0261)—Extension—National Institute for Occupational Safety and Health (NIOSH). Public law 91–596 requires CDC/NIOSH to provide an adequate supply of professionals to carry out the purposes of the Act to assure a safe and healthful work environment. NIOSH supports educational programs through training grant awards to academic institutions for the training of industrial hygienists, occupational physicians, occupational health nurses and safety professionals. Grants are provided to 15 Education and Research Centers (ERCs) which provide multi-disciplinary graduate academic and research training for professionals, continuing education for practicing professionals and outreach programs in the Region. There are also currently 41

Training Project Grants (TPGs) which provide single discipline academic and technical training throughout the country. 42 CFR Part 86, Grants for Education Programs in Occupational Safety and Health, Subpart B-Occupational Safety and Health Training, provides guidelines for implementing Public Law 91–596.

The training grant application form (CDC2.145.A) is used by the National Institute of Occupational Safety and Health to collect information from new grant applicants submitting competing applications, and from existing applicants for competing renewal grants. The information is used to determine the eligibility of applicants for grant review and by peer reviewers during the peer review process to evaluate the merit of the proposed training project. CDC Form 2.145B is used for non-competing awards to evaluate the annual progress of the applicant during the approved project period.

Extramural training grant awards are made annually following an extramural review process of the training grant applications, review by an internal Training Grants Council and an internal review of non-competing applicants.

The total cost to respondents is $220,170.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden per response (hrs)	Total burden
Universities	61	1	101	6,161
Total				6,161

Dated: June 5, 2000.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–14583 Filed 6–8–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–00–39]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Anne E. O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Hearing Loss Intervention for Carpenters—New—The mission of the National Institute for Occupational Safety and Health (NIOSH) is to promote safety and health at work for all people through research and prevention. Using Health Belief/ Promotion models and stages of change theory (Prochaska's Transtheoretical Model), NIOSH has collaborated with the United Brotherhood of Carpenters (UBC) to develop a comprehensive hearing loss prevention program targeted specifically for carpenter apprentices. This program is scheduled for implementation and evaluation in a large apprentice training center during 2001. As part of the impact and evaluation component of this project, a 31-question survey will be administered to assess carpenter apprentices' hearing health attitudes, beliefs, and behavioral intentions before and after they receive the training program and at a one-year follow-up interval. The survey was developed and validated by NIOSH in collaboration with university partners and the UBC. Initially, survey data will be gathered from 300 apprentices participating in baseline testing—200 at the experimental site and 100 at the control site. This will be followed by a re-survey of the 200 apprentices at the experimental site after they have received the enhanced educational elements of the hearing loss prevention program. Finally, all 300 apprentices will participate in a re-survey one year later to assess the lasting effects of the training. Data collected in this investigation will enable NIOSH to better evaluate the effectiveness of the hearing loss prevention program in educating and motivating these workers to actively protect their hearing well before they suffer permanent noise-induced hearing loss.

There are no costs to respondents.

Respondents (apprentices)	No. of respondents	No. of responses/respondent	Avg. burden per response (in hrs)	Total burden (in hrs)
Baseline	300	1	.25	75
Post Training	200	1	.25	50
One-year Follow-up	300	1	.25	75
Totals				200

Dated: June 5, 2000.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–14584 Filed 6–8–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Head Start Training and Technical Assistance Assessment.

OMB No.: New Collection.

Description: This data will be used to assess the Head Start Training and Technical Assistance (T/TA) delivery system. Data collected will provide information on the quality of services that Head Start Quality Improvement Centers (QICs) provide to Head Start grantees. Respondents will include QIC staff, collaborative partners of QIC organizations, and Head Start grantees. Specifically, site visit interviews will be conducted with QIC Directors and QIC Area Specialists, while telephone interviews will be conducted with QIC Directors, Grantee Directors, and Partner Agencies.

Training and technical assistance are critical in supporting the continuous improvement efforts of Head Start grantee and delegate agencies serving children birth to five and their families. The reports of the Advisory Committee on Head Start Quality and Expansion in December 1993 and the Advisory Committee on Services for Families with Infants and Toddlers reaffirmed the importance of T/TA to support program quality. The Head Start Act of 1994 (Public Law 103–252) also emphasized the importance of T/TA and stated that T/TA activities must ensure that needs of local Head Start agencies relating to improving program quality and expansion are addressed to the maximum extent feasible.

The assessment is designed to gather information for program management and planning purposes about the kind and quality of services provided by each QIC. Information collected will be used by the Bureau to: (1) Identify the quality of approaches undertaken in each phase of the strategic planning cycle; (2) identify any patterns or changes over time in the delivery of T/TA; and (3) determine the feasibility of future initiatives and funding decisions. The data collected will provide a means for the Head Start Bureau to carry out the Federal role outlines in the Cooperative Agreement establishing the QICs.

Respondents: Head Start Quality Improvement Centers (QIC), Head Start Grantees, Head StartPartner Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
QIC Director Site Visit Interview	28	30	.1	84
QIC Area Specialists Site Visit Interview	116	19	.16*	348
QIC Director Telephone Interview	28	8	.19	42
HS Partner Agency Telephone Interview	112	11	.09	112
Grantee Director Telephone Interview	256	18	.11	512
Estimated Total Annual Burden Hours				1,098

*Actual figure is .1578, which creates total burden hours of 348.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Desk Officer for ACF.

Dated: June 5, 2000.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 00–14531 Filed 6–8–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4565–N–15]

Notice of Proposed Information Collection: Comment Request; Lease and Sale of HUD-Acquired Single Family Properties for the Homeless

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 8, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, L'Enfant Plaza Building, Room 8202, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Joseph McCloskey, Director, Single Family Asset Management Division, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone (202) 708–1672 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the

burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Lease and Sale of HUD-Acquired Single Family Properties for the Homeless.

OMB Control Number, if applicable: 2502–0412.

Description of the need for the information and proposed use: HUD seeks to assist individuals and families who are homeless by providing them with transitional housing and appropriate supportive services with the goal of helping them move to independent living. This information collection allows HUD to determine whether an applicant qualifies as a homeless provider for the purpose of lease or purchase of a HUD-acquired property. Without the information, the Department would be unable to establish eligibility. Eligible applicants, including State and local governments, may apply to HUD to become approved as homeless providers. Such approval permits the applicant to lease a HUD-owned single family home with an option to purchase, for use in housing the homeless.

Agency Form Numbers, if applicable: Not applicable.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: An estimation of the total numbers of hours needed to prepare the information collection is 600, number of respondents is 300, frequency response is one-time, and the hours of response is 2.

Status of the proposed information collection: Reinstatement without change of a previously approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 4 U.S.C., Chapter 35, as amended.

Dated: May 30, 2000.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 00–14521 Filed 6–8–00; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4565–N–16]

Notice of Proposed Information Collection: Comment Request; Single Family Premium Collection Subsystem—Upfront

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 8, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8202, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Natalia Yee, Single Family Insurance Operations Division, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–1858, Ext. 3506 (this is not a toll free number) for information on the Single Family Premium Collection Subsystem-Upfront (formerly form HUD–27001, Transmittal of Upfront Mortgage Insurance Premium).

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Single Family Premium Collection Subsystem—Upfront.

OMB Control Number, if applicable: 2502–0423.

Description of the need for the information and proposed use: The Single Family Premium Collection Subsystem-Upfront (SFPCS–U) replaced the One-Time Mortgage Insurance Premium System which lenders used to remit Upfront Mortgage Insurance Premiums using funds obtained from the mortgagor during the closing of the mortgage transaction at settlement. The form HUD–27001, Transmittal of Upfront Mortgage Insurance Premium, is now obsolete. However, the information collection is still in effect. SFPCS–U strengthens HUD's ability to manage and process single family mortgage insurance premium collections and corrections for the majority of insured single family mortgages. It also improves data integrity for the Single Family Mortgage Insurance Program. FHA approved lenders use versions of Mellon's Telecash and HUD Mortgage Premium Connection (HUD–MPC) software for all transmissions with SFPCS–U. The authority for this collection of information is specified in 24 CFR 203.283 and 24 CFR 203.284. The collection of information is also used in calculating refunds due to former FHA mortgagors when they apply for homeowner refunds of the unearned portion of the mortgage insurance premium, 24 CFR 203.283, as appropriate. Without this information the premium collection/monitoring process would be severely impeded, and program data would be unreliable. In general, lenders use the new software to remit the upfront premium through SFPCS–U to obtain mortgage insurance for the homeowner.

Agency form numbers, if applicable: Not applicable.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collecting of information. The burden of completing the form will be eliminated.

Lenders will be able to key the information online or have their computer transmit the information. The number of respondents is 3,378 and the frequency of response is on occasion, that is, a mortgage closing. Since remittances are made through the Automated Clearinghouse, the upfront remittance is submitted electronically and there is no paperwork to complete and mail in.

Status of the proposed information collection: Reinstatement without change of a previously approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: May 30, 2000.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 00–14522 Filed 6–8–00; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4557–N–23]

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 to 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: ARMY: Mr. Jeff Holste, Military Programs, U.S. Army Corps of Engineers, Installation Support Center, Planning & Real Property Branch, Attn: CEMP–IP, 7701 Telegraph Road, Alexandria, VA 22315–3862; (703) 428–6318; (These are not toll-free numbers).

Dated: June 1, 2000.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Special Needs Assistance Programs.

Title V, Federal Surplus Property Program; Federal Register Report for 6/9/00

Suitable/Available Properties:

Buildings (by State)

Alaska

Bldg. 760
Fort Richardson
Ft. Richardson Co: AK 95505–6500
Landholding Agency: Army
Property Number: 21200020156
Status: Unutilized
Comment: 24,896 sq. ft., concrete, most recent use—veh. maint., off-site use only

Bldg. 08100
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020157
Status: Unutilized
Comment: 4688 sq. ft., concrete, most recent use—hazare bldg., off-site use only

Bldgs. 09100, 09104–09106
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020158
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

5 Bldgs.
Fort Richardson
09108, 09110–09112, 09114
Ft. Richardson Co: AK 99505–6500
Property Number: 21200020159
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldgs. 09128, 09129
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020160
Status: Unutilized

Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldgs. 09151, 09155, 09156
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020161
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldg. 09158
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020162
Status: Unutilized
Comment: 672 sq. ft., most recent use—storage shed, off-site use only

Bldgs. 09160–09162
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020163
Status: Unutilized
Comment: 11520 sq. ft., concrete, most recent use—NCO–ENL FH, off-site use only

Bldgs. 09164, 09165 Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020164
Status: Unutilized
Comment: 2304 & 2880 sq. ft., most recent use—storage, off-site use only

Bldg. 10100
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020165
Status: Unutilized
Comment: 4688 sq. ft., concrete, most recent use—hazard bldg., off-site use only

Arizona

34 Bldgs.
Fort Huachuca
62001–62022, 64001–64012
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200020166
Status: Unutilized
Comment: 658 and 587 sq. ft., presence of asbestos/lead paint, most recent use—one bedroom family housing, off-site use only

California

Bldgs. 204–207, 517
Presidio of Monterey
Monterey Co: CA 93944–5006
Landholding Agency: Army
Property Number: 21200020167
Status: Unutilized
Comment: 4780 and 10950 sq. ft., presence of asbestos/lead paint, most recent use—classroom/admin/storage, off-site use only

Colorado

Bldg. S–6223
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 21200020168
Status: Unutilized
Comment: 9574 sq. ft., concrete block, presence of asbestos/lead paint, most recent use—personnel bldg., off-site use only

Bldg. S–6270
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 21200020169
Status: Unutilized
Comment: 19,067 sq. ft., concrete block, presence of asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. S–6276
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 21200020170
Status: Unutilized
Comment: 2522 sq. ft., concrete block, presence of asbestos/lead paint, most recent use—maint. shop, off-site use only

Georgia

Bldg. 2214
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21200020171
Status: Unutilized
Comment: 13,508 sq. ft., possible asbestos/lead paint, most recent use—storage/admin., off-site use only

Bldg. 2233
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21200020172
Status: Unutilized
Comment: 1720 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Hawaii

6 Bldgs.
Schofield Barracks
Wahiawa Co: HI 96786–
Location: P–3632, 3633, 3644, 3703, 3801, 3806
Landholding Agency: Army
Property Number: 21200020173
Status: Unutilized
Comment: 4 units/each bldg., family housing, termite damaged, off-site use only

10 Bldgs.
Schofield Barracks
Wahiawa Co: HI 96786–
Location: P–3444, 4312, 4322, 4336, 4341, 4412, 4416, 4710, 5016, 4915
Landholding Agency: Army
Property Number: 21200020174
Status: Unutilized
Comment: 5 units/each bldg., family housing, termite damaged, off-site use only

Bldgs. P4454, 4552
Schofield Barracks
Wahiawa Co: HI 96786–
Landholding Agency: Army
Property Number: 21200020175
Status: Unutilized
Comment: 8 units/each bldg., family housing, termite-damaged, roof leaks, off-site use only

Bldg. P4460
Schofield Barracks
Wahiawa Co: HI 96786–
Landholding Agency: Army
Property Number: 21200020176
Status: Unutilized
Comment: 4 units, family housing, termite damaged, off-site use only

Illinois

Bldg. 137A
Sheridan Army Rsv Complex
Sheridan Co: IL 60037–
Landholding Agency: Army
Property Number: 21200020177
Status: Unutilized
Comment: 120 sq. ft., storage bldg., off-site use only

Bldgs. 255–261
Sheridan Army Rsv Complex
Sheridan Co: IL 60037
Landholding Agency: Army
Property Number: 21200020178
Status: Unutilized
Comment: 960 sq. ft., steel storage bldgs., off-site use only

Kansas

Bldg. T–901
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020179
Status: Unutilized
Comment: 52 sq. ft., poor, most recent use—storage, off-site use only

Bldg. P–3010
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020180
Status: Unutilized
Comment: 144 sq. ft., poor, most recent use—storage, off-site use only

Bldgs. S–7705, S–7706
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020181
Status: Unutilized
Comment: 648 sq. ft., poor, presence of asbestos, most recent use—storage, off-site use only

Bldgs. P–7708, P–7709
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020182
Status: Unutilized
Comment: 206 and 1435 sq. ft., poor, most recent use—storage, off-site use only

Bldg. P–9007
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020183
Status: Unutilized
Comment: 540 sq. ft., poor, off-site use only

Bldg. T–9017
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020184
Status: Unutilized
Comment: 128 sq. ft., poor, off-site use only

Bldg. T–9088
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020185
Status: Unutilized

Comment: 246 sq. ft., poor, off-site use only

Maryland

Bldg. 176
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21200020187
Status: Unutilized
Comment: 2441 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 618
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21200020188
Status: Unutilized
Comment: 12,713 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. E5722, E5730, E5732
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200020189
Status: Unutilized
Comment: 4070 sq. ft., most recent use—storage, off-site use only

Massachusetts

Bldg. P–3713
Devens RFTA
Devens Co: MA 01432
Landholding Agency: Army
Property Number: 21200020186
Status: Unutilized
Comment: 256,760 sq. ft., needs renovation—estimated cost in excess of $5 million, most recent use—veh. maint., presence of asbestos

New Jersey

Bldg. 353
Armament Research
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21200020191
Status: Unutilized
Comment: 24,800 sq. ft., most recent use—physics lab, off-site use only

Bldg. 1530
Armament Research
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21200020192
Status: Unutilized
Comment: 10,550 sq. ft., most recent use—electronic lab, off-site use only

Bldg. 3050
Armament Research
Picatinny Aresenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21200020193
Status: Unutilized
Comment: 10,550 sq. ft., most recent use—barracks, off-site use only

New York

Bldgs. T00021, T00022, T00024
Fort Drum
Ft. Drum Co: Jefferson NY 13602-
Landholding Agency: Army
Property Number: 21200020194
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—aces facility, off-site use only

Bldg. T00214
Fort Drum
Ft. Drum Co: Jefferson NY 13602-
Landholding Agency: Army
Property Number: 21200020195
Status: Unutilized
Comment: 3663 sq. ft., needs rehab, most recent use—scv outlet. off-site use only

Bldg. T–6002
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200020196
Status: Unutilized
Comment: 31212 sq. ft., needs rehab, most recent use—veh. storage, off-site use only

Ohio

Quarters 104
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200020197
Status: Unutilized
Comment: 1917 sq. ft., poor condition, presence of lead paint, most recent use—family housing, off-site use only

Quarters 106
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number 21200020198
Status: Unutilized
Comment: 3650 sq. ft., poor condition, presence of lead paint, most recent use—family housing, off-site use only

Quarters 109
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200020199
Status: Unutilized
Comment: 1642 sq. ft., poor condition, presence of lead paint, most recent use—family housing, off-site use only

Quarters 142
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200020200
Status: Unutilized
Comment: 3200 sq. ft., poor condition, presence of lead paint, most recent use—family housing, off-site use only

Quarters 133A, 133B
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200020201
Status: Unutilized
Comment: 4752 sq. ft., poor condition, presence of lead paint, most recent use—family housing, off-site use only

Texas

Bldg. P–2375A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200020202
Status: Unutilized
Comment: 108 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. T–5004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200020203
Status: Unutilized
Comment: 4489 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–5005
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200020204
Status: Unutilized
Comment: 4320 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–5101, T–5102
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200020205
Status: Unutilized
Comment: 18,792 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 92043
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200020206
Status: Unutilized
Comment: 450 sq. ft., most recent use—storage, off-site use only

Bldg. 92044
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200020207
Status: Unutilized
Comment: 1920 sq. ft., most recent use—admin., off-site use only

Bldg. 92045
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200020208
Status: Unutilized
Comment: 2108 sq. ft., most recent use—maint., off-site use only

Virginia

Bldg. TT0114
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020209
Status: Unutilized
Comment: 1440 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. TT0117
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020210
Status: Unutilized
Comment: 1920 sq. ft., needs rehab, most recent use—transient UOQ, off-site use only

Bldg. TT0118
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020211
Status: Unutilized

Comment: 2400 sq. ft., needs rehab, most recent use—transient UOQ, off-site use only
Bldg. TT0130
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020213
Status: Unutilized
Comment: 861 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only
Bldgs. TT0131
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020214
Status: Unutilized
Comment: 861 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only
Bldg. TT0132
Fort A. P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020215
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only
Bldg. TT0133
Fort A. P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020216
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only
Bldg. TT0139
Fort A. P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020217
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only
Bldg. TT0158
Fort A. P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020218
Status: Unutilized
Comment: 361 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only
Bldg. TT0163
Fort A. P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020219
Status: Unutilized
Comment: 1920 sq. ft., needs rehab, presence of asbestos, most recent use—admin., off-site use only
Bldg. TT0206
Fort A. P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020220
Status: Unutilized
Comment: 792 sq. ft., needs rehab, presence of asbestos, most recent use—garage, off-site use only
Bldg. T00167
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020221
Status: Unutilized
Comment: 96 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only
Bldg. P01530
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020222
Status: Unutilized
Comment: 112 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only
Bldg. 218
Fort Eustis
Ft. Eustis Co: VA 23604–
Landholding Agency: Army
Property Number: 21200020223
Status: Unutilized
Comment: 7680 sq. ft., most recent use—storage, off-site use only
Bldg. 1512
Fort Eustis
Ft. Eustis Co: VA 23604–
Landholding Agency: Army
Property Number: 21200020224
Status: Unutilized
Comment: 2971 sq. ft., presence of asbestos, most recent use—dining facility, off-site use only
Bldg. 1914
Fort Eustis
Ft. Eustis Co: VA 23604–
Landholding Agency: Army
Property Number: 21200020225
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Suitable/Available Properties:

Land (by State)

Missouri

Land
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Location: East ½ of Section 14, Township 35
Landholding Agency: Army
Property Number: 21200020190
Status: Underutilized
Comment: Approx. 70 acres, rolling hills w/ 50% of area covered w/trees, env. documents in progress

[FR Doc. 00–14223 Filed 6–8–00; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4574–N–02]

Fiscal Year 2000 Notice of Funding Availability for the Indian Housing Drug Elimination Program; Amendment Concerning Minimum Grant Amounts

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Funding Availability (NOFA); Amendment.

SUMMARY: On May 11, 2000, HUD published its FY 2000 NOFA for Indian Housing Drug Elimination Program ("IHDEP"). This document amends the NOFA to provide a minimum grant award which would ensure that all eligible tribes or tribally designated housing entities who submit successful applications receive a minimum funding amount to initiate substance abuse prevent/intervention programs in their community. Minimum grant awards were included in the drug elimination program NOFAs in previous years when HUD issued NOFAs that addressed both public and Indian housing, and a minimum grant award amount was intended to be included in the FY 2000 IHDEP NOFA. This document corrects that omission.

DATES: The application due date of July 10, 2000, is not changed by this document.

FOR FURTHER INFORMATION CONTACT: Please call the local AONAPs with jurisdiction over your Tribe/tribally designated housing entity (TDHE) or HUD's Public and Indian Housing Resource Center at 1–800–955–2232 or Tracy C. Outlaw, National Office of Native American Programs (ONAP), Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, CO 80202, telephone (303) 675–1600 (these are not toll-free numbers). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Also, please see ONAP's website at http://www.codetalk.fed.us.html where you will be able to download a copy of the IHDEP NOFA, published on May 11, 2000, as well as this notice, and application kit from the Internet.

SUPPLEMENTARY INFORMATION: On May 11, 2000, HUD published its FY 2000 IHDEP NOFA (65 FR 30502). The purpose of IHDEP is to provide grants to eliminate drugs and drug-related crime in American Indian and Alaskan Native

communities. The May 11, 2000 NOFA announced the availability of approximately $22 million ($11 million of FY 1999 funding and $11 million of FY 2000 funding) for the program.

It was HUD's intention that the May 11, 2000 IHDEP NOFA include a minimum grant award of $25,000 which would ensure that all eligible tribes or tribally designated housing entities who submit successful applications receive a minimum funding amount to initiate substance abuse prevention/intervention programs in their community. Minimum grant awards were included in the drug elimination program NOFAs in previous years when HUD issued NOFAs that addressed both public and Indian housing, and a minimum grant award amount was intended to be included in the FY 2000 IHDEP NOFA. This document corrects that omission.

Therefore, in the FY 2000 Notice of Funding Availability for the Indian Housing Drug Elimination Program, notice document 00–11882, beginning at 65 FR 30502, in the issue of Thursday, May 11, 2000, the following amendment is made:

On page 30507, in the second column, continuing into the third column, the introductory paragraph of Section IV.(A) (the title of Section IV is Program Requirements) and paragraph (A)(1)(a) are amended to read as follows:

(A) *Grant Award Amounts.* HUD is distributing grant funds for IHDEP under this NOFA on a national competition basis. The maximum grant award amounts are computed for IHDEP on a sliding scale, using an overall maximum cap, depending upon the number of Tribe/TDHE units eligible for funding. This figure (number of eligible units for funding) will determine the grant amount that the Tribe/TDHE is eligible to receive if they meet the IHDEP criteria and score a minimum of 70 out of 105 points. No selected applicant, however, will receive a grant award of less than $25,000.

(1) *Amount per unit.* (a) for tribes/TDHEs with 1–1,250 units: The minimum grant award amount is $25,000. The maximum grant award cap is $600 multiplied by the number of eligible units.

* * * * *

Dated: June 6, 2000.

Milan Ozdinec,

Acting General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 00–14604 Filed 6–8–00; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4456–N–09]

Privacy Act of 1974; Notice of a Computer Matching Program

AGENCY: Office of the Chief Information Officer, (HUD).

ACTION: Notice of a computer matching program between the Department of Housing and Urban Development (HUD) and the Department of Veterans Affairs (VA).

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988, as amended, (Pub. L. 100–503), and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (54 FR 25818 (June 19, 1989)), and OMB Bulletin 89–22, "Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public," the Department of Housing and Urban Development (HUD) is issuing a public notice of its intent to conduct a recurring computer matching program with the Department of Veterans Affairs (VA) to utilize a computer information system of HUD, the Credit Alert Interactive Voice Response System (CAIVRS), with VA's debtor files. This match will allow prescreening of applicants for loans or loans guaranteed by the Federal Government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Federal Government for HUD or VA direct or guaranteed loans. Before granting a loan, the lending agency and/or the authorized lending institution will be able to interrogate the CAIVRS debtor file and verify that the loan applicant is not in default on a Federal judgment or delinquent on direct or guaranteed loans of participating Federal programs. The CAIVRS data base contains delinquent debt information from the Departments of Agriculture, Education, Veteran Affairs, the Small Business Administration and judgment lien data from the Department of Justice.

Authorized users do a prescreening of CAIVRS to determine a loan applicant's credit status with the Federal Government. As a result of the information produced by this match, the authorized users may not deny, terminate, or make a final decision of any loan assistance to an applicant or take other adverse action against such applicant, until an officer or employee of such agency has independently verified such information.

DATES: *Effective Date:* Computer matching is expected to begin 30 days after publication of this notice unless comments are received which will result in a contrary determination, or 40 days from the date a computer matching agreement is signed, whichever is later.

Comments Due Date: July 10, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION FROM RECIPIENT AGENCY CONTACT: Jeanette Smith, Departmental Privacy Act Officer, Department of Housing and Urban Development, 451 7th St., SW, Room P8001, Washington, DC 20410, telephone number (202) 708–2374. [This is not a toll-free number.] A telecommunication device for hearing and speech-impaired individuals (TTY) is available at 1–800–877–8339 (Federal Information Relay Service).

FOR FURTHER INFORMATION FROM SOURCE AGENCY CONTACT: Mark Gottsacker, Debt Management Center, Department of Veterans Affairs, Bishop Henry Whipple Federal Building, One Federal Drive, Room 156, Fort Snelling, Minnesota 55111–4050, telephone number (612) 725–1843. [This is not a toll-free number.]

Reporting: In accordance with Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, as amended, and Office of Management and Budget Bulletin 89–22, "Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public;" copies of this Notice and report are being provided to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget.

Authority: The matching program will be conducted pursuant to Public Law 100–503, "The Computer Matching and Privacy Protection Act of 1988," as amended, and Office of Management and Budget (OMB) Circulars A–129 (Managing Federal Credit Programs) and A–70 (Policies and Guidelines for Federal Credit Programs). One of the purposes of all Executive departments and agencies—including HUD—is to

implement efficient management practices for Federal credit programs. OMB Circulars A–129 and A–70 were issued under the authority of the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Act of 1950, as amended; the Debt Collection Act of 1982, as amended; and, the Deficit Reduction Act of 1984, as amended.

Objectives to be Met by the Matching Program: The matching program will allow VA access to a system which permits prescreening of applicants for loans or loans guaranteed by the Federal Government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Government. In addition, HUD will be provided access to VA's debtor data for prescreening purposes.

Records to be Matched: HUD will utilize its system of records entitled HUD/DEPT–2, *Accounting Records.* The debtor files for HUD programs involved are included in this system of records. HUD's debtor files contain information on borrowers and co-borrowers who are currently in default (at least 90 days delinquent on their loans); or who have any outstanding claims paid during the last three years on Title II insured or guaranteed home mortgage loans; or individuals who have defaulted on Section 312 rehabilitation loans; or individuals who have had a claim paid in the last three years on a Title I loan. For the CAIVRS match, HUD/DEPT–2, System of Records, receives its program inputs from HUD/DEPT–28, Property Improvement and Manufactured (Mobile) Home Loans—Default; HUD/DEPT–32, Delinquent/Default/Assigned Temporary Mortgage Assistance Payments (TMAP) Program; and HUD/CPD–1, Rehabilitation Loans-Delinquent/Default.

The VA will provide HUD with debtor files contained in its system of records entitled SS–VA26, Loan Guaranty Systems of Records. Central Accounts Receivable On Line System is a subsidiary of SS–VA26. HUD is maintaining VA's records only as a ministerial action on behalf of VA, not as a part of HUD's HUD/DEPT–2 system of records. VA's data contain information on individuals who have defaulted on their guaranteed loans. The VA will retain ownership and responsibility for their systems of records that they place with HUD. HUD serves only as a record location and routine use recipient for VA's data.

Notice Procedures: HUD and the VA will notify individuals at the time of application (ensuring that routine use appears on the application form) for guaranteed or direct loans that their records will be matched to determine whether they are delinquent or in default on a Federal debt. HUD and the VA will also publish notices concerning routine use disclosures in the **Federal Register** to inform individuals that a computer match may be performed to determine a loan applicant's credit status with the Federal Government.

Categories of Records/Individuals Involved: The debtor records include these data elements from HUD's systems of records, HUD/Dept–2: SSN, claim number, program code, and indication of indebtedness. Categories of records include: records of claims and defaults, repayment agreements, credit reports, financial statements, and records of foreclosures.

Categories of individuals include former mortgagors and purchasers of HUD-owned properties, manufactured (mobile) home and home improvement loan debtors who are delinquent or in default on their loans, and rehabilitation loan debtors who are delinquent or in default on their loans.

Period of the Match: Matching will begin at least 40 days from the date copies of the signed (by both Data Integrity Boards) computer matching agreements are sent to both Houses of Congress or at least 30 days from the date this Notice is published in the **Federal Register**, whichever is later, providing no comments are received which would result in a contrary determination. The matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other in writing to terminate or modify the agreement.

Dated: May 30, 2000.

Gloria R. Parker,

Chief Information Officer.

[FR Doc. 00–14576 Filed 6–8–00; 8:45 am]

BILLING CODE 4210–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of an Application for an Incidental Take Permit and Availability of the Draft Multiple Species Habitat Conservation Plan/Draft Environment Impact Statement for Clark County, NV

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Clark County, Nevada; the Cities of Las Vegas, North Las Vegas, Henderson, Boulder City, and Mesquite; and the Nevada Department of Transportation (Applicants) have applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed 30-year permit would authorize the incidental take of 2 federally threatened and endangered species, and 77 non-listed species of concern in the event that these species become listed under the Act during the term of the permit, in connection with economic growth and development of up to 145,000 acres of non-Federal lands in Clark County.

The Service has assisted in the preparation of the Draft Clark County Multiple Species Habitat Conservation Plan (Multispecies Plan) and Implementation Agreement, and has directed the preparation of a Draft Environmental Impact Statement addressing the potential effects on the human environment that may result from the granting of an incidental take permit and other Federal actions associated with implementation of the Multispecies Plan.

The Draft Multispecies Plan/Draft Environmental Impact Statement, and associated Implementation Agreement, are available for public review and comment. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

DATES: We must receive your written comments on or before July 24, 2000.

ADDRESSES: Send comments to Mr. Bob Williams, Field Supervisor, Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, Nevada, 89502; or by facsimile to (775) 861–6301.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Williams, Field Supervisor, Fish and Wildlife Service, Reno, Nevada, at (775) 861–6331; or Ms. Janet Bair, Assistant Field Supervisor, Fish and Wildlife Service, Las Vegas, Nevada, at (702) 647–5230.

SUPPLEMENTARY INFORMATION: You may request a copy of the document on CD–ROM by calling Ms. Sandy Helvey, Administrative Secretary, Clark County Department of Comprehensive Planning, at (702) 455–4181. To view the document, you will need access to an IBM or Macintosh computer with the capacity to read CD–ROMs.

Alternatively, you may view the document at the following Internet website: www.clark.co.nv.us. Click on "Health and the Environment," then click on "Environmental Planning", and finally click on "Habitat Conservation."

In addition, you may review paper copies of the document at the following government offices and library:

Government Offices—Fish and Wildlife Service, Southern Nevada Field Office, 1510 North Decatur Boulevard, Las Vegas, Nevada 89108, tel: (702) 647–5230; Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502, (775) 861–6300; Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108, (702) 647–5000; U.S. Forest Service, 2881 South Valley View Boulevard, Las Vegas, Nevada 89102, (702) 873–8800; National Park Service, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, Nevada 89005, (702) 293–8946; Nevada Department of Transportation, Environmental Services Division, 1263 South Stewart Street, Room 104A, Carson City, Nevada 89712, (775) 888–7889; Clark County Deparatment of Comprehensive Planning, 500 South Grand Central Parkway, Third Floor, Las Vegas, Nevada 89155, (702) 455–3859; Clark County Northeast Office, Moapa Community Center, 320 North Moapa Valley Boulevard, Overton, Nevada 89040, (702) 397–6475; City of Las Vegas, Department of Public Works, 731 South Fourth Street, Las Vegas, Nevada 89101, (702) 229–6541; City of North Las Vegas Public Works, 2266 Civic Center Drive, North Las Vegas, Nevada 89030, (702) 633–1225; City of Henderson, 240 Water Street, Henderson, Nevada 89015, (702) 565–2474; City of Boulder City, City Hall, 401 California Avenue, Boulder city, Nevada 89005, (702) 293–9200; and the City of Mesquite 10 East Mesquite Boulevard, Mesquite, Nevada 89027, (702) 346–2835.

Library—Clark County Public Library, Main Branch, 833 Las Vegas Boulevard North, Las Vegas, Nevada 89101, (702) 382–3493.

Background

Section 9 of the Act and Federal regulation prohibit the "take" of animal species listed as endangered or threatened. That is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 USC 1538). "Harm" is defined by regulation to include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Under certain circumstances, the Service may issue permits to authorize "incidental" take of listed animal species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). The taking prohibitions of the Act do not apply to listed plants on private land unless their destruction on private land is in violation of State law. The Applicants have considered plants in the Multispecies Plan and request permits for them to the extent that State law applies. Regulations governing permits for threatened and endangered species, respectively, are at 50 CFR 17.32 and 50 CFR 17.22.

On July 11, 1995, the Service issued an incidental take permit, effective August 1, 1995, to Clark County; the Cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City; and the Nevada Department of Transportation for the Clark County Desert Conservation Plan (Desert Conservation Plan). This plan provides conservation measures for the threatened desert tortoise (*Gopherus agassizii*). In Clark County. The associated permit authorizes incidental take of the desert tortoise in Clark County consistent with the long-term viability of the species in this portion of its range.

The Desert Conservation Plan includes provisions for a proactive approch to conservation planning for multiple species in Clark County. The intent was to reduce the likelihood of future listings of plants and wildlife as threatened or endangered under the Act. the Multispecies Plan is the direct outgrowth of the provisions of the Desert Conservation Plan. If approved by the Service, The Multispecies Plan will supercede the Desert Conservation Plan and will provide stand-alone conservation measures for species included in the plan. We anticipate that implementation of the conservation measures in the Multispecies Plan will be a cooperative effort among the Applicants, the Service, Bureau of Land Management, U.S. Forest Service, National Park Service, Nevada Division of Wildlife, and other Federal and State land managers and regulators.

Clark County and the Cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City are seeking a 30–year permit for the incidental take of federally threatened and endangered species, and other non-listed species of concern in the event that these species become listed under the Act during the term of the permit, in connection with the development of non-Federal lands within Clark County, Nevada. In addition, the Nevada Department of Transportation has joined as an Applicant for the permit to allow the incidental take of desert tortoise within desert tortoise habitat below 5,000 feet in elevation and south of the 38th parallel in Nye, Lincoln, Mineral, and Esmeralda Counties, Nevada, and the incidental take of other non-listed species of concern within Clark County in connection with the construction and maintenance of roads, highways, and material sites.

The permit to the Applicants would authorize incidental take of 79 species on no more than 145,000 acres of land potentially available for development in Clark County. This acreage includes non-Federal lands that currently exist and non-Federal lands which result from sales or transfers from the Federal government after issuance of the permit. This acreage excludes existing development, the Boulder City Conservation Easement established under the current Desert Conservation Plan for the desert tortoise, and State lands managed for resource values. The 79 species proposed for incidental take coverage under the Multispecies Plan (covered species) include 2 listed species (the desert tortoise and the southwestern willow flycatcher, *Empidonax traillii extimus*), 1 candidate for listing (Blue diamond cholla, *Opuntia whipplei* var. *multigeniculata*), and 76 unlisted species comprised of 4 mammals, 7 birds, 14 reptiles, 1 amphibian, 10 invertebrates, and 40 plants.

To minimize and mitigate the impacts of take, the Applicants propose to impose a $550 per-acre development fee and maintain an endowment fund that will provide up to $4.1 million per biennial period to fund conservation measures for covered species and to administer the Multispecies Plan. The plan includes measures to implement a public information and education program; purchase grazing allotments and interest in real property and water; maintain and manage allotments, land, and water rights which have been acquired; construct barriers to wildlife movement along linear features such as roads; translocate displaced desert tortoises; participate in and fund local habitat rehabilitation and enhancement programs; and develop and implement an adaptive management process that allows for responses to new information.

The underlying purpose of the Multispecies Plan is to achieve a balance between (1) long-term conservation of natural habitat and native plant and animal diversity that are an important part of the natural heritage of Clark County, and (2) the orderly and beneficial use of land in order to promote the economy, health,

well-being, and custom and culture of the growing population of Clark County, Nevada.

On March 3, 1997, th eService published a notice in the **Federal Register** (62 FR 9443) announcing that we would take the lead in preparing an Environmental Impact Statement addressing the Federal actions associated with the Multispecies Plan. This notice invited comments on the scope of the Environmental Impact Statement. Our consideration of comments received is reflected in the Draft Multispecies Plan/Draft Environmental Impact Statement made available for comment through this notice.

The Draft Multispecies Plan/Draft Environmental Impact Statement analyzes the potential environmental impacts that may result from the Federal action requested in support of the proposed development of up to 145,000 acres of non-Federal land in Clark County. The document identifies various alternatives, including the No Action Alternative, the Proposed Multispecies Plan, a Low-Elevation Ecosystems Multispecies Plan, a Permit Only for Threatened or Endangered and Candidate Species, and Alternative Permit Durations for the Multispecies Plan. Alternatives considered but not advanced for further analysis include a Permit to Include the Entire Mojave Desert Ecosystem, a Permit to Mitigate Impacts Only on Non-Federal Lands, and a High-Elevation Ecosystems Multispecies Plan.

The analysis provided in the Draft Multispecies Plan/Draft Environmental Impact Statement is intended to accomplish the following: inform the public of the proposed action and alternatives; address public comment received during the scoping period; disclose the direct, indirect, and cumulative environmental effects of the proposed action and each of the alternatives; and indicate any irreversible commitment of resources that would result from implementation of the proposed action.

The Service invites the public to comment on the Draft Multispecies Plan/Draft Environmental Impact Statement during a 45–day comment period. All comments received will become part of the public record and may be released. This notice is provided pursuant to section 10(a) of the Endangered Species Act and regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6).

Dated: May 31, 2000.

Elizabeth H. Stevens,

Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 00–14099 Filed 6–8–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Establishment of the Little Darby National Wildlife Refuge.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) for the proposed establishment of the Little Darby National Wildlife Refuge.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) intends to gather the information necessary for the preparation of an EIS. The action to be evaluated by this EIS is the establishment of the Little Darby National Wildlife Refuge, located in Madison and Union counties, Ohio. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7 and 1508.22). The intent of the notice is to obtain suggestions and additional information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

DATES: Written comments should be received on or before July 10, 2000. The dates and schedule of the public scoping meetings are: June 19—(6:00 p.m.–9:00 p.m.) at the Made From Scratch Conference Center, 7500 Montgomery Dr., Plain City, OH, and June 20 (6 p.m.–9 p.m.) at the Della Selsor Building located on the Madison County Fairgrounds, London, Ohio.

Public Involvement: The public will be invited to participate in the scoping process, review of the draft EIS, and a public hearing. Release of the draft EIS for public comment and the public hearing will be announced in the local news media, as these dates are established.

Comments that were received during the scoping process for the Environmental Assessment and on the draft Environmental Assessment will be considered in the draft EIS. The Service appreciates all those that have taken time to provide comments during the Environmental Assessment process. At this stage, the Service is especially seeking new ideas or concepts beyond those that have already been raised. Written comments should be received within 30 days from the date of publication of this Notice of Intent.

All comments received from individuals become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's NEPA regulations [40 CFR 1506.6(f)]. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. If a respondent wishes us to withhold his/her name and/or address, this must be stated prominently at the beginning of the comment.

ADDRESSES: Comments should be address to: Regional Director, Region 3, U.S. Fish and Wildlife Service, 1 Federal Drive, Fort Snelling, Minnesota 55111. Electronic mail comments may also be submitted within the comment period to: http://www.fws.gov/r3pao/planning/public/htm.

FOR FURTHER INFORMATION CONTACT: Mr. William Hegge, Darby Creek Watershed Project Manager, Reynoldsburg Field Office, U.S. Fish and Wildlife Service, 6950–H Americana Parkway, Reynoldsburg, Ohio 43068–4132; telephone 614–469–6923, extension 17; or Mr. Thomas Larson, Chief of Ascertainment and Planning, U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111; telephone 612–713–5430.

SUPPLEMENTARY INFORMATION:

Purpose of Action

The general purpose of the refuge would be "for the development, advancement, management, conservation, and protection of fish and wildlife resources" (Fish and Wildlife Act of 1956). More specifically, the Service's interests include preservation and restoration of Federal threatened and endangered species and migratory birds and their habitats in the Little Derby Creek Watershed, ensuring that the overall Darby Creek watershed biodiversity and Federal wildlife trust resources are protected and enhanced, while providing opportunities for wildlife-dependent public uses consistent with preservation and restoration of the natural resources.

After having developed a draft Environmental Assessment and conducting a series of public meetings, the Service had decided that the preparation of an EIS is appropriate for this proposed action. The decision to prepare an EIS is based upon strong public interest in the project, both supportive and non-supportive. There has also been interest expressed in development of an EIS by local governments and by members of the Ohio Congressional delegation.

Need for Action

Big and Little Darby Creeks, located 20 miles west of downtown Columbus, are the major streams in a 580-square mile watershed encompassing portions of 6 counties in central Ohio. The Darby watershed is one of the healthiest aquatic systems of its size in the Midwest and is ranked among the top five warm freshwater habitats in Ohio by the Ohio Environmental Protection Agency. Land use in the drainage basin has historically been agriculture, with appropriately 80 percent of the land area in fields, row-cropped, in a corn-soybean rotation. The project area was the location of the easternmost extension of the mid-continent tallgrass prairie. The following eight points help explain the need to preserve this area:

(1) Existing and threatened conversion of the watershed, from agriculture to urban land uses, presents an increased risk to the health of this aquatic system.

(2) Scientists (Ohio EPA surveys) place the number of fish species in the Darby Creek System at 94 and 60+; in the Little Darby Creek sub watershed. The number of mollusk species, including the federally endangered Northern riffle shell and the Northern club shell, is 35 (Dr. Tom Watters). They are reported to be declining.

(3) There are 3 federally endangered, 1 threatened, 1 candidate, and 10 monitored species confirmed in the original project area or likely to be in the original project area.

(4) Collectively, 44 species are designated as being state threaten or endangered throughout the watershed. Another 36 species are identified as potentially threatened or of special interest in the state. A total of 38 (24 percent) species listed in the Service's regional conservation priorities would be affected potentially by the project as proposed in the draft Environmental Assessment.

(5) While the Refuge project area encompasses only 14–15 percent of the entire Little Darby Creek Watershed, it includes almost 50 percent of all stream miles and important aquatic habitat that is in the watershed.

(6) The Ohio Department of Natural Resources, the National Park Service and the Nature Conservancy have all given special designations to the Big Darby and Little Darby Creeks. The Nature Conservancy identified this watershed as one of the "Last Great Places" in the Western Hemisphere.

(7) A 1996 report (Swanson, D.) found that the population trend in Ohio for 10 species of nongame grassland migratory birds exhibited declines in populations from 30 to 84 percent.

(8) The Service's Regional Wetlands Concept Plan, November 1990, identified the Big Darby Creek Watershed that includes Little Darby Creek as, "One of the last remaining watersheds in Ohio with excellent biological diversity." Under threat from development for water use and urban development, the area was listed as a potential wetland acquisition site.

Alternatives

A draft Environmental Assessment has been prepared and undergone public review and comment prior to this notice. This EIS will further evaluate alternative methods of establishing the Little Darby National Wildlife Refuge including alternatives for agricultural land use conservation that supports the Service's primary mission of fish and wildlife habitat protection. Socioeconomic, fiscal, and other community impacts related to alternative methods for refuge establishment will be further explored. Critical biological and potential management impacts will be evaluated as part of each part of each alternative or suite of alternatives that may have similar effects. Development of new alternatives and further evaluation of previously formulated alternatives will be made in conjunction with the local community, and interested state agencies. As required by NEPA, the Service will also analyze the "no action" alternative as a baseline for gauging the impacts of the establishment of the refuge.

Potential impacts that may be addressed in the EIS include effects on development, land use, habitat, wildlife populations, economics and listed species. Potential associated impacts may be related to drainage maintenance, school district revenue, tax revenue, fire management, and wildlife disease.

The environmental review of the proposed establishment of the Little Darby National Wildlife Refuge will be conducted in accordance with the requirements of the NEPA Act of 1969 as amended (42 U.S.C. 4371 *et seq.*), NEPA Regulations (42 CFR 1500–1508), other appropriate Federal regulations, and Service procedures for compliance with those regulations.

The Service estimates that the draft EIS will be made available to the public during the summer of 2000.

Dated: May 31, 2000.

William F. Hartwig,

Regional Director.

[FR Doc. 00–14101 Filed 6–8–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–056–1110–PH:GP0–0208]

Notice of Closure of Public Lands

AGENCY: Bureau of Land Management, Prineville District Office.

ACTION: Notice is hereby given that all roads and trails as legally described below are seasonally closed to all uses (including, but not limited to motorized vehicle use, hiking, mountain biking, horseback riding) from March 1 through August 31 annually. In addition, the area legally described below is seasonally closed to shooting from March 1 through August 31 annually. "Shooting", in this closure, is defined as the discharge of firearms.

The purpose of this closure is to protect wildlife resources. More specifically, this closure is ordered to reduce negative impacts to a nesting pair of prairie falcons. Prairie falcons are sensitive to human disturbance within the sensitive habitat area surrounding the nest site during the nesting season. Current uses at the site could jeopardize the persistence and nesting success of prairie falcons at this location.

Exemptions to this closure order will apply to administrative personnel for monitoring purposes; other exceptions to this restriction may be made on a case-by-case basis by the authorized officer. This emergency order will be in effect until further notice and will be evaluated in the Upper Deschutes Resource Management Plan/EIS. The authority for this closure is 43 CFR 89268.3(d)(i)(iii)(v): Operations—closures.

LEGAL DESCRIPTION: This closure order applies to all roads and trails located in Township 18 South, Range 14 East, WM, Sections 22, 23, 27 and 28, within ¼ mile the Badlands Rock.

FOR FURTHER INFORMATION CONTACT: Paul Schmidt, Wildlife Biologist, BLM Prineville District, P.O. Box 550,

Prineville Oregon 97754, telephone (541) 416–6784.

SUPPLEMENTARY INFORMATION: Violation of this closure order is punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months as provided in 43 CFR 9268.3(d)(iv).

Dated: June 1, 2000.

Don L. Smith,

Acting District Manager, Prineville District Office.

[FR Doc. 00–14641 Filed 6–8–00; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–932–4120–05; OKNM 104590]

Invitation To Participate; Exploration for Coal in Oklahoma

AGENCY: Bureau of Land Management, Interior

ACTION: Notice.

SUMMARY: Members of the public are hereby invited to participate with Farrell Cooper Mining Company on a pro rata cost sharing basis, in a program for the exploration of coal deposits owned by the United States of America. The lands are located in Haskell County, Oklahoma, and are described as follows:

T. 10 N., R. 21 E., Indian Meridian
Sec. 1, S½, NE¼;
Sec. 12, NW¼, N½SW¼, SW¼SW¼, NW¼SE¼, W½NE, and NE¼NE¼;
Containing 920.00 acres, more or less.

Any parties electing to participate in this exploration program shall notify in writing, both the Sate Director, Bureau, of Land Management, NW Mexico State Office, P.O. Box 27115, Santa Fe, New Mexico 87502–0115, and Farrell Cooper Mining Company, P.O. Box 11050, Fort Smith, Arkansas 72917. such written notice must include a justification for wanting to participate and any recommended changes in the exploration plan with specific reasons for such changes. The notice must be received no later than 30-calendar days after the publication of this notice in the Federal Register.

This proposed exploration program is for the purpose of determing the quality and quantity of the coal in the area and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management. A copy of the exploration plan as submitted by Farrel Cooper Mining company may be examined at the Bureau of land Management, New Mexico State Office, 1474 Rodeo Road, Santa Fe, New Mexico 87502, and the Tulsa Field Office, 7906 East 33rd Street, Suite 101, Tulsa, Oklahoma 74145.

Dated: June 1, 2000.

Carsten F. Goff,

Acting State Director.

[FR Doc. 00–14642 Filed 6–8–00; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

Environmental Impact Statement for Fruitland Coalbed Methane Gas Development

AGENCY: Bureau of Land Management, USDI, and Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The Forest Service San Juan National Forest and the Bureau of Land Management San Juan Field Office published a notice of intent to prepare an environmental impact statement for the Fruitland Coalbed Methane Gas Development on April 4, 2000, (65 FR 17672). Included in the notice were dates for public meetings to review the notice of intent. This notice changes the public meeting dates from May 16 to June 28, 2000, and from May 17 to June 29, 2000, and extends the comment period for written comments for the notice of intent from June 1 to July 14, 2000. These changes are necessary to accommodate increased public interest.

DATES: The meetings will be held on June 28, 2000, and June 29, 2000; written comments must be received by July 14, 2000.

ADDRESSES: The June 28 meeting will be held at La Plata County Fairgrounds, Exhibit Hall, 2500 Main Street, Durango, Colorado; the June 29 meeting will be held at Bayfield High School, 800 County Road 501, Bayfield, Colorado. Both meetings will be from 5 p.m. to 8 p.m. Written comments should be sent to the San Juan Field Office Manager, Bureau of Land Management, USDI, 15 Burnett Court, Durango, Colorado 81301.

FOR FURTHER INFORMATION CONTACT: Jim Powers (970) 247–4874.

Dated: June 1, 2000.

Calvin N. Joyner,

San Juan Field Office Manager, Colorado, Bureau of Land Management, USDI, and Forest Supervisor, San Juan National Forest, Colorado, Forest Service, USDA.

[FR Doc. 00–14639 Filed 6–8–00; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management.

[NV–056–1430–ES; N–41567–29]

Notice of Realty Action: Lease/ conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Recreation and public purpose lease/conveyance.

SUMMARY: The following described public lands in Las Vegas, Clark County, Nevada, were segregated on December 1, 1996 for administrative purposes under serial number N–61855. This segregation on the lands listed below will be terminated upon publication of this notice in the **Federal Register**. The land has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The Clark County School District proposes to amend their current Recreation and Public Purposes lease N–41567–29 to include the following lands for development and expansion of Edith Garehime Elementary School.

Mount Diablo Meridian, Nevada

T. 20 S., R. 60 E.,
Section 8: S½NW¼NE¼NW¼, Containing 5 acres, more or less.

The land is not required for any federal purpose. The leases/ conveyances are consistent with current Bureau planning for this area and would be in the public interest. The leases/ patents, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and each will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Easements in favor of City of Las Vegas for roads, public utilities and flood control purposes.

2. All valid and existing rights, which are identified and shown in the case file.

The lands have been segregated from all forms of appropriation under the Southern Nevada Public Lands Management Act (Pub. L. 105–263).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Classification Comments: Interested parties may submit comments involving the suitability of the land for an elementary school site. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the lands for the development of an elementary school.

Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: May 26, 2000.

Rex Wells,

Assistant Field Manager, Las Vegas, NV.

[FR Doc. 00–14643 Filed 6–8–00; 8:45 am]

BILLING CODE 1430–ES–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–EQ; N–63154]

Notice of Realty Action: Commercial Lease of Public Lands, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Commercial lease.

SUMMARY: The Notice of Realty Action involves a long term lease of public lands administered by the Bureau of Land Management in Clark County, Nevada. The lease is intended to authorize Rank Brewing, LLC (N–63154) to utilize the land for a public parking lot, in conjunction with their private land, and subject to a right-of-way granted to (NEV–061518) Nevada Power Company and to a Recreation & Public Purpose lease issued to (N–51565) City of Las Vegas.

The land has been examined and found suitable for Commercial Leasing under (43 U.S.C. 2920). The legal description of the site is as follows:

Mount Diablo Meridian, Nevada

T. 20 S., R. 60 E.,
Sec. 15, E½SE¼NE¼NW¼,
E½NE¼NE¼NW¼.

Containing 0.89 acres, more or less, generally located on the west side of Tenaya Way approximately 600 feet south of Cheyenne Avenue and Tenaya Intersection.

The site will be leased on a non-competitive basis. Detailed information is available for review at the Las Vegas Field Office, Bureau of Land Management, 4765 Vegas Dr., Las Vegas, Nevada 89108. Contact Frederick Marcell at 702/647–5164.

Reimbursement of costs shall be in accordance with the provisions of 43 CFR 2920.6.

For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the Assistant Field Manager, Division of Lands, Bureau of Land Management, 4765 Vegas Drive., Las Vegas, NV 89108. Any adverse comments will be evaluated by the Assistant Field Manager, Division of Lands who may vacate or modify this Realty Action and issue a final determination. In the absence of any adverse comments, this Realty Action will become the final determination of the Bureau.

Dated: March 30, 2000.

Rex Wells,

Assistant Field Manager, Division of Lands, Las Vegas, NV.

[FR Doc. 00–14645 Filed 6–8–00; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–06–00–1220–EA]

Trail Use Restrictions

AGENCY: Bureau of Land Management, Interior.

ACTION: Restriction of uses on the Muddy Mountain Interpretive Nature Trail in the Muddy Mountain Environmental Education Area, Natrona County, Wyoming.

SUMMARY: Notice is hereby given that the following restrictions are placed on using the Muddy Mountain Interpretive Nature Trail:

a. All mechanized and motorized transportation devices are prohibited from using the trail. Examples include bicycles, all-terrain vehicles, passenger vehicles, and snowmobiles.

b. Horses are prohibited from using the trail.

c. Exemptions: The following persons are excluded from these prohibitions: (1) Handicapped persons using wheelchairs and similar devices are permitted to use the devices on the trail; (2) Strollers; (3) Federal, State and local emergency personnel and BLM employees while performing their official duties; and, (4) any person expressly authorized in writing by the Field Manager, Casper Field Office.

d. These restrictions are in effect year-round.

Penalties: Any person who fails to comply with the provisions of this notice may be subject to penalties outlined in 43 CFR 8360.0–7.

EFFECTIVE DATE: June 1, 2000.

FOR FURTHER INFORMATION CONTACT: Don Whyde, Assistant Field Manager Resources, Casper Field Office, Bureau of Land Management, 2987 Prospector Drive, Casper, WY 82604. Telephone: 307–261–7600.

SUPPLEMENTARY INFORMATION: These trail restrictions are established in accordance with Environmental Assessment Number WY–062–EA–99–114 (Muddy Mountain Environmental Education Area, August 1999), and the Record of Decision and Finding of No Significant Impact, dated February 2, 2000.

The Muddy Mountain Interpretive Nature Trail was built as a handicapped accessible trail. In order for the trail to be maintained in good condition, it is necessary to restrict certain uses. Excessive use by any of the prohibited devices would cause rapid deterioration of the trail and its effectiveness as a handicapped accessible trail.

Dated: May 31, 2000.

James K. Murkin,

Field Manager.

[FR Doc. 00–14646 Filed 6–8–00; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–957–00–1420–BJ: GPO–0228]

Filing of Plats of Survey: Oregon/ Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Willamette Meridian

Oregon

T. 6 S., R. 45 E., accepted April 28, 2000
T. 22 S., R. 4 W., accepted April 28, 2000
T. 18 S., R. 12 W., accepted May 10, 2000
T. 21 S., R. 5 W., accepted May 16, 2000

Washington

T. 33 N., R. 16 W., accepted April 28, 2000
T. 33 N., R. 15 W., accepted April 28, 2000
T. 33 N., R. 14 W., accepted April 28, 2000
T. 32 N., R. 15 W., accepted April 28, 2000
T. 23 N., R. 13 W., accepted May 3, 2000
T. 18 N., R. 11 W., accepted May 19, 2000

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S.W. 5th Avenue, Portland, Oregon 97210, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey, and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, (1515 S.W. 5th Avenue) P.O. Box 2965, Portland, Oregon 97208.

Dated: May 31, 2000.

Robert D. DeViney, Jr.,

Branch of Realty and Records Services.

[FR Doc. 00–14644 Filed 6–8–00; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of the Record of Decision for Combined Final Lower Sheenjek Wild and Scenic River Study and Legislative EIS

AGENCIES: National Park Service, Interior.

ACTION: Notice of availability of the record of decision for the combined final Lower Sheenjek Wild and Scenic River Study and Legislative EIS

SUMMARY: The National Park Service (NPS) announces the availability of the Record of Decision (ROD) for the combined final Lower Sheenjek Wild and Scenic River Study and Legislative EIS.

The final study/LEIS was required by Section 5(a) of the National Wild and Scenic Rivers Act as amended by Section 604 of the Alaska National Interest Lands Conservation Act. It evaluates the segment of the Lower Sheenjek River from the mouth to the northern Boundary of the Yukon Flats National Wildlife Refuge, a distance of about 99 river miles.

The final study/LEIS and Record of Decision were done cooperatively by the U.S. Fish and Wildlife Service and National Park Service, as the latter agency was delegated wild and scenic river study responsibility by the Secretary of the Interior.

The Record of Decision (ROD) documents the decision of the Department of the Interior regarding the lower Sheenjek River. This ROD briefly discusses the background of the planning effort, states the decision and discusses the basis for it, describes other alternatives considered, specifies the environmentally preferable alternative, identifies measures adopted to minimize potential environmental harm, and summarizes the results of public involvement during the planning process.

The Record of Decision recommends congressional designation of the segment as a wild river. The directors of the National Park Service and U.S. Fish and Wildlife Service will continue coordination of the joint recommendation to the Secretary of the Interior. The Secretary will forward the final study/LEIS to the President, who will provide his recommendation and send it to Congress. Congress will make the final decision whether or not to designate the Lower Sheenjek River as a component of the National Wild and Scenic River System.

ADDRESSES: Copies of the ROD are available on request from: Jack Mosby, Program Manager—Rivers, Trails, and Conservation Assistance, National Park Service, 2525 Gambell Street, Anchorage, AK 99503–2892. Telephone (907) 257–2650 or email: jack_mosby@nps.gov

FOR FURTHER INFORMATION CONTACT: Jack Mosby, Program Manager—Rivers, Trails, and Conservation Assistance, National Park Service, 2525 Gambell Street, Anchorage, AK 99503–2892. Telephone (907) 257–2650 or email: jack_mosby@nps.gov

Dated: May 26, 2000.

Robert D. Barbee,

Regional Director, Alaska.

[FR Doc. 00–14680 Filed 6–8–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Johnson*, Civil Action No. 00CV11014 (D. Mass.), was lodged with the United States District Court for the District of Massachusetts on May 23, 2000. This proposed Consent Decree concerns a complaint filed by the United States against William Johnson and Virginia Riley, pursuant to section 301(a) of the Clean Water Act, 33 U.S.C. 1311(a), and imposes civil penalties against the Defendants for discharging dredged or fill material and/or controlling and directing the discharge of dredged or fill material into waters of the United States at portions of an approximately 107 acre parcel of land located at 136 Holly Lane in Bridgewater, Massachusetts, where a cranberry farm now exists.

The proposed Consent Decree prohibits the discharge of pollutants into the waters of the United States and requires the payment of civil penalties in the amount of $500.00 to be paid by Defendant Virginia A. Riley and

$1000.00 to be paid by Defendant William Johnson.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to Jon M. Lipshultz, Environment and Natural Resources Division, Environmental Defense Section, U.S. Department of Justice, P.O. Box 23986, Washington, D.C. 20026–3986 and refer to *United States* v. *Johnson*, DJ # 90–5–1–1–05400/1.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Massachusetts, 2300 United States Courthouse, One Courthouse Way, Boston, MA 02210–3002.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 00–14618 Filed 6–8–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Application by the Denver Rocky Mountain News and The Denver Post for Approval of a Joint Newspaper Operating Arrangement

AGENCY: Department of Justice.

ACTION: Notice of public's right to comment.

SUMMARY: Notice is hereby given that the Attorney General has received an application for approval of a joint newspaper operating arrangement involving two daily newspapers in Denver, Colorado. The application was filed on May 12, 2000 by The E.W. Scripps Company, whose subsidiary, the Denver Publishing Company, publishes the Denver Rocky Mountain News, and the MediaNews Group, Inc., whose subsidiary, the Denver Post Corporation, publishes The Denver Post. The proposed arrangement provides that the printing and commercial operations of both newspapers would be handled by a third entity, the "Agency" which will be owned by the parties in equal shares. The joint operating agreement provides for the complete independence of the news and editorial departments of the two newspapers.

The Newspaper Preservation Act, 15 U.S.C. 1801 *et seq.*, requires that joint newspaper operating arrangements such as that proposed by the Denver newspapers have the prior written consent of the Attorney General of the United States in order to qualify for the antitrust exemption provided by the Act. Before granting her consent, the Attorney General must find that one of the publications is a failing newspaper and that approval of the arrangement would effectuate the policy and purpose of the Act. Any person with views about the proposed arrangement may file written comments stating the reasons why approval should or should not be granted, or requesting that a hearing be held on the application. A request for hearing must set forth the issues of fact to be determined and the reason that a hearing is believed necessary to determine them.

All correspondence to the Department of Justice, the Attorney General and other Senior Department Officials commenting on the proposed JOA will be placed in the public file and made available as described below.

DATES AND PLACE FOR FILING: Comments shall be filed by mailing or delivering five copies to the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, Washington, DC 20530, and must be received by July 10, 2000. Replies to any comments filed on or before that date may be filed on or before August 8, 2000.

ADDRESSES: In accordance with the Newspaper Preservation Act Regulations, at 28 CFR Part 48, copies of the proposed arrangement and other materials filed by the newspapers in support of the application are available for public inspection in the main offices of the newspapers involved. In addition, these materials plus any filed comments are available for public inspection in the Department of Justice, National Place Building, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: Stuart Frisch, General Counsel, Justice Management Division, 202–514–3452.

Dated: June 6, 2000.

Stephen R. Colgate,

Assistant Attorney General for Administration.

[FR Doc. 00–14692 Filed 6–8–00; 8:45 am]

BILLING CODE 4410–AR–M

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28, CFR § 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Dyer*, Civil Action No. 00CV11013 (D. Mass.), was lodged with the United States District Court for the District of Massachusetts on May 23, 2000. This proposed Consent Decree concerns a complaint filed by the United States against Bruce S. Dyer and the Holly Farms Nominee Trust, pursuant to section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), to obtain injunctive relief from, and impose civil penalties against the Defendants for the discharge of pollutants into the waters of the United States at portions of an approximately 107 acre parcel of land located at 36 Holly Lane in Bridgewater, Massachusetts where a cranberry farm now exists.

The proposed Consent Decree prohibits the discharge of pollutants into waters of the United States without authorization by the United States Department of the Army Corps of Engineers and requires Defendants, at their own expense and at the direction of EPA, to restore and/or mitigate the damages caused by their unlawful activities. This proposed Consent Decree further requires Defendants to pay civil penalties to the United States as follows: two thousand dollars ($2,000) within thirty (30) days of the date of entry of this Consent Decree; three thousand dollars ($3,000) at the one year anniversary of the date of entry; three thousand dollars ($3,000) at the two year anniversary of the date of entry; and four thousand dollars ($4,000) at the four year anniversary of the date of entry.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to Jon M. Lipshultz, Environment and Natural Resources Division, Environmental Defense Section, U.S. Department of Justice, P.O. Box 23986, Washington, D.C. 20026–3986 and refer to *United States* v. *Dyer*, DJ # 909–5–1–1–05400/1.

The proposed Consent decree may be examined at the Clerk's Office, United States District Court for the District of Massachusetts, 2300 United States Courthouse, One Courthouse Way, Boston, MA 02210–3002.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 00–14617 Filed 6–8–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Department of Justice policy codified at 28 CFR 50.7

and Section 122 of CERCLA, 42 U.S.C. 9622, notice is hereby given that on May 26, 2000, two proposed Consent Decrees in *United States* v. *Elsa Morgan-Skinner, et al.*, Civ. Action No. C–1–00–424, were lodged with the United States District Court for the Southern District of Ohio. The first Consent Decree represents a settlement of claims of the United States for recovery of response costs incurred by the United States in connection with the Skinner Landfill Superfund Site (Site) in West Chester, Ohio, under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9607(a), against Elsa Morgan-Skinner and seventy-two (72) other potentially responsible parties (PRPs) that contributed hazardous substances to the Site. Under the terms of the Consent Decree (the Remedial Action or "RA Consent Decree"), the Settling Generator/Transporter Defendants, including approximately sixty-six (66) companies, (Work Parties) will implement an EPA-approved remedial action which includes, among other things, the construction of a cap over a former dump and buried waste lagoon area; and the interception, capture and treatment of contaminated groundwater located down-gradient from the capped area. The Settling Owner/Operator Defendant Elas Morgan-Skinner, the current Site owner, agrees to grant access to and restrictive use covenants on the Site, and resolve her liability by selling an option to purchase the Site for $5,000 to the Work Parties. A portion of the proceeds of any such sale will be deposited into an account known as the Skinner Landfill Special Account. Two Settling Federal Agencies, the General Services Administration and the Defense Logistics Agency, will pay $602,599.12 into the Skinner Landfill Special Account. Finally, the Settling *De Minimis* Federal Agencies, including the United States Army, United States Air Force, United States Information Agency and the United States Postal Service, each of which contributed less than 1% of the total volume of waste at the Site, will pay $87,804.29 into the Skinner Landfill Special Account. Eighty percent of the funds in the Special Account will be available for disbursement to the Work Parties for their remediation work. In exchange for these payments and performance of the remedial action, each of the Settling Defendants under the RA Consent Decree will receive covenants not to sue and contribution protection.

The second Consent Decree resolves the United States' claims for recovery of response costs incurred at the Site against seven municipalities, including the Cities of Blue Ash, Deer Park, Madiera, Mason, Sharonville and the Villages of Lincoln Heights and Monroe, each of which contributed municipal solid waste (MSW) to the Site. Under the terms of this Consent Decree (known as the "MSW Consent Decree") the Settling Municipalities will pay a total of $17,218 into the Skinner Special Account. These funds will be made available to the Work Parties for their remediation work. In exchange for this payment, each of the Settling Municipalities will receive a covenant not to sue and contribution protection.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decrees. Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530, and should refer to *United States* v. *Elsa Morgan-Skinner et al.* Civ. Action No. C–1–00–424, D.F. Ref. Nos. 90–11–3–1620, 90–11–6–118, 90–11–6–128.

The Consent Decrees may be examined at the Office of the United States Attorney, 220 United States Post Office & Courthouse, 100 E. 5th Street, Cincinnati, Ohio, 45202, and at the United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590. A copy of the Consent Decrees may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy of the Consent Decree, please enclose a check payable to the Consent Decree Library in amount of $65.50 for both Consent Decrees; or $60.00 (240 pages at 25 cents per page reproduction cost) for the RA Consent Decree; or $5.50 (22 pages at 25 cents per page reproduction cost) for the MSW Consent Decree.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environmental & Natural Resources Division.

[FR Doc. 00–14624 Filed 6–8–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under The Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on May 23, 2000, a proposed Consent Decree in *United States* v. *Riverside Plating Company, Inc. et al.*, Civil Action No. 00–C–0320 was lodged with the United States District court for the Western District of Wisconsin.

This consent decree represents a settlement of claims brought against Riverside Plating Company, Inc. ("Riverside Plating") and Richard J. Bouziane under Section 107 of CERCLA, 42 U.S.C. 9607, for the recovery of costs incurred by the United States in responding to the release or threatened release of hazardous substances at and from the Riverside Plating Superfund Site in Janesville, Wisconsin. John C. Bouziane, Michael J. Bouziane, Bouziane Enterprises, Bouziane Plating, the Ruth Bouziane Trust, the Bouziane Family Trust and the Estate of Ruth Bouziane are also parties to the consent decree.

Under the proposed settlement, Riverside Plating and Richard Bouziane will, *inter alia*, pay the United States $50,000 in partial reimbursement of response costs incurred by the United States in connection with the Riverside Plating Superfund Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044–7611, and should refer to *United States* v. *Riverside Plating Company, Inc. et al*, D.J. Ref. 90–11–2–06129/2.

The Consent Decree may be examined at the Office of the United States Attorney, 660 West Washington Ave., Suite 200, Madison, Wisconsin, and at U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044–7611. In requesting a copy, please enclose a check in the amount of $7.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 00–14623 Filed 6–8–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 199–2000]

Privacy Act of 1974; System of Records

The Department of Justice (DOJ), Justice Management Division (JMD), proposes to modify the Employee Assistance Program (EAP) Treatment and Referral Records, Justice/JMD–16. The primary purpose for establishing the system of records was to permit the standard medical practice of retaining and recording the mental health history of EAP clients, the rationale for the counseling and referral provided by the EAP counselor and to record the number of contacts made over time. The Department now proposes to modify the routine uses of records maintained in the system to reflect changes in program personnel, policy and procedures. The existing routine use allowing for disclosures to state or local authorities to report, where required under State law, incidents of child abuse or neglect, has been revised to include incidents of elder or domestic abuse or neglect. In addition, to reflect the fact that the Department refers EAP clients to contract counselors, the Notice adds a routine use allowing for the disclosure of records to such contractors. The Notice also adds a routine use permitting disclosures to any person who is responsible for the care of an EAP client when the EAP client to whom the records pertain is mentally incompetent or under legal disability. Finally, the Notice adds a routine use allowing for disclosures to any person or entity to the extent necessary to meet a bona fide medical emergency. When this last routine use was suggested when the Department published its original EAP System of Records notice, it was eliminated based on the argument that exemption (b)(8), 5 U.S.C. sec. 552a(b)(8), to the Privacy Act, already provided authority to make such disclosures. Recognizing that there is ambiguity in exemption (b)(8) as to whether records about an individual may be disclosed to a third person, we have added this routine use to clearly allow for such disclosures in medical emergencies.

In addition, the Department is revising the System Location and System Manager and Address sections to reflect personnel changes, and updating the "Storage" and "Retention" sections to reflect a partial automation of the system.

Title 5 U.S.C. sec. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment on the proposed modifications. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to review the proposed modifications. Therefore, please submit any comments by 40 days from publication of this notice. The public, OMB and the Congress are invited to submit written comments to Mary Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530, (202) 307–1823.

As required by 5 U.S.C. sec. 552a(r), the Department of Justice has provided a report on the proposed changes to OMB and the Congress.

A modified system description is set forth below.

Dated: June 1, 2000.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/JMD–016

SYSTEM NAME:

Employee Assistance Program (EAP) Counseling and Referral Records, Justice/JMD–016.

SYSTEM LOCATION:

Records are maintained by the JMD EAP staff. Interested parties wishing to correspond regarding records should direct their inquiries to the EAP System Manager, DOJ EAP and Worklife Group Assistant Director, Justice Management Division, U.S. Department of Justice, 950 Pennsylvania Ave. NW, Washington, DC, 20530, or call (202) 514–1846.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Offices, Boards, Divisions and occasionally Bureaus of the Department (as listed at 28 CFR 0.1), including the Office of the Inspector General, the Executive Office of the U.S. Trustees, the Executive Office for Immigration Review and the Office of Justice Programs, who have sought counseling or have been referred for counseling or treatment through the EAP. To the limited degree that counseling and referral may be provided to family members of these employees, these individuals are covered by the EAP System. The remainder of this notice will refer to all persons covered by the System as "EAP client(s)." Categories of records in the system:

Records include any record, written or electronic, which may assist in diagnosing, evaluating, counseling and/or treating an EAP client, or resolving an EAP client's complaint or management's concerns (management consultation) regarding the EAP client's performance, attendance, or conduct problems. Included are the EAP counselor's intake/termination and outcome documents; case notes; pertinent psychosocial, medical and employment histories; medical tests or screenings, including drug and alcohol tests and information on positive drug tests generated by the staff of the Drug Free Workplace Program or treatment facilities from which the EAP client may be receiving treatment; treatment and rehabilitation plans; behavioral improvement plans; and records of referrals. Referrals include those to community treatment resources and social service agencies that provide legal, financial or other assistance not related to mental health or general medical services. Where clinical referrals have been made, records may include relevant information related to counseling, diagnosis, prognosis, treatment and evaluation, together with follow-up data that may be generated by the community program providing the relevant services. Other records included in the system are the written consent forms used to permit the disclosure of information outside the EAP. Records may also include account information, such as contractor billings and government payments, when EAP services are provided by an EAP contractor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. sec. 290dd–2; 42 CFR part 2; 5 U.S.C. 3301, 7361, 7362, 7901 and 7904; 44 U.S.C. 3101; Executive Order 12564; and Pub. L. 100–71, 101 Stat. 391, sec. 503 (July 11, 1987).

PURPOSE:

Records are maintained to document the work performed by the EAP on behalf of the EAP client and to allow for the tracking of the EAP client's progress and participation in the EAP or community programs. These records may also be used to track compliance with Abeyance or Last Change Agreements that include treatment options, in which the EAP is an integral part of establishing and/or monitoring treatment compliance as directed by the EAP client. Routine uses of records maintained in the system, including categories of users and purposes of such uses:

In addition to those disclosures permitted by the Privacy Act itself, 5 U.S.C. sec. 552a(b), relevant information may be disclosed from this system of

records without EAP client consent as follows: [1]

1. To appropriate State or local authorities to report, where required under State law, incidents of suspected child, elder or domestic abuse or neglect.

2. To any person or entity to the extent necessary to prevent an imminent crime which directly threatens loss of life or serious bodily injury.

3. To JMD contractors that provide counseling and other services through referrals from the EAP staff to the extent that it is appropriate, relevant, and necessary to enable the contractor to perform his or her counseling, treatment, rehabilitation, and evaluation responsibilities.

4. To any person who is responsible for the care of an EAP client when the EAP client to whom the records pertain is mentally incompetent or under legal disability.

5. To any person or entity to the extent necessary to meet a bona fide medical emergency.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on paper and computer discs which are stored in locked GSA-approved security containers.

RETRIEVABILITY:

Records are indexed and retrieved by identifying number or symbol, cross-indexed to EAP client names.

SAFEGUARDS:

Paper records and computer discs are kept in locked GSA-approved security containers, and the computer discs are password protected. Only EAP staff will have access to the records. Records may be reviewed by any EAP staff member as may be needed to provide EAP services. No record may be released by the DOJ EAP staff without prior approval of the DOJ EAP System Manager.

RETENTION AND DISPOSAL:

Records are retained for three years after the EAP client ceases contact with the counselor (in accordance with General Records Schedule No. 1, Item No. 26) unless a longer retention period is necessary because of administrative or judicial proceedings. In such cases, the records are retained for six months after the conclusion of the proceedings. Paper records are destroyed by shredding, which must be performed by an EAP staff member. Computer discs are erased, degaussed or physically destroyed by an EAP staff member.

SYSTEM MANAGER AND ADDRESS:

DOJ EAP and Worklife Group Assistant Director, Justice Management Division, U.S. Department of Justice 950 Pennsylvania Ave. NW, Washington, DC 20530, (202) 514–1846.

NOTIFICATION PROCEDURE:

Some as Record Access Procedures.

RECORD ACCESS PROCEDURES:

Make all requests for access in writing to the EAP System Manager identified above. Clearly mark the envelope and letter "Freedom of Information Act/Privacy Act Request." Provide the full name and notarized signature of the individual who is the subject of the record, the dates during which the individual was in counseling , any other information which may assist in identifying and locating the record, and a return address.

CONTESTING RECORD PROCEDURES:

Director all requests to contest or amend information to the EAP System Manager identified above. The request should follow the Record Access Procedures, listed above, and should state clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelope and letter "Freedom of Information Act/Privacy Act Request."

RECORD SOURCE CATEGORIES:

Records are generated by EAP personnel, referral counseling and treatment programs or individuals, the EAP client who is the subject of the record, the personnel office and the EAP client's supervisor. In the case of drug abuse counseling, records may also be generated by the staff of the Drug-Free Workplace Program and the Medical Review Officer.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

[FR Doc. 00–14616 Filed 6–8–00; 8:45 am]
BILLING CODE 4910–CJ–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2065R–00]

RIN 1115–AE26

Extension of Re-registration Period and Work Authorization for Hondurans Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends the re-registration period until July 5, 2000 for those eligible nationals of Honduras (or aliens having no nationality who last habitually resided in Honduras) who may re-register for Temporary Protected Status (TPS) and apply for a new period of employment authorization. On May 11, 2000, through a notice in the **Federal Register** at 65 FR 30438, the Attorney General extended the TPS designation of Honduras for an additional 12-month period, until July 5, 2001. The May 11, 2000 **Federal Register** notice also set the end of the filing period for re-registration at June 12, 2000, which is now being changed to July 5, 2000.

In addition to extending the re-registration period, this notice extends until December 5, 2000 the validity of Employment Authorization Documents (EADs) that were issued to Honduran nationals (or aliens having no nationality who last habitually resided in Honduras) under the initial TPS designation and that are set to expire on July 5, 2000. To be eligible for this automatic extension of employment authorization, an individual must be a national of Honduras (or an alien having no nationality who last habitually resided in Honduras) who previously applied for and received an EAD under the initial January 5, 1999 designation of Honduras for TPS. This automatic extension is limited to EADs bearing an expiration date of July 5, 2000 and the notation:

- "A–12" or "C–19" on the face of the card under "Category" for EADs issued on Form I–766; or,
- "274A.12(A)(12)" or "274A.12(C)(19)" on the face of the card under "Provision of Law" for EADs issued on Form I–688B.

EFFECTIVE DATES: The extension of the TPS designation for Honduras is effective July 6, 2000, and will remain in effect until July 5, 2001. The re-registration period began May 11, 2000 and will remain in effect until July 5, 2000. All EADs that were issued to

[1] To the extent that the release of alcohol and drug abuse records is more restricted than other records subject to the Privacy Act, DOJ will follow such restrictions. See 42 U.S.C. 290dd–2; 42 CFR part 2.

Honduran nationals (or aliens having no nationality who last habitually resided in Honduras) under the initial Honduras TPS designation and that are set to expire on July 5, 2000 are automatically extended until December 5, 2000.

FOR FURTHER INFORMATION CONTACT: Michael Hardin, Office of Adjudications, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–4754.

SUPPLEMENTARY INFORMATION:

Why Did the Immigration and Naturalization Service Decide To Extend the Re-registration Period for Hondurans Filing for an Extension of Temporary Protected Status?

The extreme devastation of Hurricane Mitch prompted the Attorney General to make an unprecedented original 18-month designation under TPS for Honduras. Typically, TPS designations are for 12 months, which is also the time period after which TPS applicants must annually register with the Immigration and Naturalization Service (Service). 8 U.S.C. 1254a(c)(3)(C). This annual registration must take place within 30 days of the anniversary of the initial grant of Temporary Protected Status. 8 CFR 244.17.

The initial 18-month grant of TPS status to Honduras, combined with EADs issued under TPS designations for Honduras stating July 5, 2000 as their expiration date, has caused confusion is to when a Honduran TPS applicant is required to file for a TPS extension. Because of this, the Service is extending the dates for re-registration by this Notice until the last day of the initial Honduras TPS designation, July 5, 200.

When Can I Register for an Extension of TPS?

The re-registration period begins May 11, 2000 and will remain in effect until July 5, 2000. Applications must be physically received, not just postmarked, at the appropriate Service Center by July 5, 2000. For further filing instructions, see the previous notice in the May 11, 2000 **Federal Register**.

What Forms Must I Send in Order To Register for an Extension of TPS?

As stated previously, in the May 11, 2000, **Federal Register** notice, in order to re-register under the TPS program, you must file your TPS application, Form I–821 (without fee) and an application for employment authorization, Form I–765. If you want an EAD, you must submit a fee of $100. If you are not requesting employment authorization, you do not need to submit a fee. Both forms I–821 and I–765 must be received by the appropriate Service Center by July 5, 2000.

Why Is the Service Automatically Extending the Expiration Date of EADs From July 5, 2000 to December 5, 2000?

As stated above, qualified individuals must apply for a new EAD in order to register for and extension of TPS. Conserving both the number of applications that the Service anticipates it will receive and Service processing capabilities given the short timeframe provided by statute for the decision to extend the Attorney General's designation of Honduras under the TPS program, it is likely that many re-registrants will receive their new EAD after the expiration date of their current EAD. Unless an extension on the expiration date of their EAD is provided, re-registrants may experience a gap in employment authorization. Therefore, to afford the Service sufficient processing time and to ensure that re-registrants will be able to maintain their employment authorization until they receive a new EAD in connection with their re-registration for the new period of TPS, the Service, through this notice, is extending the validity of applicable EADs to December 5, 2000.

Who Is Eligible To Receive an Automatic Extension of Employment Authorization?

To be eligible for an automatic extension of employment authorization, an individual must be a national of Honduras (or an alien having no nationality who last habitually resided in Honduras) who previously applied for and received and EAD under the initial January 5, 1999 designation of Honduras for TPS. This automatic extension is limited to EADs bearing an expiration date of July 5, 2000 and the notation:

- "A–12 or "C–19" on the face of the card under "Category" for EADs issued on Form I–766; or,
- "274A.12(A)(12)" or "274A.12(C)(19)" on the face of the card under "Provision of Law" for EADs issued on Form I–688B.

Does a Qualified Individual Have To Apply to the Service for the Automatic Extension to December 5, 2000 of His or Her TPS-related EAD?

No, the extension of the validity of the previously issued EADs to December 5, 2000 is automatic and there is no fee. However, as discussed below, qualified individuals are encouraged to retain a copy of this **Federal Register** notice for purposes of the employment verification process. Also, qualified individuals must re-register by July 5, 2000 in order to be eligible for a new EAD that is valid until July 5, 2001.

What Documents Can a Qualified Individual Show to His or Her Employer as Proof of Employment Authorization and Identity When Completing the Employment Eligibility Verification Form (Form I–9)?

For completion of the Form I–9 at the time of hire or reverification, qualified individuals who have received an extension of employment authorization by virtue of their **Federal Register** notice can present their employer their TPS-related EAD as proof of valid employment authorization and identity until December 5, 2000. To minimize confusion over this extension at the time of hire or re-verification, qualified individuals may also present to their employer a copy of this **Federal Register** notice regarding the extension of employment authorization to December 5, 2000. In the alternative to presenting a TPS-related EAD, any legally acceptable document or combination of documents listed in List A, List B, or List C of the Form I–9 may be presented as proof of identity and employment eligibility; it is the choice of the employee.

How Can Employers Determine Which EADs That Have Been Automatically Extended Through December 5, 2000, Are Acceptable for Completion of the Form I–9?

For purposes of verifying identity and employment eligibility or re-verifying employment eligibility on the Form I–9 until December 5, 2000, employers of TPS Honduran nationals (or aliens having no nationality who last habitually resided in Honduras) whose employment authorization has been automatically extended by this notice must accept an EAD that contains an expiration date of July 5, 2000 and that bears the notation:

- "A–12" or "C–19" on the face of the card under "Category" for EADs issued on Form I–766; or,
- "274A.12(A)(12)" or "274A.12(C)(19)" on the face of the card under "Provision of Law" for EADs issued on Form I–688B.

New EADs or extension stickers showing the December 5, 2000 expiration date will not be issued. Employers should not request proof of Honduran citizenship. Employers presented with an EAD that has been extended by this **Federal Register** notice and that appears to be genuine and to relate to the employee should accept the document as a valid List A document and should not ask for additional I–9

documentation. This action by the Service through this **Federal Register** notice does not affect the right of an employee to present any legally acceptable document as proof of identity and eligibility for employment. Employers are reminded that the laws prohibiting unfair immigration-related employment practices remain in full force. Employers may call the Service's Office of Business Liaison Employer Hotline at 1–800–357–2099 to speak to a Service representative about this Notice. Employers can also call the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1–800–255–8155. Employees or applicants can call the OSC Employee Hotline at 1–800–255–7688 about the automatic extension.

Doe This Notice Affect Any Other Portion of the May 11, 2000 Federal Register Notice Extending TPS Designation for Honduras Until July 5, 2001?

No. All other TPS requirements contained in the May 11, 2000, **Federal Register** notice at 65 FR 30438 are accurate and remain in effect.

Dated: May 25, 2000.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 00–14534 Filed 6–8–00; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2064R–00]

RIN 1115–AE26

Extension of Re-Registration Period and Work Authorization for Nicaraguans Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service.

ACTION: Notice.

SUMMARY: This notice extends the re-registration period until July 5, 2000 for those eligible nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) who may re-register for Temporary Protected Status (TPS) and apply for a new period of employment authorization. On May 11, 2000, through a notice in the **Federal Register** at 65 FR 30440, the Attorney General extended the TPS designation of Nicaragua for an additional 12-month period, until July 5, 2001. The May 11, 2000 **Federal Register** notice also set the end of the filing period for re-registration at June 12, 2000, which is now being changed to July 5, 2000.

In addition to extending the re-registration period, this notice extends until December 5, 2000 the validity of Employment Authorization Documents (EADs) that were issued to Nicaraguan nationals (or aliens having no nationality who last habitually resided in Nicaragua) under the initial TPS designation and that are set to expire on July 5, 2000. To be eligible for this automatic extension of employment authorization, an individual must be a national of Nicaragua (or an alien having no nationality who last habitually resided in Nicaragua) who previously applied for and received an EAD under the initial January 5, 1999 designation of Nicaragua for TPS. This automatic extension is limited to EADs bearing an expiration date of July 5, 2000 and the notation:

- "A–12" or "C–19" on the face of the card under "Category" for EADs issued on Form I–766; or,
- "274A.12(A)(12)" or "274A.12(C)(19)" on the face of the card under "Provision of Law" for EADs issued on Form I–688B.

EFFECTIVE DATES: The extension of the TPS designation for Nicaragua is effective July 6, 2000, and will remain in effect until July 5, 2001. The re-registration period began May 11, 2000 and will remain in effect until July 5, 2000. All EADs that were issued to Nicaraguan nationals (or aliens having no nationality who last habitually resided in Nicaragua) under the initial Nicaragua TPS designation and that are set to expire on July 5, 2000 are automatically extended until December 5, 2000.

FOR FURTHER INFORMATION CONTACT: Michael Hardin, Office of Adjudications, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–4754.

SUPPLEMENTARY INFORMATION:

Why Did the Immigration and Naturalization Service Decide To Extend the Re-Registration Period for Nicaraguans Filing for an Extension of Temporary Protected Status?

The extreme devastation of Hurricane Mitch prompted the Attorney General to make an unprecedented original 18-month designation under TPS for Nicaragua. Typically, TPS designations are for 12 months, which is also the time period after which TPS applicants must annually register with the Immigration and Naturalization Service (Service). 8 U.S.C. 1254a(c)(3)(C). This annual registration must take place within 30 days of the anniversary of the initial grant of Temporary Protected Status. 8 CFR 244.17.

The initial 18-month grant of TPS status to Nicaragua, combined with EADs issued under TPS designations for Nicaragua stating July 5, 2000 as their expiration date, has caused confusion as to when a Nicaraguan TPS applicant is required to file for a TPS extension. Because of this, the Service is extending the dates for re-registration by this Notice until the last day of the initial Nicaragua TPS designation, July 5, 2000.

When Can I Register for an Extension of TPS?

The re-registration period begins May 11, 2000 and will remain in effect until July 5, 2000. Applications must be physically received, not just postmarked, at the appropriate Service Center by July 5, 2000. For further filing instructions, see the previous notice in the May 11, 2000 **Federal Register**.

What Forms Must I Send in Order To Register for an Extension of TPS?

As previously stated in the May 11, 2000 **Federal Register** notice, in order to re-register under the TPS program, you must file your TPS application, Form I–821 (without fee) and an application for employment authorization, Form I–765. If you want an EAD, you must submit a fee of $100. If you are not requesting employment authorization, you do not need to submit a fee. Both forms I–821 and I–765 must be received by the appropriate Service Center by July 5, 2000.

Why Is the Service Automatically Extending the Expiration Date of EADs From July 5, 2000 to December 5, 2000?

As stated above, qualified individuals must apply for a new EAD in order to register for an extension of TPS. Considering both the number of applications that the Service anticipates it will receive and Service processing capabilities given the short timeframe provided by statute for the decision to extend the Attorney General's designation of Nicaragua under the TPS program, it is likely that many re-registrants will receive their new EAD after the expiration date of their current EAD. Unless an extension on the expiration date of their EAD is provided, re-registrants may experience a gap in employment authorization. Therefore, to afford the Service sufficient processing time and to ensure that re-registrants will be able to maintain their employment authorization until they receive a new

EAD in connection with their re-registration for the new period of TPS, the Service, through this notice, is extending the validity of applicable EADs to December 5, 2000.

Who Is Eligible To Receive an Automatic Extension of Employment Authorization?

To be eligible for an automatic extension of employment authorization, an individual must be a national of Nicaragua (or an alien having no nationality who last habitually resided in Nicaragua) who previously applied for and received an EAD under the initial January 5, 1999 designation of Nicaragua for TPS. This automatic extension is limited to EADs bearing an expiration date of July 5, 2000 and the notation:

- "A–12" or "C–19" on the face of the card under "Category" for EADs issued on Form I–766; or,
- "274A.12(A)(12)" or "274A.12(C)(19)" on the face of the card under "Provision of Law" for EADs issued on Form I–688B.

Does a Qualified Individual Have To Apply to the Service for the Automatic Extension to December 5, 2000 of His or Her TPS-Related EAD?

No, the extension of the validity of the previously issued EADs to December 5, 2000 is automatic and there is no fee. However, as discussed below, qualified individuals are encouraged to retain a copy of this **Federal Register** notice for purposes of the employment verification process. Also, qualified individuals must re-register by July 5, 2000 in order to be eligible for a new EAD that is valid until July 5, 2001.

What Documents Can a Qualified Individual Show to His or Her Employer as Proof of Employment Authorization and Identity When Completing the Employment Eligibility Verification Form (Form I–9)?

For completion of the Form I–9 at the time of hire or reverification, qualified individuals who have received an extension of employment authorization by virtue of this **Federal Register** notice can present to their employer their TPS-related EAD as proof of valid employment authorization and identity until December 5, 2000. To minimize confusion over this extension at the time of hire or re-verification, qualified individuals may also present to their employer a copy of this **Federal Register** notice regarding the extension of employment authorization to December 5, 2000. In the alternative to presenting a TPS-related EAD, any legally acceptable document or combination of documents listed in List A, List B, or List C of the Form I–9 may be presented as proof of identity and employment eligibility; it is the choice of the employee.

How can Employers Determine Which EADs That Have Been Automatically Extended Through December 5, 2000 are Acceptable for Completion of the Form I–9?

For the purposes of verifying identity and employment eligibility or re-verifying employment eligibility on the Form I–9 until December 5, 2000, employers of TPS Nicaraguan nationals (or aliens having no nationality who last habitually resided in Nicaragua) whose employment authorization has been automatically extended by this notice must accept an EAD that contains an expiration date of July 5, 2000 and that bears the notation:

- "A–12" or "C–19" on the face of the card under "Category" for EADs issued on Form I–766; or,
- "274A.12(A)(12)" or "274A.12(C)(19)" on the face of the card under "Provision of Law" for EADs issued on Form I–688B.

New EADs or extension stickers showing the December 5, 2000 expiration date will not be issued. Employers should not request proof of Nicaraguan citizenship. Employers presented with an EAD that has been extended by this **Federal Register** notice and that appears to be genuine and to relate to the employee should accept the document as a valid List A document and should not ask for additional I–19 documentation. This action by the Service through this **Federal Register** notice does not affect the right of an employee to present any legally acceptable document as proof of identity and eligibility for employment. Employers are reminded that the laws prohibiting unfair immigration-related employment practices remain in full force. Employers may call the Service's Office of Business Liaison Employer Hotline at 1–800–357–2099 to speak to a Service representative about this Notice. Employers can also call the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1–800–255–8155. Employees or applicants can call the OSC Employee Hotline at 1–800–255–7688 about the automatic extension. Does this notice affect any other portion of the May 11, 2000 **Federal Register** notice extending TPS designation for Nicaragua until July 5, 2001?

No. All other TPS requirements contained in the May 11, 2000, **Federal Register** notice at 65 FR 30440 are accurate and remain in effect.

Dated: May 25, 2000.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 00–14533 Filed 6–8–00; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Bureau of Justice Statistics

[OJP(BJS)–1272]

Profiles of Criminal Justice Systems in Selected Countries

AGENCY: Office of Justice Programs, Bureau of Justice Statistics, Justice.

ACTION: Notice of solicitation.

SUMMARY: The purpose of this notice is to announce a solicitation for the preparation of criminal justice system profiles for five countries in Latin America, to be added to BJS's *World Factbook of Criminal Justice Systems.*

DATES: Proposals must be received by 5 p.m. EST on July 24, 2000.

ADDRESSES: Proposals should be mailed to Lea S. Gifford, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, D.C. 20531; Phone: (202) 307–0765 [This is not a toll-free number].

FOR FURTHER INFORMATION CONTACT: Lea S. Gifford, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, D.C. 20531; Phone: (202) 307–0765 [This is not a toll-free number].

SUPPLEMENTARY INFORMATION:

Statutory Authority

The grant awarded through this solicitation will be funded by the Bureau of Justice Statistics consistent with its mandate under 42 U.S.C. 3732(c).

Program Goals

The purpose of this award is to support the development of descriptive criminal justice system profiles of individual countries written in English, designed to facilitate comparisons between the United States and the other Latin American countries profiled. These profiles will serve as a resource for program and policy development in Latin America, for researchers engaged in cross-country analysis, and for those examining the relationship between differing systems of justice and cross-national crime.

Background

In the early 1990s, the Bureau of Justice Statistics funded a project entitled the *World Factbook of Criminal Justice Systems*. When the *Factbook* was first compiled, it consisted of articles on 42 countries, each written to a common template by someone fluent in the language of, and having detailed knowledge of, that country. These profiles are available on the BJS website at http://www.ojp.usdoj.gov/bjs/abstract/wfcj.htm. This project was undertaken to improve the availability and comparability of descriptions of the criminal justice systems in various countries. Such descriptions are necessary to enable the appropriate collection and accurate analysis of crime and justice data from these countries, as well as to inform researchers and officials who plan to work with such countries with regard to their criminal justice operations.

Scope of Work

The objectives of the proposed project are to expand the *World Factbook* template for maximum utility, update the pre-existing profile of the criminal justice system in Costa Rica accordingly, and to create criminal justice system profiles for four additional Latin American countries based on the revised template. Applicants should familiarize themselves with the current template which appears at *www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjint.txt* and should carefully read the entire introduction as well as one or two of the profiles.

Phase One of the project will consist of collaborating with BJS and other interested parties in order to revise the template, so that resulting profiles will include all the information that a researcher or visitor would reasonably need to know to accurately analyze and understand crime and justice data. The grantee will then update the profile of Costa Rica according to the revised template. Upon completion of this task to BJS" satisfaction, the grantee will proceed to Phase Two.

Phase Two will consist of preparing new criminal justice system profiles for four Latin American countries (other than Costa Rica).

Preparation of the country profiles will require significant contact with persons at all stages of the criminal justice system within each country. It is strongly suggested, but not required, that the applicant collaborate with a local criminal justice researcher in each profiled country. The grantee is encouraged to propose which four Latin American countries will be profiled; however BJS will make the final selection by considering the following factors: (1) Representation of the diversity of criminal justice systems in Latin America (Central America, Mexico, South America), (2) recent systemic changes that have policy relevance and merit documentation, (3) availability of reliable contacts and statistical data, and (4) importance as a source of transnational crime.

Statistical material for each country will be the latest available official data from the country. Sources and contacts made for each country will be carefully documented. The profiles should include descriptions of how statistics are collected and maintained in each country and how the public can access them. The profiles should incorporate important information from and/or reference similar country profiles, such as those provided by the CIA and the Library of Congress, and any country-specific sources of crime or criminal justice data.

Products

The grantee will deliver to BJS Web-ready electronic versions of the template and all five country profiles on diskette in text file format. These files will be posted on the BJS Website and may be used for subsequent publications.

Application and Award Process

An original and three (3) copies of a full proposal must be submitted with a Standard Form 424, Application for Federal Assistance, Budget Detail Worksheet, OJP Forms 4000/3, and 4061/6. These forms can be obtain online *www.ojp.usdoj.gov/forms.htm*. In addition, fund recipients are required to comply with regulations designed to protect human subjects and ensure confidentiality of data. In accordance with 28 CFR Part 22, a Privacy Certificate must be submitted to BJS. Furthermore a Screening Sheet for Protection of Human Subjects must be completed prior to the award being issued. Questions regarding Protection of Human Subjects and/or privacy certificate requirements can be directed to the Human Subject Projection Officer (HPSO) at (202) 616–3282 [This is not a toll-free number].

Proposals must include both narrative description and a detailed budget. The narrative shall describe activities as discussed in the previous section. The budget shall contain detailed costs of personnel, travel, equipment, supplies and other expenses. The grant award will be in the form of a copperative agreement. It is anticipated that the entire project can be completed for less than $30,000.

Timing

This award will be made for a period of 12 months. The first phase will be concluded and evaluated within two months. The second phase will commence upon the successful completion of the first phase and will be completed within 12 months of the award date.

Eligibility Requirements

Applicants must be reasonably proficient in the Spanish language. If applicants contemplate preparing each profile themselves, they need to have demonstrated fluency in speaking, reading, and writing both Spanish and English. Applicants should have a background in criminal justice. Knowledge of Latin American organizations and governmental structures, including political events which might influence the criminal justice system, and contacts with individuals in these countries will be extremely beneficial. Familiarity with Latin America through travel, residence, and/or study is highly desirable.

BJS will evaluate proposals based on (1) the credentials of the applicant (how experienced the applicant is in work related to criminal justice in Latin America), (2) the merit of the proposal (how the applicant intends to satisfy the needs described in this announcement), and (3) the competitiveness of the proposed budget.

Jan M. Chaiken,

Director, Bureau of Justice Statistics.

[FR Doc. 00–14486 Filed 6–8–00; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Bureau of Justice Assistance

[OJP (BJA)—1278]

Announcement of the Availability of the State Criminal Alien Assistance Program for FY2000

AGENCY: Office of Justice Programs, Bureau of Justice Assistance, Justice.

ACTION: Notice of solicitation.

SUMMARY: Announcement of the availability of the Bureau of Justice Assistance State Criminal Alien Assistance Program (SCAAP) funding for FY2000.

DATES: Applications for payments may be made through a new Internet-based system beginning Thursday, June 1, 2000 and continuing until Monday, July 17, 2000.

ADDRESSES: Bureau of Justice Assistance, 810 Seventh Street, NW, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: For program guidance and technical assistance, please log on to the Office of Justice Programs Home Page at: *http://www.ojp.usdoj.gov* and select "Funding Opportunities" and then "SCAAP," or call the Office of Justice Programs Grants Management System Hotline at 1–888–549–9901. For general information about on-line application procedures for solicitations, please call the U.S. Department of Justice Response Center 1–800–421–6770.

SUPPLEMENTARY INFORMATION:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, Sections 201–03, as amended, 42 U.S.C. 3721–23 (1994).

Background

SCAAP provides Federal assistance to states and units of local government for costs incurred for the imprisonment of undocumented criminal aliens who are convicted of felony or misdemeanor offenses. Potential applicants no longer may submit hard copy application forms and diskettes. For FY2000, state and local governments apply for payment via a paperless, electronic, end-to-end distributive, Internet-based web-site. BJA anticipates providing over 390 payments of varying amounts from a FY2000 funding total of $585,000,000.

Potential applicants with questions should call the U.S. Department of Justice Response Center at 1–800–421–6770 or the Office of Justice Programs Grants Management System Hotline at 1–888–549–9901. For access to program guidance and the on-line application, connect to *http://www.ojp.usdoj.gov* and select "Funding Opportunities" and then "SCAAP."

Nancy E. Gist,

Director, Bureau of Justice Assistance.

[FR Doc. 00–14530 Filed 6–8–00; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement—Critical Issues in Managing Women Offenders

AGENCY: National Institute of corrections, Department of Justice.

ACTION: Solicitation for a cooperative agreement.

SUMMARY: The Department of Justice (DOJ), National Institute of Corrections (NIC), announces the availability of funds in FY 2000 for a cooperative agreement to develop a 24–36 hour curriculum on Critical Issues in Managing Women Offenders. The cooperative agreement represents the first part of a two-phased project to develop and deliver the curriculum in the next 15 months. NIC will award this project in two parts: in the current year (FY 2000), NIC will award a cooperative agreement for a six month project to develop the curriculum. Based on satisfactory performance in the development phase, in FY 2001 NIC will award a supplement to deliver the curriculum as a regional training program at two different locations. $50,000 is available for part one of the project, and $50,000 will be available in FT 2001 for training program delivery under a regional partnership format. Regional partnerships are funded in part by participating agencies. The funding for FY 2001 is contingent on congressional approval of the federal budget at the beginning of the fiscal year.

A cooperative agreement is a form of assistance relationship where the National Institute of Corrections is substantially involved during the performance of the award. An award is made to an organization that will, in concert with the Institute, provide a clearer articulation of gender-responsive strategies which are grounded in current theory and research, drawn from different relevant disciplines and agencies, and applied to the realities of correctional practice in prisons, jails, and community corrections. No funds are transferred to state or local governments.

Background

Women offenders and related gender issues are gaining increased focus from policy makers in corrections for numerous reasons. During the last decade, the women offender population has nearly tripled in every sector of corrections. Changes in mandatory sentencing for drug offenders on the federal and state levels are resulting in larger numbers of women serving longer periods of time in correctional facilities. A variety of critical issues such as cross-gender supervision, appropriate relationships between staff and offenders, management of population growth, parity in programming, and appropriate interventions are increasing in numbers and visibility within the criminal justice community and with the public, many due to residual court action.

NIC has a five year history of designing and delivering a seminar on Critical Issues in Managing Women Offenders. The first seminar occurred in July, 1994; a group of highly motivated and experienced practitioners convened to consider the issues facing them in promoting more effective correctional practice with women offenders. Over time, through four seminars, the program has solidified its focus on policy makers and top managers as the primary audience. Its purpose is to provide a solid grounding in policy and practice issues which face criminal justice agencies in addressing the unique circumstances and needs of women offenders from a system-wide perspective. Participants include agency administrators and deputy directors from jails, community corrections and prisons; judges, prosecutors, public defenders, and other court personnel. Participants attend as individuals and not as agency teams.

The goals of the seminar (as defined for the April, 1999, session) were to:

- Better understand and articulate the emerging and critical issues to consider in shaping policy for women offenders;
- Be able to identify the benefits of applying a systems perspective in planning for women offenders;
- Have increased knowledge of the information and resource (research, expertise, and practical strategies) available to address women offender issues and how to access them;
- Articulate a vision for improving criminal justice policy and practice regarding women offenders in their jurisdiction and develop three action steps for moving toward that vision.

Based on the success of this program, NIC seeks to expand its capacity to deliver the seminar through a multi-state regional format. The audience will remain individuals from across the system who are policy makers.

NIC assumes that the successful applicant will review the materials developed for the prior 5 seminars including the agendas, participant manuals and handouts, and records of meeting, and will work closely with the Project Manager in designing the curriculum.

Purpose

The National Institute of Corrections is seeking an applicant organization or team which offers curriculum design expertise, overall knowledge of women offenders and corrections, experience with training of policy level participants, expertise in competency-based curriculum including writing, editing, formation, assembling and

packaging; and knowledge of adult learning theory and training.

The purpose of the cooperative agreement is:

(1) To fully develop and refine one (1) 24–36 hour training curriculum package on Critical Issues in Managing Women Offenders. The curriculum will have the following elements:

a. *Instructors Guide with Lesson Plans.* This must include performance objectives that specify the knowledge or skills/competencies that will be obtained by the participants. They must be detailed to the degree that other trainers with some experience in the topic can use them to deliver training.

b. *Computer Generated View Graphs* created in Corel Presentations of key points that will be emphasized by the trainers. The lesson plans must include a small representation of the full size view graph and indicate where and when they are used. As appropriate, some of the view graphs may be designed as handouts to participants. Other multi-media or visual aids (such as news print, videos, etc.) used to support the delivery of lesson modules must be coordinated and indicate when and where to be used.

c. *Participant Manual and Materials* that correlate with each module, topic by topic, as appropriate to deliver the training. These materials may include overviews, published articles (if copyrighted must obtain copyright release), check lists, key points outlines, examples of instruments, reports and other materials used by participants to perform their work.

d. *Evaluation Questions and Strategies* (if appropriate) that will be used pre or post delivery for the curriculum. These should directly relate to the objectives in each module.

e. *Resource Materials,* such as video and audio tapes, books, journals and other information to support the objectives of the curriculum.

(2) To deliver the curriculum in two regional seminars in the spring and summer, 2001, under a supplemental cooperative agreement.

Work to be Performed by the Service Provider: The following represents the kinds of work activity required by the project and the expectations of the relationship between NIC, the Program Manager and the service provider.

- Consult with the NIC Program Monitor on an agreed time line to assure progress and understanding of the scope of work.
- Conduct a review of the Critical Issues in Managing Women Offenders agendas, participant materials, and records of meeting.
- Thoroughly review any other existing training materials developed by NIC, OJP, or other agencies for relevant parts that could be re-written for application to this project.
- Conduct necessary planning with content experts (selections with input from Program Manager) to generate the framework, concepts, modules, content, strategies and performance objectives. (All of the above is subject to final approval by the Program Manager.)
- Assign and coordinate writing, development and revisions of the modules and content areas for the curriculum including multi-media materials.
- Develop, edit, revise, format and package the curriculum, lesson plans, and other course materials.
- Submit preliminary draft for review by the Program Manager per the specified time line. Make revisions and submit second draft if requested.
- Prepare all materials using WordPerfect 7.0 or higher word processing software and Corel Presentations (visuals) and submit final copies of all materials on 3.5″ computer disks (or zip drive disks) and in "camera ready" hard copy format (4 paper copies).

Application Requirements

Applicants must prepare a proposal that describes their plan to provide the project outcomes. The plan must include goals and objectives, methodology, deliverables, management plan, an overall project budget for the full two years, and a budget and budget narrative for the first 6 month phase. Applicants must identify their key project staff and the relevant expertise of each, and address the manner in which they would perform all tasks in collaboration with the NIC Project Manager. Proposals are limited to twenty-five double-spaced pages in length, not including resumes, other addenda, and SF–424 forms. Please note that the Standard Form 424, Application for Federal Assistance, submitted with the proposal must contain the cover sheet, budget, budget narrative, assurances, and management plan for the FY 2000 funded portion only, for a maximum of $50,000.

Authority: Public Law 93–415.

Funds Available

Project funds are limited to a maximum total of $100,000 for both direct and indirect costs for two years. A grant award of $50,000 will be made in FY 2000, and a supplemental award of $50,000 will be made in FY 2001. (Contingent on FY 2001 congressional budget approval) NIC is committed to funding the full fifteen month project and project activity must be completed within 15 months of the date of the award. Funds may only be used for activities that are linked to the desired outcomes of the project.

All products from this funding effort will be in public domain and available to interested agencies through the National Institute of Corrections.

Deadline for Receipt of Applications

Applications must be received by 4:00 p.m. on Friday, July 17, 2000. They should be addressed to: National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534, Attention: Administrative Officer. Hand delivered applications can be brought to 500 First Street, NW, Washington, DC 20534. The Front desk will call Bobbi Tinsley at (202) 307–3106, extension 0 for pickup.

Addresses and Further Information

Requests for the application kit, which consists of a copy of this announcement and copies of the required forms, should be directed to Judy Evens, Cooperative Agreement Control Office, National Institute of Corrections, 320 First Street, NW, Room 5007, Washington, DC 20534 or by calling (800) 995–6423, extension 159 or (202) 307–3106, extension 159. She can also be contacted by E-mail via *jevens@bop.gov.* All technical and/or programmatic questions concerning this announcement should be directed to Andie Moss at the above address or by calling (800) 995–6423 or (202) 307–3106, extension 140, or by E-mail via *amoss@bop.gov.* Application forms may also be obtained through the NIC website: http://www.nicic.org. (Click on "What's New" and then, "Cooperative Agreements.")

Eligible Applicants

An eligible applicants is any state or general unit of local government, public or private agency, educational institution, organization, team, or individual with the requisite skills to successfully meet the outcome objectives of the project.

Review Considerations

Applications received under this announcement will be subjected to an NIC three to five member Peer Review Process.

Number of Awards: One (1).

NIC Application Number: 00P17. This number should appear as a reference line in the cover letter and also in box 11 of Standard Form 424.

The Catalog of Federal Domestic Assistance number is: 16.602.

Dated: June 2, 2000.

Morris L. Thigpen,

Director, National Institute of Corrections.

[FR Doc. 00–14671 Filed 6–8–00; 8:45 am]

BILLING CODE 4410–36–M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed revision/extension for collection of the ETA 227 Report, Overpayment Detection and Recovery Activities. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before August 8, 2000.

ADDRESSES: Submit written comments to the Employment and Training Administration, Office of Workforce Security, 200 Constitution Avenue NW, Room S4231, Washington, DC 20010, Attention: Bob Whiting. Telephone number: 202–219–5340, ext. 182 (this is not a toll-free number). Fax: 202–219–8506. E-mail: rwhiting@doleta.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 303(a)(1) of the Social Security Act requires a State's Unemployment Insurance (UI) law to include provisions for:

"Such methods of administration * * * as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due * * *"

Section 303(a)(5) of the Social Security Act further requires a State's UI law to include provisions for:

"Expenditure of all money withdrawn from an unemployment fund of such State, in the payment of unemployment compensation * * *"

Section 3304(a)(4) of the Internal Revenue Code of 1954 provides that:

"all money withdrawn from the unemployment fund of the State shall be used solely in the payment of unemployment compensation * * *"

The Secretary of Labor has interpreted the above sections of Federal law in Section 7511, Part V, ES Manual to further require a State's UI law to include provisions for such methods of administration as are, within reason, calculated (1) to detect benefits paid through error by the State Employment Security Agency (SESA) or through willful misrepresentation or error by the claimant or others, (2) to deter claimants from obtaining benefits through willful misrepresentation, and (3) to recover benefits overpaid. The ETA 227 is used to determine whether SESAs meet these requirements of the Secretary of Labor's interpretation of the Federal laws.

The ETA–227 contains data on the number and amounts of fraud and nonfraud overpayments established, the methods by which overpayments were detected, the amounts and methods by which overpayments were collected, the amounts of overpayments waived and written off, the accounts receivable for overpayments outstanding, and data on criminal/civil actions. These data are gathered by 53 SESAs and reported to the Department of Labor following the end of each calendar quarter. The overall effectiveness of SESAs' UI integrity efforts can be determined by examining and analyzing the data. These data are also used by SESAs as a management tool for effective UI program administration.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses. III. Current Actions: The UI program pays approximately $20 billion in benefits annually. Although the overpayment rate is relatively low (less than one percent), high amounts of money are involved, and it is in the national interest to maintain the program's integrity. Therefore, we are proposing to extend the authorization to continue collecting data to measure the effectiveness of benefit payment controls in the SESAs. Several modifications have been made to the report format to improve the effectiveness of the collection vehicle, including additions and deletions of data cells:

Additions

- Overpayments established involving multi-claimant fraud schemes.
- Totals for controllable and uncontrollable under Section B, "Overpayments Established—Methods of Detection".
- Overpayments detected through the "new hire" system.
- Overpayments detected by "special projects" (new methodologies).
- Overpayments Recovered—Total.
- Overpayments recovered by offset of state income tax refunds.
- Overpayments recovered by other states.
- Penalty and interest collected for Federal programs.
- Overpayments collected for other states.

Deletions

- All columns in the section titled "Reconciliation of Overpayment Activities" that pertain to the number of cases. (Only dollar amounts will be reported in the future.)
- The following under-utilized lines in the section titled "Detection Activities': verification of low earnings; verification of return to work; quality control.
- The following lines also in the "Detection" section because states cannot exercise control over their incidence, and gathering data is of less value than that of other activities which have been added: employer protest of charges; tips and leads; other noncontrollable activities.

• Cells identifying nonfraud fictitious employer schemes.

Other Modifications

• The order of sections B and C have been reversed so that "Overpayments Established—Methods of Detection" precedes "Recovery/Reconciliation".

• In Section A "Overpayments Established—Causes", the line for administrative penalty has been removed from under the subheading "Nonfraud" so that it stands alone.

• In Section B "Overpayments Established—Methods of Detection", the lines have been reordered so all controllable methods are grouped under the appropriate heading.

• In Section C "Recovery/Reconciliation", the line formerly identified as "Allowance for Doubtful Accounts" has been redefined, and data will be reported as "Receivables Removed at End of Report Period".

Type of Review: Revision.

Agency: Employment and Training Administration.

Title: Overpayment Detection and Recovery Activities.

OMB Number: 1205–0173.

Agency Number: ETA–227.

Record keeping: State agencies are required to maintain all documentation supporting the information reported on the ETA–227 for three years following the end of each report period.

Affected Public: State Government.

Cite/Reference/Form/etc: Form.

Total Respondents: 53 State agencies.

Frequency: Quarterly.

Total Responses: 212.

Average Time per Response: 14 hours.

Estimated Total Burden Hours: 2968.

Total Burden Cost (operating/maintaining): Estimated at $76,396 which is allowable cost under the administrative grants awarded to States by the Federal government. Additionally, there will be a one time cost of reprogramming the State systems at the cost of $20,758 (annualized).

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 5, 2000.

Grace A. Kilbane,

Administrator, Office of Workforce Security.

[FR Doc. 00–14682 Filed 6–8–00; 8:45 am]

BILLING CODE 4510–30–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 statutes 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 Davis-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 procedures 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 for 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 29 CFR Parts 1 and 5. Accordingly, the applicable decisions, 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 may be 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.

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

None

Volume II

Maryland
- MD000008 (Feb. 11, 2000)
- MD000021 (Feb. 11, 2000)
- MD000039 (Feb. 11, 2000)
- MD000042 (Feb. 11, 2000)

Pennsylvania
- PA000005 (Feb. 11, 2000)
- PA000006 (Feb. 11, 2000)
- PA000014 (Feb. 11, 2000)
- PA000025 (Feb. 11, 2000)
- PA000026 (Feb. 11, 2000)

Virginia
- VA000014 (Feb. 11, 2000)
- VA000044 (Feb. 11, 2000)
- VA000059 (Feb. 11, 2000)
- VA000067 (Feb. 11, 2000)

Volume III

None

Volume IV

None

Volume V

Kansas
KS000009 (Feb. 11, 2000)
Texas
TX000003 (Feb. 11, 2000)
TX000018 (Feb. 11, 2000)

Volume VI

None

Volume VII

California
CA000001 (Feb. 11, 2000)
CA000002 (Feb. 11, 2000)
CA000004 (Feb. 11, 2000)
CA000009 (Feb. 11, 2000)
CA000027 (Feb. 11, 2000)
CA000028 (Feb. 11, 2000)
CA000029 (Feb. 11, 2000)
CA000030 (Feb. 11, 2000)
CA000031 (Feb. 11, 2000)
CA000032 (Feb. 11, 2000)
CA000033 (Feb. 11, 2000)
CA000034 (Feb. 11, 2000)
CA000035 (Feb. 11, 2000)
CA000036 (Feb. 11, 2000)
CA000037 (Feb. 11, 2000)
CA000039 (Feb. 11, 2000)
CA000040 (Feb. 11, 2000)
CA000041 (Feb. 11, 2000)

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, DC 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, DC this 1st day of June 2000.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 00–14284 Filed 6–8–00; 8:45 am]

BILLING CODE 4510–27–M

MERIT SYSTEMS PROTECTION BOARD

Agency Information Collection Activities; Proposed Collection

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: The U.S. Merit Systems Protection Board (MSPB) is requesting a three-year extension of approval of its optional appeal form, Optional Form 283 (Rev. 10/94) from the Office of Management and Budget (OMB) under section 3506 of the Paperwork Reduction Act of 1995. The appeal form is currently displayed in 5 CFR Part 1201, Appendix I, and on the MSPB Web Page at http://www.mspb.gov/foia/applform.pdf.

In this regard, we are soliciting comments on the public reporting burden. The reporting burden for the collection of information on this form is estimated to vary from 20 minutes to one hour per response, with an average of 30 minutes, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

ESTIMATED ANNUAL REPORTING BURDEN

5 CFR section	Annual number of respondents	Frequency per response	Total annual responses	Hours per response (average)	Total hours
1201 and 1209	9,000	1	9,000	.5	4,500

In addition, the MSPB invites comments on (1) Whether the proposed collection of information is necessary for the proper performance of MSPB's functions, including whether the information will have practical utility; (2) the accuracy of MSPB's estimate of burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate and other forms of information technology.

DATES: Comments must be received on or before August 8, 2000.

ADDRESSES: Copies of the appeal form may be obtained from Arlin Winefordner, Merit Systems Protection Board, 1120 Vermont Ave., NW., Washington, DC 20419 or by calling (202) 653–7200. Comments concerning the paperwork burden should also be addressed to Mr. Winefordner.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 00–14690 Filed 6–8–00; 8:45 am]

BILLING CODE 7400–01–M

NATIONAL COMMUNICATIONS SYSTEM

Proposed Collection; Comment Request

AGENCY: National Communications System (NCS).

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Manager, National Communications System announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 8, 2000.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to National Communications System, Code N31, Attn: Deborah Bea, 701 South Court House Road, Arlington, VA 22204–2198.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call the Office of Priority Telecommunications at 703–607–4933.

Title; Associated Forms; and OMB Number: Telecommunications Service Priority (TSP) System Revalidation for Service Users, Standard Form 314; OMB Number 0704–0305; Telecommunications Service Priority (TSP) System TSP Request for Service Users, Standard Form 315, OMB Number 0704–0305; Telecommunications Service Priority (TSP) System TSP Action Appeal for Service Users, Standard Form 317, OMB Number 0704–0305; Telecommunications Service Priority (TSP) System TSP Service Confirmation for Service Vendors, Standard Form 318, OMB Number 0704–0305; Telecommunications Service Priority (TSP) System TSP Service Reconciliation for Service Vendors, Standard Form 319; OMB Number 0704–0305.

Needs and Uses: The Telecommunications Service Priority (TSP) System forms are used to determine participation in the TSP system, facilitate TSP system administrative requirements, and to maintain TSP system database accuracy.

Affected Public: Businesses or other for-profit institutions, not-for-profit institutions, the Federal Government, and state and local governments.

Annual burden Hours: 3600.

Number of Respondents: 94.

Responses per Respondent: 18.

Average Burden per Response: 2.13 hours.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION: The purpose of the TSP system is to provide a legal basis for telecommunications vendors to provide priority provisioning and restoration of telecommunications services supporting national security or emergency preparedness functions. The information gathered via the TSP system forms is the minimum necessary for the NCS to effectively manage the TSP system.

Frank McClelland,

Federal Register Liaison Officer, National Communications System.

[FR Doc. 00–14647 Filed 6–8–00; 8:45 am]

BILLING CODE 5001–08–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.

Purpose

The purpose of this project is to establish a first generation of Content Development Partners to extend the work of the Literacy Information aNd Communication System (LINCS) in developing subject oriented Special Collections of Internet-based resources for adult education and adult and family literacy practice. The Content Development Partners will maintain, refine, and enhance the existing Special Collections available through the LINCS network by locating, evaluating, and organizing Web-based resources and Web-based pointers to other materials (videos, research reports, etc.). These partners will work in collaboration with the National LINCS staff and the staff at the LINCS Regional Technology Centers. Content Development Partners will be expected to follow National LINCS guidelines, protocols, and common design templates. (See Background and Definitions: NIFL Standards.)

Eligible Applicants

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 15, 2000.

Estimated Range of Awards

$20,000–$50,000 for year 1; funding for years 2 and 3 is subject to program authorization and availability of appropriations, and is contingent upon satisfactory completion of the previous year's plan of action.

Estimated Number of Awards

Up to 10 awards. Awards will be made to organizations with experience in the defined subject areas. Consortia efforts are encouraged. No more than two Content Development Partner awards will be made to the same applicant.

Note: The National Institute for Literacy is not bound by any estimates in this notice.

Project Period

Three years, with the possibility of renewal for 2 subsequent years.

Applicable Regulations

The National Institute for Literacy has adopted the following regulations included in the Education Department General Administrative Regulations (EDGAR): 34 CFR parts 74, 77, 80, 82, and 85, and 34 CFR part 75, Secs. 75.50, 75.51, 75.100–102, 75.104, 75.109–192, 75.200–201, 75.215–217, 75.231–236, 75.250–251, 75.253, 75.261, 75.525, 75.531, 75.560–569, 75.591, 75.620–21, 75.700–707; 75.77, 75.79, 75.80–82, 75.85–86(6/6/1997 and EDGAR Expanded Authorities, 1/27/98).

This document is available through your public library and the National Institute for Literacy's Website (http://www.nifl.gov). It is recommended that appropriate administrative officials become familiar with the EDGAR policies and procedures that are applicable to this award.

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* Information about the NIFL's funding opportunities, including Application Notices, etc., can be viewed on the NIFL server (under What's New and Grants & Funding) at *http://www.nifl.gov/lincs*; however, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

SUPPLEMENTARY INFORMATION:

Definitions

For purposes of this announcement the following definitions apply:

Adult Education and Literacy Community—The aggregate of individuals and groups at all levels nationwide that are actively involved with adult education and adult and family literacy instruction, including

individuals such as researchers, practitioners, policymakers, adult learners, and administrators, and groups such as state and local departments of education, human services, and labor; libraries; community-based organizations; businesses and labor unions; and volunteer and civic groups.

Content Development Partners—LINCS partners responsible for maintaining, refining, and enhancing the Special Collections of Web-accessible resources available through the LINCS network. These partners locate, evaluate, and organize Web-based resources and Web-based pointers to other materials (videos, research reports, etc.).

Core Knowledge Group—An Advisory Group of subject experts to assist in the quality control of the collection. Ideally, this group will include NIFL Discussion List moderators, researchers, and subject specialists from the Department of Education's Office of Vocational and Adult Education (OVAE), among others.

LINCS Affiliates—National, state, or local organizations that support LINCS and want to be a part of the expanding LINCS network, but are not considered partners.

LINCS Network—Including LINCS national, regional, state and local partners and affiliates.

LINCS Partners—State level organizations that provide professional development, technical assistance, and other informational services to local programs. There may be more than one state-level partners depending on the needs of the state and the resources available. Decisions about the selection of the LINCS partner will be made jointly with the state adult education office and other state-level organizations. Through a formal agreement with the Regional LINCS organization, state organizations will receive services and contribute to LINCS.

LINCS Standards—NIFL's quality guidelines and standards for organizing materials in a uniform format for posting on the Internet. These standards are found in NIFL's "Starting Point" manual, LINCS Selection Criteria (http://www.nifl.gov/lincs/selection_criteria.html), *LINCS* Special Collections Guidelines (http://www.nifl.gov/lincs/special_collections.html), the Adult Literacy Thesaurus (ALT), the Adult Literacy Thesaurus User's Manual, the template for state and local program Websites (http://hub2.coe.utk.edu/adopt/default.html) and other documentation.

LINCS Web Sites—Include LINCS national, regional, and state sites and Special Collections.

Literacy—An individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals and develop one's knowledge and potential (as stated in the National Literacy Act of 1991).

Regional Hub or Regional Technology Center—The lead site acting as the focal point for implementing LINCS grants requirements and activities, including serving states and local programs in a particular region.

Special Collections—One-stop electronic gateways to high-quality resources related to specific subject areas judged to be of high interest to the adult education and literacy community. Resources include Web-based resources and resources in other media, including descriptions of research and evaluation results, policy-related information, curricula, best practices, fact sheets, and directories. LINCS Special Collections are built around specific content areas (such as English as a Second Language), specific settings or contexts (such as Workforce Education), and professional development topics (such as the use of Technology in Professional Development).

Background

The National Institute for Literacy (NIFL), as authorized by Title II of the Workforce Investment Act of 1998, has the legislative mandate to develop a national literacy database. The intent of this mandate is to assure the consolidation and accessibility of scattered and hard-to-access information resources for literacy. For more background information on the LINCS Network, visit *http://www.nifl.gov/lincs/about/about.html#history*.

Now in its fifth full year of operation, LINCS is steadily pursuing its mission of using technology to strengthen the adult basic education and literacy community. Beginning in mid-1994 with a single national site on the Internet, LINCS is now well on its way to fulfilling its goals. Visit *http://www.nifl.gov/lincs/millennium/achievements.html* for a summary of the national and regional LINCS achievements.

Plans for the Future

Over the past seven years, the NIFL has provided the leadership and tools to prepare the adult literacy community for the 21st century through major system-building initiatives, including the creation of LINCS and its regional hubs. The NIFL intends to sustain the momentum of building systems that help professionalize the adult literacy community by continuing its initiatives in technology. Please see the LINCS Vision Statement at *http://www.nifl.gov/lincs/millennium/vision.html* for additional information about the future plans for the LINCS project.

Application Requirements

A. Overview of Content Development Partners (Special Collections)

Grants will be awarded to up to ten Content Development Partners for the development of Special Collections on the following subjects—as defined by LINCS and/or in the Adult Literacy Thesaurus:

1. Assessment;
2. Correctional Education;
3. English as a Second Language (inclusive of citizenship and civic participation);
4. Family Literacy;
5. Health and Literacy;
6. International Literacy;
7. Literacy & Learning Disabilities;
8. Science & Numeracy;
9. Technology Training (for Professional Development); and
10. Workforce Education.

The focus of each Special Collection must be on the subject as it relates to adult literacy instruction, learning, policy, or other dimensions of the practice of adult and family literacy and adult education. Applicants must clearly identify the subject area of the Special Collections(s) they are proposing to be the Content Development Partners for. The existing LINCS Special Collections can be accessed through the index page—*http://www.nifl.gov/lincs/collections/*.

B. Project Narrative

The project narrative is critical and must thoroughly reflect the capacity of the applicant to organize the development of a Special Collection. The narrative must encompass the full three years of project activities, with detailed plans for Year 1 and milestones for Years 2 and 3. The narrative must clearly describe the applicant's plan for attaining measurable goals as identified in each of the sections listed below and propose specific mechanisms for collecting and developing resources for the Special Collection. The narrative should not exceed ten (10) single-spaced pages, or twenty (20) double-spaced pages. The narrative may be amplified by material in attachments and appendices (not exceeding 10 pages), but the body should stand alone to give

a complete picture of the project. Proposals that exceed 10 single-spaced pages or 20 double-spaced pages will not be reviewed. The format for the project narrative should follow the order and format of the following selection criteria.

C. Selection Criteria

In evaluating applications for a grant under this competition, the Director uses the following seven selection criteria set out in this notice. The maximum combined score for all the criteria in this section is 100 points. The maximum score for each criterion is indicated in parentheses.

1. Mission and Strategy (5 Points)

The Director reviews each application to determine the appropriateness of the applicant's stated mission and strategy for the proposed Content Development Partner, including consideration of: (a) The degree to which the stated mission and strategy for developing a Special Collection reflect an understanding of NIFL's goals and purposes for LINCS and the Special Collections as outlined in this notice; (b) The degree to which the application demonstrates an understanding of the Special Collection's scope and the existing special collection's strengths and weaknesses (where applicable); (c) The quality and coherence of proposed strategies for refining, enhancing, and maintaining the existing collection to meet the field's need for information; and (d) How the project will serve (and be marketed to) the entire adult education and literacy community, including the full range of public and private programs (libraries, local education agencies, community colleges, volunteer and community-based organizations, etc.).

2. Institutional Capabilities (15 Points)

The Director reviews each application to determine the capabilities of the organization to sustain a long-term, high quality, and coherent program, including consideration of: (a) The organization's expertise in the chosen subject area and its familiarity with the information needs of the Adult and Family Literacy and Adult Education Community around this topic; (b) The applicant's experience in establishing and carrying out collaborative working relationships with LINCS member states, state agencies, local programs, and other public and private groups; (c) The applicant's capacity to maintain and continuously enhance a sizable literacy collection on the Internet that includes resources produced by other agencies and individuals as well as the organization's own resources; (d) The applicant's use of technology to enhance accessibility of information; (e) The applicant's capacity to provide training and technical assistance to users of the collection(s); (f) A secure funding base for the organization for the duration of the project; (g) The applicant's willingness and ability to continue the project at the end of the three-year grant period; and (h) The applicant's ability to leverage other funding and resources to sustain the project beyond the grant through pursuing partnerships with private entities, including telecommunications and high tech business and industry partners.

3. Core Knowledge Group and Collaborations (20 Points)

The Director reviews each application to determine the capabilities of the organization to sustain a long-term, high quality, and coherent program, including consideration of: (a)The applicant's plans for organizing and managing a Core Knowledge Group to advise the development of the Special Collection and assist in the quality control of the collection; please provide names of expected or confirmed members of the group; (b) The extent to which the applicant will consider the perspectives of a variety of users and stakeholders in developing the Special Collection; (c) The applicant's ability to ensure close collaboration with NIFL and the LINCS Regional Technology Centers, including cooperation in implementing new requirements or standards developed by NIFL in concert with the LINCS Regional Technology Centers to assure uniformity across the LINCS network; (d) The applicant's plans to ensure broad-based collaborative relationships with other appropriate agencies, organizations, and projects (especially those dealing with education, labor, and human services and the topics of each Special Collection) with similar or complementary subject expertise; (e) Mechanisms for attracting/collecting or developing additional resources for inclusion in the Special Collections (see the LINCS Special Collections Guidelines and Recommendations available at http://www.nifl.gov/lincs/special_collections.html and the LINCS Special Collections Protocol available at http://www.nifl.gov/2000_rfp/collections_protocol.html); and (f)The extent to which the applicant demonstrates a commitment to provide a minimum of 2 training sessions per year and collect direct user feedback at those times.

4. Quality of Plan of Operation (30 Points)

The Director reviews each application to determine the quality of the three-year plan of operation, including consideration of: (a) The quality of the design of the project and plans for collecting high quality resources, instructional materials, and tools; (b) How well the objectives of the project relate to the intended purposes of the Special Collections, as outlined in this request for applications; (c) The quality of the applicant's three-year plan of operation to use its resources and personnel to achieve each project objective; (d) The extent to which the plan of management is effective and ensures proper and efficient administration of the project; (e)The quality of the plan to establish effective working relationships with the members of the Core Knowledge Group and other organizations as required for effective development of the project; (f) The quality of the plan for determining the information needs of the customers or users of the Special Collection; (g) The quality of the plan for developing unique selection criteria and guidelines specific to each Special Collection based on the LINCS general selection criteria and Special Collections protocols *(http://www.nifl.gov/lincs/selection_criteria.html* and *http://www.nifl.gov/lincs/2000_rfp/collections_protocol.html);* (h) The quality of the plan for organizing the Special Collection according to the NIFL standards for quality control, access, and organization (see LINCS Special Collections Guidelines and Recommendations http://www.nifl.gov/lincs/special_collections.html) and for working with NIFL and the LINCS Regional Technology Centers to ensure uniformity across the network; (i) The quality of the plan for enhancing the knowledge base of the field by updating the Special Collection on a regularly scheduled basis with the Content Development Partner's own materials and materials from other content developers, including making provisions for including summaries of or pointers to quality print and non-print materials, such as audio and video materials, in their entirety, as well as Web-based materials print and non-print materials, all of which respond to end users' educational, informational, and training needs; (j) The quality of the plan for marketing the Special Collection, training users, and leveraging additional resources for the project; (k) The extent of the application's understanding of cataloging form and LINCS

infrastructure; and (l) The extent to which the applicant's plan includes sound methods for achieving measurable goals and outcomes.

5. Budget and Cost Effectiveness (10 Points)

The Director reviews each application to determine the extent to which: (a) The budget is adequate to support project activities and allocations are deemed cost-effective; (b) Costs are reasonable in relation to the objectives of the project; (c) The budgets for any subcontracts are detailed and appropriate; (d) Provisions are made for identifying and securing additional funds to continue and expand the project beyond the end of the grant; (e) The applicant's inclusion of a timeline for the project, consisting of a table or diagram listing major tasks or milestones and including estimates of funds, time (including presentations), personnel, facilities, and equipment allocated to each program area, as well as the timing of quarterly progress and other reports, meetings, etc. (A format of approximately 2 pages will be provided for quarterly reports; a final report will be expected at the end of each year in lieu of a 4th quarter report.); and (f) The budget details resources, cash and in-kind, that the applicant and others will provide to the project in addition to grant funds. Please note that overhead for this project is restricted as per EDGAR CPR 75–562.

6. Quality of Monitoring and Evaluation Plan (10 Points)

The Director reviews each application to determine the quality of the evaluation plan for the project, including consideration of the NIFL's adherence to Federal Government Performance Reporting Act (GPRA) requirements (See the Notice to Applicants at *http://ocfo.ed.gov/grntinfo/gposbul/gpos23.htm* for more information.) and: (a) The strength of the applicant's statement of measurable outcomes for all project goals; (b) The quality of methods and mechanisms to be used to document and evaluate progress in relation to the project's mission and goals; (c) The quality of methods that will be used to document and evaluate the impact—both quality of usefulness and quantity of use—of the project on target audiences; and (d) The effectiveness of the Content Development Partner's role in working with partners, particularly by using on-line methods (such as web tools) to collect and analyze data on the effectiveness of the resources presented.

7. Quality of Key Personnel (10 Points)

The Director reviews each application to determine the quality of key personnel for all project activities, including consideration of: (a) The qualifications of the project director with regard to the creation of a Special Collection on the subject selected; (b) The qualifications of other key personnel with regard to the creation of a Special Collection on the subject selected; (c) The experience and training of key personnel in facilitating teams of advisors/reviewers and working in fields related to project objectives; (d) The roles of key personnel and the number of hours dedicated to carrying out their tasks; and (d) The applicant's policy, as part of its nondiscriminatory employment practices, to ensure that its personnel are selected for employment without regard to race, color, national origin, religion, gender, age, or disability. (See *http://ocfo.ed.gov/grntinfo/gposbul/gpos15.htm* for additional information on Key Personnel.)

Additional Application Requirements

The application shall include the following:

Project Summary

The proposal must contain a 200-word summary of the proposed project suitable for publication. It shall not be an abstract of the proposal, but rather a self-contained description of the activities that would explain the proposal. The summary should be free of jargon and technical terminology, and should be understandable by a non-specialist reader.

Budget Proposal

ED Form 524 must be completed and submitted with each application. The form consists of Sections A, B, and C. On the back of the form are general instructions for completion of the budget. All applicants must complete Sections A and C. If Section B is completed, include the nature and source of non-federal funds. Attach to Section C a detailed explanation and amplification of each budget category. Included in the explanation should be complete justification of costs in each category. Additional instructions include:

- Prepare an itemized budget narrative for the project as a whole.
- Personnel items should include names (titles or position) of key staff, number of hours proposed and applicable hourly rates.
- Include the cost, purpose, and justification for travel, equipment, supplies, contractual and other. Training stipends are not authorized under this program.
- Clearly identify in all instances contributed costs and support from other sources, if any.
- Show budget detail for financial aspects of any cost-sharing, joint or cooperative funding.

Disclosure of Prior NIFL Support

If any partner has received NIFL funding in the past 2 years, the following information on the prior awards is required.

- NIFL award number, amount and period of support;
- A summary of the results of the completed work; and
- A brief description of available materials and other related research products not described elsewhere.

If the applicant has received a prior award, the reviewers will be asked to comment on the quality of the prior work described in this section of the proposal.

Reporting

In addition to working closely with the National Institute for Literacy, the applicant will be required to submit Quarterly Performance reports, which are to be brief, 3–4 page reports of progress; a final annual report of activities replaces the 4th quarterly report. Due: Within 30 days at the end of each quarter. Detailed specifications for the reports will be provided within three months after the awards are made.

Instructions for Transmittal of Applications

(a) To apply for a Content Development Partner grant—

(1) Mail the original and seven (7) copies of the application on or before the deadline date of July 15, 2000 to National Institute for Literacy, 1775 I Street, NW, Suite 730, Washington, DC 20006, Attention: William B. Hawk (CFDA #257S).

(2) Hand deliver the application by 4:30 p.m. (Washington, DC time) on the deadline date to the address above.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(c) If an application is mailed through the U.S. Postal Service, the Director does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes:

(1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

(2) The NIFL will mail a Grant Applicant Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the NIFL at (202) 233–2055.

(3) The applicant must indicate on the envelope and in Item 10 of the application for Federal Assistance (Standard Form 424) the CFDA number of the competition under which the application is being submitted.

Electronic Access to This Document

You may view this document, as well as National Institute for Literacy documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Web from the following sites:

http://www.nifl.gov/nifl/news_events.html

http://www.nifl.gov/lincs/2000_rfp.html

To view the PDF version, you must have the Adobe Acrobat Reader Program.

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*

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials follow. (Additional forms for the completion of this application are available from *http://ocfo.ed.gov/grnt/appforms.htm.*)

Part I: Application for Federal Assistance

(Standard Form 424 (Rev. 4–94)) and instructions.

Part II. Budget Information

Non-Construction Programs (ED Form 524) and instructions.

Part III: Application Narrative

Additional Materials: Estimated Public Reporting Burden.

Assurances-Non—Construction Programs (Standard Form 424B).

Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

Note: ED 80–0014 is intended for the use of recipients and should not be transmitted to the NIFL.

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions. An applicant may submit information on a Photostat copy of the application and budget forms, the assurances and the certifications. However, the application form, the assurances, and certifications must each have an original signature. No award can be made unless a complete application has been received.

Instructions for Estimated Public Reporting Burden

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information is under OMB control number 3430–0006, Expiration date: 06/30/2003. The time required to complete this information collection is 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and disseminating the data needed, and completing and reviewing the collection of information. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: the National Institute for Literacy 1775 I Street, NW., Suite 730, Washington, DC 20006.

Dated: June 5, 2000.

Andrew J. Hartman,

Director, NIFL.

[FR Doc. 00–14547 Filed 6–8–00; 8:45 am]

BILLING CODE 6055–01–U

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.

Purpose:

The purpose of this project is to establish Regional Technology Centers that will work with the NIFL to:

1. Expand the Literacy Information and Communication System (LINCS) network to include the broadest possible range of national, state, and local partners.

2. Extend the knowledge and use of LINCS web sites, infrastructure, resources, and services throughout the state and local adult education and adult and family literacy communities in each region.

3. Assist the adult education and adult and family literacy community in integrating LINCS resources and new technology into teaching and staff development.

4. Enhance the literacy field's electronic knowledge base by creating, collecting, and organizing new high quality literacy information resources on-line, especially locally developed materials.

Each regional center will be expected to build on the achievements of the region's previous regional hub (where applicable), to work with a consortium of partners and affiliates in the region, and, in cooperation with them, to:

1. Build new partnerships at the regional, state and local level (expand the number of partners and affiliates).

2. Implement a comprehensive regional training plan for the use of LINCS and related technology. This plan is to result in the effective integration of technology in teaching and learning.

3. Market LINCS resources and services widely to various potential LINCS audiences, with a priority on adult education and adult and family literacy practitioners.

4. Implement a regional plan to locate and organize high quality resources, particularly for LINCS Special Collections, and facilitate the creation of new resources to meet target audience needs.

5. Connect increasingly larger numbers of literacy stakeholders of all kinds—researchers, practitioners, administrators, students, and policymakers.

6. Build evaluation tools and methods, based on the project's goals, that will show the impact of LINCS use in improving professional development and instruction.

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 15, 2000.

Eligible Applicants

Public and private non-profit organizations with knowledge and expertise adult basic education, adult literacy, and family literacy, or consortia of such organizations.

Available Funds

This notice envisions a three-year cooperative agreement. In the first year, up to $150,000 is available for each of five grantees. Funding for years 2 and is subject to program authorization and availability of appropriations, and contingent upon satisfactory completion of the previous year's plan of action.

Estimated Number of Awards: 5 (one award in each region).

Estimated Award Amount: $150,000 for Year 1.

Note: The National Institute for Literacy is not bound by any estimates in this notice.

Project Period: Three years, with the possibility of renewal for 2 subsequent years.

Applicable Regulations

The National Institute for Literacy has adopted the following regulations included in the Education Department General Administrative Regulations (EDGAR): 34 CFR parts 74, 77, 80, 82, and 85, and 34 CFR part 75, Secs. 75.50, 75.51, 75.100–102, 75.104, 75.109–192, 75.200–201, 75.215–217, 75.231–236, 75.250–251, 75.253, 75.261, 75.525, 75.531, *75.560–569,* 75.591, 75.620–21, 75.700–707; 75.77, 75.79, 75.80–82, 75.85–86 (36/6/1997 and EDGAR Expanded Authorities, 1/27/98).

This document is available through your public library and on the National Institute for Literacy web site at *http://www.nifl.gov/.* Appropriate administrative officials are advised to become familiar with the policies and procedures in the EDGAR that are applicable to this award. If a proposal is recommended for an award, the Grants Officer will request certain organizational, management, and financial information. Grant administration questions regarding General Requirements, Prior Approval Requirements, Transfer of Project Director, and Suspension or Termination of Award should be referred to the Grants Officer.

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.* Information about NIFL's funding opportunities, including Application Notices, etc., can be viewed on the LINCS WWW server (under What's New and Grants & Funding) at http://www.nifl.gov/LINCS. However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register.**

SUPPLEMENTARY INFORMATION:

Definitions

For purposes of this announcement, the following definitions apply:

Adult Education and Literacy Community—. The aggregate of individuals and groups at all levels nationwide that are actively involved with adult education and adult and family literacy instruction, including individuals such as researchers, practitioners, policymakers, adult learners, and administrators, and groups such as state and local departments of education, human services, and labor; libraries; community-based organizations; businesses and labor unions; and volunteer and civic groups.

LINCS Affiliates—National, state, or local organizations that support LINCS and want to be a part of the expanding LINCS network, but are not formal partners. (see details in appendix #1)

LINCS Network—LINCS national, regional, state, and local partners and affiliates.

LINCS Partners—State and. in some cases, national organizations that provide professional development, technical assistance, and other technology services to local programs. In the case of states, there may be more than one partner, depending on the needs of the state and the resources available, and decisions about the selection of the partners are made jointly with the state adult education office and other state-level organizations. Through a formal agreement with the regional LINCS Hub, state organizations will receive services and contribute to LINCS. (see details in appendix #1)

LINCS Standards—NIFL's guidelines and standards for organizing materials in a uniform format for posting on the Internet. These standards are found in NIFL's "Starting Point" manual, *LINCS Selection Criteria,* (http://www.nifl.gov/lincs/selection_criteria.html), LINCS Special Collections Guidelines (http://www.nifl.gov/lincs/special-collections.html), the Adult Literacy Thesaurus (ALT), the Adult Literacy Thesaurus User's Manual, and other documentation.

LINCS Web Sites—LINCS national, regional, and state home pages and Special Collections.

Literacy—An individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals and develop one's knowledge and potential (as stated in the National Literacy Act of 1991).

Literacy Resource Centers, State Education Agencies—State or regional organizations supported through federal, state, or private funds for the purpose of coordinating the delivery and improvement of literacy services across agencies and organizations in the state or region, enhancing the capability of state and local organizations to provide literacy services, building a database of literacy-related information, and working closely with the NIFL and other national literacy organizations to enhance the national literacy infrastructure.

Regional Hubs or *Regional Technology Centers*—The lead site acting as the regional focal point for implementing LINCS grant requirements and activities, including serving states and local programs in that region.

Regional Library Team—As part of the Regional Technology Center work groups, the Regional Library Team include librarians from the region who work together in locating, organizing, and evaluating quality of resources contributed to the LINCS databases, based on the LINCS standards.

Regional Training Team—As part of the Regional Technology Center work groups the Regional training team(s) include trainers from partners and affiliates helping to enhance training capacity of the region through training trainers, providing technical assistance and resources.

Regions—Region I: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands. Region II: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia. Region III: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin. Region IV: Arizona, California, Colorado, Nevada, New Mexico, Federal States of Micronesia, Guam, Marshall Islands, Northern Mariana Islands. Hawaii. Region V: Alaska, Idaho, Montana, Oregon, Utah, Washington, Wyoming.

Special Collections—The LINCS Special Collections are one-stop electronic gateways to high-quality resources related to specific subject areas judged to be of high interest to the Adult Education and Literacy

Community. Resources include Web-based resources and resources in other media, including descriptions of research and evaluation results, policy-related information, curricula, best practices, fact sheets, and directories. LINCS Special Collections are built around specific content areas (such as English Second Language), specific settings or contexts (such as Workforce Education), and professional development topics (such as the use of Technology in Professional Development).

Appendix #1

LINCS Partners and Affiliates: The success of LINCS as a national information and communication system depends on its use by practitioners in the field. A leading strategy for increasing its use is the LINCS structure. NIFL's national LINCS site is connected to regional sites. Each regional site is connected to key contacts in state sites. State sites are connected to local contacts and programs. In this way, practitioners can begin to use LINCS at a site near to them (their own local area or state), while still having access to the vast resources on the national system. Similarly, people can enter through the national site and find regional, state, and local resources. State and local association with LINCS occurs in two ways—partnership and affiliation.

1. LINCS partners enter into formal agreements with regional technology centers. These agreements spell out what services the partner will receive and what services the partner will render.

a. What LINCS partners receives:

(1) Direct involvement in LINCS work groups, which participate in shaping policies, procedures, and standards for LINCS network.

(2) Server space (if needed) and technical assistance to house a web site.

(3) Discussion list services and server space for all levels.

(4) Programming codes and technical assistance in implementing any of the LINCS tools (calendar/grant databases, search tools, etc.).

(5) Assistance in converting an in-house material database to an Internet usable database format, where it will be added to the LINCS global database.

(6) A directory for agency-specific materials contributed by the partner to the LINCS databases, and search tools that will allow users to search agency-specific materials.

(7) National visibility for the partner's resources through postings on the material database, hot sites, and listings of events.

(8) A web-based template (with major categories and design) for organizing resources, with or without pre-populated resources for teachers, learners, and administrators, search functions, and many other useful features.

(9) Technical assistance for web site development and cataloging.

(10) A self-updateable comprehensive directory of local programs.

(11) Multi-level training (including trainer training) and materials to pass on to local programs and practitioners in their state.

(12) Attendance at LINCS events, with a major portion of the expense to be paid by the LINCS project.

(13) The opportunity to leverage membership in LINCS for other purposes, such as obtaining grants from other sources.

(14) Eligibility to receive mini-grants to help promote LINCS and the integration of technology into teaching and learning, or to produce new web-based resources.

(15) Involvement in facilitated joint interagency projects with the goal of maximizing efficiency and enhancing the capacity of participating agencies.

(16) The opportunity to network with other states in the region to exchange ideas, products, and expertise.

(17) A set of national standards for publishing materials on the Web, including the Adult Literacy Thesaurus (ALT). These standards are key to the foundation of a national system.

b. What state level partners are required to do:

(1) Represent their state and local programs as a part of the LINCS national system.

(2) Have (or be willing to build) the capacity to house and maintain a web site, and a commitment to distribute LINCS resources to practitioners.

(3) Adopt the LINCS Web site template, or, if there are state restrictions, as much of the LINCS template as possible (at a minimum, the major categories, LINCSearch, and LINCS logo).

(4) Contribute locally produced materials for inclusion in the LINCS databases.

(5) Contribute time to catalog locally produced materials and web sites that are on the state LINCS web site so these can be found through the LINCS search. (If partners do not have the resources to catalog items directly, they can contact their regional LINCS for cataloging assistance.)

(6) Promote LINCS services, resources, and standards by making presentations, providing training, establishing projects through mini-grants to expand the integration of technology in teaching and learning, and reporting on these activities quarterly.

(7) Participate in joint technology projects and activities (*i.e.*, regional technology training teams and library teams) with other partners in the state or other states.

(8) Contribute resources to LINCS Special Collections.

(9) Contribute calendar and news items that would be useful for clients outside the agencies' service area.

2. LINCS Affiliates: In addition to LINCS partners, there are LINCS Affiliates. Affiliates are national, state, or local organizations that support LINCS and want to be a part of the expanding LINCS network, but are not considered partners.

a. What national, state and local Affiliates receive:

(1) Recognition on the appropriate LINCS web site (national, regional, or state). .

(2) National visibility for their state and their particular organization resources through the LINCS Hot Sites and LINCS multiple search programs and also publicizing their events through LINCS Calendar of Events.

(3) A directory (specific to their agency) for materials they contribute to the LINCS databases, and search tools that will allow users to search these materials.

(4) Online cataloging training and technical assistance.

(5) A self-updateable comprehensive directory of local programs.

(6) Discussion list services and server space.

(7) Access to online training for use with their constituencies.

(8) Training materials on the use of LINCS and on integrating technology into teaching and learning.

(9) The opportunity to disseminate information about their program or projects through the LINCS network.

(10) The opportunity to catalog their locally produced, full-text documents for identification through the LINCS search engines.

(11) Invitations to attend LINCS events.

(12) The opportunity to be part of LINCS workgroups.]

(13) The opportunity to network with other LINCS partners and affiliates

b. What national, state, and local Affiliates are encouraged to do:

(1) Contribute locally produced materials from their Web sites for inclusion in the LINCS databases.

(2) Adopt the LINCS Web site template, or at a minimum, the LINCSearch link and LINCS logo.

(3) Promote LINCS services and resources in their state by making presentations about LINCS.

(4) Contribute resources to LINCS Special Collections.

(5) Contribute calendar and news items that would be useful to clients outside the agencies' service area.

Background

The National Institute for Literacy (NIFL), as authorized by Title II of the Workforce Investment Act of 1998, has the legislative mandate to develop a national literacy database. The intent of this mandate is to assure the consolidation and accessibility of scattered and hard-to-access information resources for literacy. (See *http://www.nifl.gov/LINCS/about/about.html#history*) Now in its fifth full year of operation, LINCS is steadily pursuing its mission of using technology to strengthen the adult basic education and literacy community. Beginning in mid-1994 with a single national site on the Internet, LINCS is now well on its way to fulfilling its goals. For a summary of national and regional LINCS achievements, go to *http://www.nifl.gov/lincs/millenium/achievements.html.*

Plans for the future: Over the past seven years, the NIFL has provided the leadership and tools to prepare the adult literacy community for the 21st century through major system-building initiatives, including the creation of LINCS and its regional hubs. The NIFL intends to sustain the momentum of building systems that help professionalize the adult literacy community by continuing its initiatives in technology (view the LINCS Vision Statement at *http://www.nifl.gov/lincs/millennium/vision.html*).

Application Requirements

A. Overview of Regional Technology Centers

The NIFL will award five grants to public and private organizations, or consortia of organizations, for the support of one regional technology center in each of the five designated regions. No more than one grant will be made in each region.

B. Project Narrative

The project narrative is critical and must thoroughly reflect the capacity of the applicant to lead the regional technology effort, and build on the achievements of the previous regional hub and work with LINCS partners and affiliates. The narrative must encompass the full three years of project activities, with detailed plans for Year 1 and milestones for Years 2 and 3. The narrative must clearly describe the applicant's plan for attaining measurable goals and outcomes as identified in each of the sections listed below and propose specific implementation plan. The narrative should not exceed twenty (20) single-spaced pages, or forty (40) double-spaced pages. The narrative may be amplified by material in attachments and appendices, (not exceeding 20 pages) but the body should stand alone to give a complete picture of the project. Proposals that exceed 20 single-spaced pages or 40 double-spaced pages will not be reviewed. The format for the project narrative should follow the order and format of the following selection criteria.

C. Selection Criteria

In evaluating applications for a grant under this competition, the Director uses the following selection criteria. The maximum score for all the criteria in this section is 100 points and the maximum score for each criterion is indicated in parentheses with the criterion.

1. Mission and Strategy (5 Points)

The Director reviews each application to determine the appropriateness of the applicant's stated mission and strategy for the proposed regional center. The applicant must state goals, objectives, and overall expected project achievements for the three year grant period, including:

a. The degree to which the stated mission and strategy for operating a regional center reflect an understanding of the purpose for this project, and NIFL's vision and strategy for LINCS.

b. The degree to which the application demonstrates an understanding of the previous regional hub's strengths and weaknesses; and presents a plan to build on the work of the previous regional hub in enhancing the technological capacity of the region's adult education and literacy community.

c. The extent to which the application provides for a seamless and uninterrupted transition of services and resources from the previous Hub.

d. The quality and coherence of proposed strategies for providing leadership to partners and affiliates at the state and local level in strengthening regional collaboration, and expanding the number of key agencies collaborating at the state and local levels.

e. The degree to which the project will serve the entire adult education and literacy community, including the full range of public and private programs (including libraries, local education agencies, community colleges, volunteer and community-based organizations, etc.).

2. Institutional Capabilities (15 Points)

The Director reviews each application to determine the qualifications and capabilities of the organization to sustain a long-term, high quality, coherent program, and to act as the lead site of a region, including consideration of:

a. The strengths and assets of the applying organization in terms of overall capacity to support adult education and literacy services its base of financial support and commitment of the overall organization to this project.

b. The applicant's successful leadership track record in establishing and implementing a coordinated regional and interstate/interagency plan.

c. The applicant's successful experience in implementing the policies and requirements of a national project at the regional, state, and local level. The applicant must demonstrate how it has built collaborative working relationships with states and local programs;

d. The applicant's experience in training and in applying technology to enhance accessibility of information and ease of communication;

e. The strength of the applicant's partnerships (existing or previous) with private and public entities, especially those that have resulted in leveraging resources and enhancing the applicant's institutional capacity.

f. The capabilities of staff who will oversee project implementation;

g. The applicant's knowledge of current Internet technologies, databases, telecommunications practices, equipment configurations, and maintenance.

h. The applicant's capacity to provide resources—including hardware, software, and training, and technical assistance—to partners and affiliates in state and local programs; and

i. The applicant's capabilities to leverage other funding and resources to sustain the project at the end of the three-year grant period.

3. Plan of Operation (30 Points)

The applicant must develop a three-year plan of operation that addresses both the immediate needs and the future vision and direction of the project. The plan must clearly identify the measurable outcomes that will result from project implementation. The Director reviews each application to determine the quality of the plan of

operation, including consideration of the quality of the applicant's plan to use its resources, personnel, and methods to achieve each indicated project objective, especially in the following areas:

a. Building Partnerships and Collaboration:

(1) The quality of the plan to establish effective working relationships with other organizations in the region as required for effective development of the project.

(2) The extent to which the applicant's plan includes sound methods for achieving measurable goals for expanding the number of LINCS partners and affiliates in each member state—especially those dealing with education, labor, and human services—that will further project objectives.

(3) The extent to which the applicant has been able to attract formal support or agreement from the previous hub's consortium members. The applicant should include any formal agreements or support letters as attachments to the application.

(4) The extent that the plan provides a measurable goal for developing local LINCS partnerships and affiliations

(5) The quality of the plan for leveraging additional resources for the project at the regional level and in each state, including a plan to develop partnerships with technology-based educational projects, especially those in the areas of telecommunications, on-line services, networking, and multi-media; and private entities, including telecommunication and high tech business and industry.

b. Facilitating Communication and Community Building: How the applicant will enhance communication throughout the region's adult education and literacy community, across LINCS partners and affiliates, and among practitioners and learners through the use of telecommunication tools (such as discussion lists, bulletin boards, audio/video conferencing and networking, and virtual workspace programs). The applicant should specify—

(a) The kind of tools to be used.

(b) The specific content to be offered.

(c) The degree to which these tools will provide a medium for professional development within and among the partners and affiliates and targeted local programs.

c. Enhancing the knowledge base:

(1) The degree to which the applicant's regional plan for collecting resources with partners and affiliates is comprehensive and will deepen the literacy field's knowledge base and enhance LINCS content. The plan should describe:

(a) Systems or mechanisms that will be developed by the applicant and partners (such as Regional Library Teams) to identify, locate, review (for quality of content and quality of presentation) and organize useful print and on line resources available within and outside the LINCS network and include them in the LINCS databases

(b) A measurable goal for the number of resources to be contributed to the LINCS databases each year by all partners and affiliates, with the focus being on high quality instructional and training resources. The quality of resources should follow LINCS selection criteria standards and guidelines. The applicant should make provisions for including non-print materials, such as audio and video materials, in their entirety.

(c) The type of resources that will be provided to partners, practitioners, and individuals to develop innovative web-based resources.

(2) The extent to which tools and mechanism will be used to identify common strengths and expertise among partners and affiliates in creating rich multi-state agency collections, training packages, and technical assistance.

d. Marketing:

(1) The extent to which the plan for LINCS regional marketing will increase awareness and use of LINCS among adult education and literacy programs and practitioners.

(2) The extent to which resources will be made available to partners and affiliates for enhancing LINCS awareness and use.

(3) The extent to which resources will be used to enhance the use of LINCS among adult learners.

e. Management:

(1) The extent to which the plan of management is effective and ensures proper and efficient overall administration of the project and also in the following areas:

(2) Supporting partners and affiliates in enhancing their technological capacity, implementing project activities, contributing to LINCS, and creating new resources, including their ability to:

(3) Maintain a strong home page that is seamlessly integrated with the LINCS network and that uses LINCS state and local templates.

(4) Provide technical assistance, training, and high quality, updated resources to local adult education and literacy programs.

(5) Provide for efficient use of regional resources by creating project-based multi-partner collaborations and building on the strength and expertise of partners and affiliates.

(6) Implement new requirements or standards developed by NIFL in concert with regional technology centers to assure uniformity across the LINCS network.

(7) The quality of the strategy and timeline for implementing a formal agreement between the applicant, partners, and affiliates that clearly identifies the rights, roles, and responsibilities of each partner and affiliate with regard to all project activities.

(8) How the applicant will provide for expanding the roles of partners and affiliates in carrying out project activities (*i.e.*, by providing states with resources and funds appropriate to their level of need and expertise), as well as in monitoring project implementation.

(9) The quality of the tools that will be used to maintain communication among the partners and affiliates.

(10) How the applicant will help partners and affiliates leverage other sources of financial support, market their achievements, and develop active state-level partnerships, especially with state education agencies.

4. Training and Technical Assistance (15 Points)

The applicant should present a regional technology training and technical assistant plan. The Director reviews each application to determine the quality and design of the plan, including:

a. The extent to which the applicant demonstrates a commitment to provide technical support, training, and equipment to partners and affiliates;

b. The extent to which the goals of the proposed training are measurable, with clear plan on how the impact of such training will be assessed;

c. The extent to which the training plan, methods, mechanisms, and structures are likely to be effective in achieving stated measurable goals;

d. The extent to which the applicant will use the information and expertise of other Regional LINCS in developing training resources and approaches; and

e. The extent to which the proposed training content and plan is comprehensive and at appropriate levels, including:

(1) How the proposed plan addresses the need for raising awareness and educating practitioners, through broad-based training, about resources available through LINCS, and will build greater knowledge and skills in using the LINCS technology for teaching and learning and interaction with others.

(2) How targeted training models, methods, mechanisms, and structures will result in integrating technology in

teaching and learning within the region. The applicant's timeline for a formal agreement with partners should include an agreement to provide an implementation plan for technology integration in the first quarter of the award. At the minimum the formal agreement should cover the following issues:

(a) How the applicant and LINCS partners will assess the existing level of integration in each state;

(b) How the applicant will identify and disseminate information about other state and local efforts in integrating technology into teaching and learning;

(c) How the applicant will support partners and/or affiliates in developing the technology integration plan;

(d) The resources that will be recruited for the development of a three year plan;

(e) The kind of partnership that will be developed with other regional and state agencies involved in similar efforts;

(f) How the applicant will evaluate progress in integrating technology;

(g) How the training plan will be incorporated in the overall state or partners' staff development plan;

(h) How the training content, tools, and methods developed will train learners in using LINCS;

(i) How the training plan provides for cross-state collaboration (*i.e.*, by establishing regional trainer teams).

(j) How the methods, mechanisms, structures, and materials provided for training—both on-line and off-line—can be used to meet the needs of geographically diverse populations and be replicated, maintained, easily accessible, and updated during and beyond the life of this project.

(k) What innovative technologies will be used to provide easy and efficient methods of delivering training resources to the adult education and literacy community, including—

(i) The extent to which the applicant will provide technical assistance, funding, and other resources to partners and affiliates.

(ii) The extent to which the applicant will provide technical assistance to the end users at varying levels of technical sophistication.

5. Technical Soundness (5 Points)

The Director reviews each application to determine the technical soundness of the proposed project, including consideration of:

a. The extent to which the applicant demonstrates knowledge of current Internet technologies, databases, telecommunications practices, equipment configurations, and maintenance;

b. The extent to which the applicant demonstrates a thorough knowledge of literacy data collections, and dissemination, as well as the LINCS web template, selection criteria, and cataloging standards;

c. The extent to which it will mirror the LINCS information structure, system architecture, and design.

d. The extent to which the applicant demonstrates a commitment to provide technical support, training, and equipment to partners and affiliates.

e. The extent to which the applicant will provide for the provision of hardware, software, and a networking system that will:

(1) Address issues of interpretability and scalability,

(2) Support using audio-video, multimedia, and interactive Internet tools, and

(3) Keep pace with new development in technology.

f. Assurances that the following will be in place—

(1) An electronic system that consists of a UNIX-based server capable of providing the following services for the regional technology training center, its partners, and affiliates.

(a) World Wide Web (WWW) HTTP services;

(b) Internet Electronic Mail (SMTP) services;

(c) File Transfer Protocol (FTP) services;

(d) List (listproc, majordomo) services;

(2) A dedicated Internet connection of sufficient capacity (a minimum of up to T1) to allow sustained usage of the site, be able to transfer an average web page at a rate of 20 kilobytes in three seconds to a client web browser at NIFL during peak usage times, and also be able to deliver quality audio and video products at useable rates to multiple concurrent users;

(3) Maintain information in both HTML documents and text and pdf format.

(4) Serve as a server to house state and local program web sites, any LINCS Special Collections located in the region, Audio and Video server; and communication server (for activities such as online chats, discussion lists, and incubators).

6. Budget and Cost Effectiveness (10 Points)

The Director reviews each application to determine the extent to which the applicant describes plans for managing the project budget and ensuring cost-effectiveness, including—

a. Provisions for ensuring the most efficient and cost-effective use of project funds.

b. Provisions for identifying and securing additional funds to continue and expand the project beyond the end of the grant.

c. A project time line that consists of a table or diagram listing major tasks or milestones and including estimates of funds, time, training schedules, formal agreements with partners and affiliates, personnel, facilities, and equipment allocated to each program area, as well as the timing of progress and other reports, meetings, and other similar events.

Please note that overhead for this project is restricted as per EDGAR CPR 75–562.

7. Evaluation Plan (10 Points)

The Director reviews each application to determine the quality of the evaluation plan for the project, including consideration of:

a. The quality of methods and mechanisms to be used to document and evaluate progress in relation to the project's mission and goals, including use of on-line methods (such as web tools) to collect and analyze data on the effectiveness of the resources presented.

b. The strength of the applicant's statement of measurable outcomes for all project goals; and the quality of methods that will be used to document and evaluate the impact of the project on:

(1) Partners, affiliates, and the broader literacy community.

(2) Improving professional development and instruction.

(3) Integrating technology in teaching and learning.

(4) Raising awareness of LINCS and its use.

[The grantee must commit to working with NIFL to incorporate GPRA requirements into the evaluation plan.]

8. Quality of Key Personnel (10 Points)

The Director reviews each application to determine the quality of key personnel for all project activities, including consideration of:

a. The qualifications of the project director with respect to carrying out the purposes of this grant;

b. The qualifications of other key personnel the applicant,

c. The experience and training of key personnel in leading a consortium of states and working in fields related to project objectives; and

d. The applicant's policy, as part of its nondiscriminatory employment practices, to ensure that its personnel are selected for employment without

regard to race, color, national origin, religion, gender, age, or disability.

Additional Application Requirements

The application shall include the following:

Project Summary: The proposal must contain a 200-word summary of the proposed project suitable for publication. It shall not be an abstract of the proposal, but rather a self-contained description of the activities that would explain the proposal. The summary should be free of jargon and technical terminology, and should be understandable by a non-specialist reader.

Budget Proposal: ED Form 524 must be completed and submitted with each application. The form consists of Sections A, B, and C. On the back of the form are general instructions for completion of the budget. All applicants must complete Sections A and C. If Section B is completed, include the nature and source of non-federal funds. Attach to Section C a detailed explanation and amplification of each budget category. Included in the explanation should be complete justification of costs in each category. Additional instructions include the following:

- Prepare an itemized budget narrative for the project as a whole.
- Personnel items should include names (titles or position) of key staff, number of hours proposed, and applicable hourly rates.
- Include the cost, purpose, and justification for travel, equipment, supplies, contractual and other. Training stipends are not authorized under this program.
- Clearly identify in all instances contributed costs and support from other sources, if any.
- Show budget detail for financial aspects of any cost-sharing or joint or cooperative funding.

Disclosure of Prior NIFL Support: If any consortium member has received NIFL funding in the past 2 years, the following information on the prior awards is required.

- NIFL award number, amount and period of support;
- A summary of the results of the completed work; and
- A brief description of available materials and other related research products not described elsewhere.

If the applicant has received a prior award, the reviewers will be asked to comment on the quality of the prior work described in this section of the proposal.

Reporting: In addition to working closely with the National Institute for Literacy, the applicant will be required to submit Quarterly Performance reports, which are to be brief, 3–4 page reports of progress; a final annual report of activities replaces the 4th quarterly report. Due: Within 30 days at the end of each quarter. Detailed specifications for the reports will be provided to the consortium within three months after the awards are made.

Instructions for Transmittal of Applications

To apply for a cooperative agreement grant—

1. Mail the original and seven (7) copies of the application on or before the deadline date of July 15, 2000 to: National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006, Attention: Jaleh Behroozi Soroui (CFDA NO. 84.257T)

2. Hand deliver the application by 4:30 p.m. (Washington, DC time) on the deadline date to the address above.

a. An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

b. If an application is mailed through the U.S. Postal Service, the Director does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office. (2) The NIFL will mail a Grant Applicant Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the NIFL at (202) 233–2055. (3) The applicant must indicate on the envelope and in Item 10 of the application for Federal Assistance (Standard Form 424) the CFDA number of the competition under which the application is being submitted.

Electronic Access to This Document

You may view this document, as well as National Institute for Literacy and Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Web at or from the following sites:

http://ocfo.ed/gov/fedreg.htm
http://www.nifl.gov/nifl/news_events.html
http://www.nifl.gov/lincs/2000_rfp.html

To view the PDF version, you must have the Adobe Acrobat Reader Program. **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*

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. Additional forms for the completion of this application are available on-line at *http://octo.ed.gov/grnt/appforms.* The parts and additional materials are as follows:

Part I: Application for Federal Assistance [Standard Form 424 (Rev. 4–94)) and instructions].

Part II. Budget Information [Non-Construction Programs (ED Form 524) and instructions].

Part III: Application Narrative [Additional Materials: Estimated Public Reporting Burden].

Assurances-Non—Construction Programs (Standard Form 424B).

Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

Note: ED 80–0014 is intended for the use of recipients and should not be transmitted to the NIFL.

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions. An applicant may submit information on a Photostat copy of the application and budget forms, the assurances and the certifications. However, the application form, the assurances, and certifications must each have an original signature. No award can be made unless a complete application has been received.

Instructions for Estimated Public Reporting Burden

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid

OMB control number. The valid OMB control number for this information is under OMB control number 3430–0007, Expiration date: 06/30/2003. The time required to complete this information collection is 55 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and disseminating the data needed, and completing and reviewing the collection of information. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: the National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006.

Dated: June 5, 2000.

Andrew J. Hartman,

Director, NIFL.

[FR Doc. 00–14548 Filed 6–8–00; 8:45 am]

BILLING CODE 6055–01–U

NATIONAL SCIENCE FOUNDATION

Comment Request: National Science Foundation—Applicant Survey

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 65 FR 17681, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725—17th Street, NW Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send email to splimpto@nsf.gov. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–306–1125 X2017.

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

FOR FURTHER INFORMATION CONTACT: Suzanne Plimption on (703) 306–1125 x2017 or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title of Collection: "National Science Foundation Applicant Survey."

OMB Approval Number: 3145–0096

Type of Request: Intent to seek approval to extend with revision an information collection for three years.

Proposed Project: The current National Science Foundation Applicant Survey has been in use for several years. Data are collected from applicant pools to examine the racial/sexual/disability composition and to determine the source of information about NSF vacancies.

Use of the Information: Analysis of the applicant pools is necessary to determine if NSF's targeted recruitment efforts are reaching groups that are underrepresented in the Agency's workforce and/or to defend the Foundation's practices in discrimination cases.

Burden on the Public: The Foundation estimates about 2,000 responses annually at 3 minutes per response; this computes to approximately 200 hours annually.

Dated: June 5, 2000.

Suzanne H. Plimpton,

NSF Reports Clearance Officer.

[FR Doc. 00–14590 Filed 6–8–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Advanced Networking Infrastructure Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Advanced Networking Infrastructure Research #1207).

Date & Time: June 26, 2000; 8:00 AM–6:00 PM.

Place: Room 1150, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Persons: Darleen Fisher and Karen Sollins, Division of Advanced Networking Infrastructure Research, Room 1175, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1950.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Networking Research Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 5, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–14587 Filed 6–8–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Electrical and Communications Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Electrical and Communications Systems (1196).

Date and Time: June 23, 2000–8:30 a.m. to 5 p.m.

Place: National Science Foundation, Room 360, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Persons: Dr. Kishan Baheti, Program Director, Control, Networks, and Computational Intelligence (CNCI), Division of Electrical and Communications Systems, National Science Foundations, 4201 Wilson

Boulevard, Room 675, Arlington, VA 22230, Telephone: (703) 306–1339.

Purpose: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals in the Control, Networks, and Computational Intelligence program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. Closed portions are proper under Sunshine Act exemptions cited. The CMO's signature on this Notice is the required determination.

Dated: June 5, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–14588 Filed 6–8–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Public Affairs Advisory Group; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Public Affairs Advisory Group (5292).

Date/Time: June 27, 2000, 6 p.m.–9 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA. (A specific room number has not been determined, but may be obtained by calling the contact person listed below before the meeting.)

Type of Meeting: Open.

Contact Person: Mr. Michael Sieverts, Acting Director, Office of Legislative and Public Affairs, Room 1245, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1070.

Purpose of Meeting: To provide advice and recommendations concerning NSF science and engineering outreach activities.

Agenda: The committee will be considering the following:

(1) The case for the importance of basic research;

(2) Effective ways to communicate the importance of basic research to various audiences; and

(3) How NSF can increase public appreciation of science and engineering research and education.

Meeting Minutes: May be obtained from the contact person listed above.

Dated: June 5, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–14589 Filed 6–8–00; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8905]

Quivira Mining Company

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of Quivira Mining Company's application for establishing alternate concentration limits in source material license SUA–1473 for the Ambrosia Lake, Utah, facility and notice of opportunity for a hearing.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated February 17, 2000, an application from Quivira Mining Company (Quivira) to establish Alternate Concentration Limits and amend the Source Material License No. SUA–1473 for the Ambrosia Lake uranium mill facility.

FOR FURTHER INFORMATION CONTACT: Jill S. Caverly, Uranium Recovery and Low Level Waste Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415–6699.

SUPPLEMENTARY INFORMATION: The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(d), a request for hearing must be filed within 30 days of the publication of this notice in the **Federal Register**. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Quivira Mining Company, 6305 Waterford Blvd., Suite 325, Oklahoma City, Oklahoma 73118, Attention: William Paul Goranson; and

(2) The NRC staff, by delivery to the General Counsel, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(d).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

In addition, members of the public may provide comments on the subject application within 30 days of the publication of this notice in the **Federal Register**. The comments may be provided to David L. Meyer, Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services,Office of Administration, U.S. Nuclear Regulatory Commission, Washington DC 20555.

Dated at Rockville, Maryland, this 31st day of May 2000.

For the U.S. Nuclear Regulatory Commission.

Thomas H. Essig,

Chief, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00–14687 Filed 6–8–00; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Office of the Crisis Corps; Information Collection Requests Under OMB Review OMB Number 0420–0533

ACTION: Notice of public use form review request to the Office of Management and Budget.

SUMMARY: The Associate Director for Management invites comments on information collection requests as required pursuant to the Paperwork Reduction Act (44 U.S.C. Chapter 35). This notice announces that the Peace Corps has submitted to the Office of

Management and Budget a request to approve the use of the peace Corps/ Crisis Corps Volunteer Application Form. The initial Federal Register notice, for a 60 day emergency approval, was published on March 3, 2000. The Peace Corps is now seeking three year OMB approval using the standard review procedures. The Peace Corps invited comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology. Comments on these forms should be addressed to Desk Officer for the Peace Corps, Office of Management and Budget, NEOB, Washington, DC 20503.

DATES: The Peace Corps invited comments for a period of 30 days following the initial publication in the **Federal Register.**

ADDRESSES: A copy of the information collection may be obtained from Joan Timoney, Director of the Crisis Corps, Peace Corps, 1111 20th Street, NW, Washington, DC 20526. Ms. Timoney may be contacted by telephone at 202–692–2250. Comments on these forms should be addressed to Mr. Davis Rostker, Desk Officer, Office of Management and Budget, NEOB, Washington DC 20523.

Dated: June 1, 2000.

Michael J. Kole,

Director of Administrative Services and Certifying Official.

[FR Doc. 00–14602 Filed 6–8–00; 8:45 am]

BILLING CODE 6051–01–M

OFFICE OF PERSONNEL MANAGEMENT

[RI 25–41]

Submission for OMB Review; Comment Request for Review of a Revised Information Collection

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for review of a revised information collection. RI 25–41, Initial Certification of Full-Time School Attendance, is used to determine whether a child is unmarried and a full-time student in a recognized school. OPM must determine this in order to pay survivor annuity benefits to children who are age 18 or older.

Approximately 1,200 RI 25–41 forms are completed annually. It takes approximately 90 minutes to complete the form. The annual burden is 1,800 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before July 10, 2000.

ADDRESSES: Send or deliver comments to—

Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349A, Washington, DC 20415–3540

and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management & Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, (202) 606–0623

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00–14626 Filed 6–8–00; 8:45 am]

BILLING CODE 6325–01–U

OFFICE OF PERSONNEL MANAGEMENT

[RI 92–19]

Submission for OMB Review; Comment Request for Reclearance of a Revised Information Collection

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for reclearance of a revised information collection. RI 92–19, Application for Deferred or Postponed Retirement: Federal Employees' Retirement System (FERS), is used by separated employees to apply for either a deferred or a postponed FERS annuity benefit.

Approximately 1,272 forms are completed annually. We estimate it takes approximately 60 minutes to complete the form. The annual estimated burden is 1,272 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov

DATES: Comments on this proposal should be received on or before July 10, 2000.

ADDRESS: Send or deliver comments to—

John Crawford, Chief, FERS Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3313, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, (202) 606–0623

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00–14627 Filed 6–8–00; 8:45 am]

BILLING CODE 6325–01–U

OFFICE OF PERSONNEL MANAGEMENT

[RI 38–128]

Submission for OMB Review; Comment Request for Review of a Revised Information Collection

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for review of a revised information collection. RI 38–128, It's Time to Sign Up for Direct

Deposit, is used to give recent retirees the opportunity to waive Direct Deposit of their payments from OPM. The form is sent only if the separating agency did not give the retiring employee this election opportunity.

Approximately 45,500 forms are completed annually. The form takes approximately 30 minutes to complete. The annual estimated burden is 22,750 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov

DATES: Comments on this proposal should be received on or before July 10, 2000.

ADDRESSES: Send or deliver comments to:

Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415;

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW Room 3002, Washington, DC 20503.

For information regarding administrative coordination contact: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget & Administrative Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00–14628 Filed 6–8–00; 8:45 am]

BILLING CODE 6325–01–U

OFFICE OF PERSONNEL MANAGEMENT

January 2000 Pay Adjustments

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The President adjusted the rates of basic pay and locality payments for certain categories of Federal employees in January 2000. This notice documents those pay adjustments for the public record.

FOR FURTHER INFORMATION CONTACT: Denise Jenkins, Office of Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, (202) 606–2858, FAX (202) 606–0824, or email to payleave@opm.gov.

SUPPLEMENTARY INFORMATION: On December 21, 1999, the President signed Executive Order 13144 (64 FR 72237, December 23, 1999), which established the January 2000 across-the-board adjustments for the statutory pay systems and the 2000 locality pay adjustments for General Schedule (GS) employees in the 48 contiguous States and the District of Columbia. The President made these adjustments consistent with section 646 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58, September 29, 1999). Schedule 1 of Executive Order 13144 provides the rates for the 2000 General Schedule and reflects a 3.8 percent general increase. Executive Order 13144 also includes the percentage amounts of the 2000 locality payments. (See Section 5 and Schedule 9 of Executive Order 13144.) The publication of this notice satisfies the requirement in section 5(b) of Executive Order 13144 that the Office of Personnel Management (OPM) publish appropriate notice of the 2000 locality payments in the **Federal Register.**

GS employees receive locality payments under 5 U.S.C. 5304. Locality payments apply in the 48 contiguous States and the District of Columbia. In 2000, locality payments ranging from 6.78 percent to 15.01 percent apply to GS employees in 32 locality pay areas. These 2000 locality pay percentages, which replaced the locality pay percentages that were applicable in 1999, became effective on the first day of the first applicable pay period beginning on or after January 1, 2000. An employee's locality-adjusted annual rate of pay is computed by increasing his or her scheduled annual rate of basic pay (as defined in 5 U.S.C. 5302(8) and 5 CFR 531.602) by the applicable locality pay percentage. (See 5 CFR 531.604 and 531.605.)

On December 7, 1999, the President's Pay Agent extended the 2000 locality-based comparability payments to the same Governmentwide and single-agency categories of non-GS employees that received the 1999 locality payments. The Governmentwide categories include members of the Senior Executive Service (SES), the Foreign Service, the Senior Foreign Service, employees in senior-level (SL) and scientific or professional (ST) positions, administrative law judges, and members of Boards of Contract Appeals.

Executive Order 13144 establishes the new Executive Schedule, which incorporates the 3.4 percent increase required under 5 U.S.C. 5318. The Executive order also reflects a decision by the President to increase the rates of basic pay for members of the Senior Executive Service (SES) by 3.8 percent (rounded to the nearest $100) at SES levels ES–1 through ES–3 and by 3.6 percent (rounded to the nearest $100) at ES–4. Since the maximum rate of basic pay for SES members is limited by law to the rate for level IV of the Executive Schedule, which was increased to $122,400, the rates of basic pay for levels ES–5 and ES–6 were increased by approximately 3.4 percent (rounded to the nearest $100).

Public Law 106–97 of November 12, 1999, amended 5 U.S.C. 5372 to provide the President with authority to adjust the rates of basic pay for administrative law judges (ALJs) at the time of the pay increase for the statutory pay systems. The Executive order reflects a decision by the President to increase the rates of basic pay for ALJs at level AL–2 and AL–3 by 3.8 percent (rounded to the nearest $100). The President increased the rate of basic pay for AL–1 by approximately 3.4 percent (rounded to the nearest $100), since that rate is capped at the rate of basic pay for level IV of the Executive Schedule.

The rates of basic pay for Board of Contract Appeals (BCA) members are calculated as a percentage of the rate for level IV of the Executive Schedule. (See 5 U.S.C. 5372a.) Therefore, BCA rates of basic pay were increased by approximately 3.4 percent. Also, the maximum rate of basic pay for senior-level (SL) and scientific or professional (ST) positions was increased by approximately 3.4 percent (to $122,400) because it is tied to the rate for level IV of the Executive Schedule. The minimum rate of basic pay for SL/ST positions is equal to 120 percent of the minimum rate of basic pay for GS–15, and thus was increased by 3.8 percent (to $93,137). (See 5 U.S.C. 5376.)

OPM published "Salary Tables for 2000" (OPM Doc. 124–48–6) in March 2000. This document provides complete salary tables incorporating the 2000 pay adjustments, information on general pay administration matters, locality pay area definitions, Internal Revenue Service withholding tables, and other related information. The rates of pay shown in "Salary Tables for 2000" are the official rates of pay for affected employees and are hereby incorporated as part of this notice. You may purchase copies of "Salary Tables for 2000" from the Government Printing Office (GPO) by calling (202) 512–1800 or FAX (202) 512–2250. You may order copies directly from GPO on the Internet at *http://orders.access.gpo.gov/su_docs/sale/prf/prf.html*. In addition, you can find pay tables on OPM's Internet website at *http://www.opm.gov/oca/payrates/index.htm*.

Office of Personnel Management.
Janice R. Lachance,
Director.
[FR Doc. 00–14625 Filed 6–8–00; 8:45 am]
BILLING CODE 6325–01–U

POSTAL SERVICE

Quality Control Reviews for Discounted Letters (Presorted/ Automation Rate Mail)

AGENCY: Postal Service.
ACTION: Notice.

SUMMARY: This second notice provides responses to comments submitted concerning the notice published in the **Federal Register** (65 FR 141–142) about the Mail Quality Analysis (MQA) program. MQA is an automated quality control review tool for automation letter mail preparation. It focuses on presort and piece count accuracy. MQA uses existing automation equipment, software, and reports to compare actual sortation to mailer documentation for sampled mail.

DATES: Effective May 1, 2000.

FOR FURTHER INFORMATION CONTACT: Mark Richards, (703) 329–3684.

SUPPLEMENTARY INFORMATION: On January 3, 2000, the Postal Service published a Notice and Request for Comments concerning the MQA program in the **Federal Register**. Descriptions of the MQA program and announcements to business mailers about MQA were published in Postal Bulletin 22012 (December 2, 1999) and in the December issue of Mailers Companion. Further details will appear in Mailers Companion and will be presented at Postal Customer Council meetings.

MQA will begin on May 1, 2000, and will phase in to full implementation on October 15, 2000. From May 1 to October 15, 2000, MQA reports will be provided to mailers as diagnostic information, enabling mailers to assure that their design, preparation, and production procedures result in mailings that qualify for the postage rates claimed. After October 15, 2000, mailings showing more than a 5 percent presort error rate will result in a postage adjustment if the adjustment totals more than $50. After October 15, a mailer's first-ever MQA analysis will serve as a notice only. In all cases, MQA feedback will help mailers to identify and fix the root causes of any presort and/or piece count errors.

The Postal Service and mailers have worked together for many years to improve the quality of mail, which ultimately benefits all customers through more stable postage rates. MQA incorporates a quality control analysis process, with feedback to the mailer on the results of the review. Only mailers with consistent quality control problems will experience routine postage adjustments. The MQA feedback process, however, is designed to help prevent consistent problems from happening. MQA, as a process management tool, is analogous to the in-process quality/inventory/productivity indicators used by other businesses and industries in their quality control efforts.

MQA uses existing equipment, software, and reports to compare mail sortation and piece counts with mail qualification reports submitted by the mailer. MQA provides an additional return to the Postal Service and our customers from ongoing investments in technology and software. MQA is not a developmental program, but a new application of existing capabilities. The Postal Service believes it is vital to create an environment that leads to high-quality mail and also bolsters the integrity of the worksharing discount program. MQA enhances an environment where each mailer pays postage commensurate with preparation of their mail.

Summary of Comments Received

The Postal Service received five comments in response to the January 3, 2000, **Federal Register** notice. The commenters were two mailer associations, one mailing logistics firm, one mailing service, and one large mail-order firm.

Specific issues raised in the comments are presented below. All commenters supported the goal of improving mail quality for the benefit of all postal customers. Concerns were primarily related to the postage adjustment aspect of MQA. One commenter limited his concern to say that calculations for postage adjustments need to be clearly stated, and the MQA reports as described do so. The following is a summary of the other comments:

1. Implementation should not have occurred before the comment period expired. The mailing industry should have been involved up front in the development of MQA.
2. Mailers should be given advance notice when their mail is to be reviewed under MQA.
3. After initial verification and acceptance, can the Postal Service perform additional quality reviews?
4. Can the Postal Service legally initiate a postage adjustment for mail after acceptance? There is a limited opportunity for "rework" of mail preparation errors.
5. Mailers are not responsible for their mail after it has been accepted by the Postal Service.
6. Are MQA reports linked to the sample and mailing (associated with the mailing and custody of sample), and are MQA samples dispatched in a timely manner?
7. Do equipment issues (reading accuracy and availability of machine maintenance records) affect MQA?
8. It is not fair to calculate postage adjustments against the entire mailing; the sample size is small compared to the potential postage adjustment.
9. Postage adjustments are difficult for mailers to pay. Institute a delay for collection of postage.
10. How will mailers know what to fix?
11. Will mailers have appeal rights and protection from arbitrary determinations?
12. The MQA program should be discontinued, and costs of presort errors spread among all mailers.
13. MQA is a threat to customers and will not encourage more mail.
14. MQA should be rolled out to all mailers, not just to larger mailers.

Responses to Comments

Item 1: Full implementation of MQA was scheduled for June 3, 2000 (well after expiration of the comment period on February 2), and has now been deferred to October 15, 2000. Mailers and their associations have been engaged in dialogue with the Postal Service for the past several months. It also is significant that the diagnostic and feedback provisions incorporated within MQA have been requested by a variety of mailers for some time. MQA uses existing equipment, software, and reports to compare mail sortation with mailer presort documentation and provides an additional return to the Postal Service and our customers from ongoing investments in technology and software.

Item 2: To assure that MQA reviews are a true picture of mail as routinely submitted to the Postal Service, advance notification of mailings selected for review will not occur, either internally or to mailers. Mailers with on-site detached mail units (DMUs), however, likely will notice that a particular mailing has been selected for analysis, because trays will be isolated for the MQA review. Mailers whose mailings are submitted to a business mail entry unit (BMEU) may not know their mail was analyzed until they receive an MQA report. In recent industry discussion

groups, some mailers expressed the strong desire to be present at the USPS barcode sorting equipment when their mail is being analyzed. The Postal Service agreed to craft a procedure to offer mailers the opportunity to observe the analysis. This will be a straightforward procedure that maintains the integrity of the analysis while giving mailers the opportunity for first-hand observation of the MQA analysis. Information about this procedure will appear in an upcoming issue of Mailers Companion.

Item 3: Authorization to mail at discounted rates is granted with the understanding that mail will be prepared to qualify for the rates claimed. Mail submitted with preparation problems leads to extraordinary processing costs as it is rehandled. Domestic Mail Manual (DMM) G020.2.1 states that all mailers are required to comply with applicable postal standards. DMM G020.2.2 and the mailer certification on each postage statement provide notice that when proper postage is not claimed on the postage statement, the Postal Service expects to collect the proper amount. The USPS will continue the verification process at mail acceptance units. However, to avoid "double jeopardy," a mailing assessed a postage adjustment as the result of the presort verification and presort errors disclosed at acceptance will not be subject to MQA. The failure to use existing assets to provide an efficient method for feedback on mail quality would be a great disservice to all who have properly prepared their mail. Therefore, the Postal Service believes it is responsible and proper to administer MQA as defined. MQA will not impact mailers whose systems and procedures produce high-quality mailings, but will benefit all mailers through more stable postage rates.

Items 4 and 5: The Postal Service has a statutory obligation to collect postage owed under 39 U.S.C. 404(a). Moreover, the Postal Service is prohibited from discriminating between mailers, as could occur if some do not pay the full legal rate of postage. Postal standards (such as DMM P011.4.0) provide the necessary mechanism for determining amounts owed to the Postal Service and provide appeal procedures for mailers if they dispute such postage adjustments. DMM G022.2.1 requires mailers to comply with all applicable postal standards, and payment of correct postage is an obvious and important component of compliance. DMM G022.2.2 states that the Postal Service is not restricted from demanding proper payment of postage after acceptance when it becomes apparent that such payment was not made. Further, mailers have ample additional notice of these standards and the requirement that each mailer must pay postage commensurate with their mail preparation through: (1) The application and approval process for authorization to mail at discounted rates; (2) the mailer certification on each postage statement that the mail qualifies for the rates claimed; and, (3) the mailer agreement in that same certification to pay any postage deficiencies assessed on the mailing. The MQA report is clear documentation of presort and piece count discrepancies, as compared to the mail qualification report and rates claimed on the postage statement. Fairness has been applied through the initial notification of presort errors exceeding 5 percent without a postage adjustment prior to October 15, 2000, and not assessing postage adjustments under $50 thereafter.

MQA analyzes mail as it is run on delivery barcode sorters (DBCSs). It is not feasible to reconstruct a mailing and offer the mailer the opportunity to rework mail when presort errors are first disclosed during actual processing of that mail. This fact is true today and MQA does not change it.

Item 6: Initial MQA reviews will be conducted at the origin postal facility. MQA samples (including DMU/destination entry trays) will be isolated and their integrity secured through special placarding, handling, and tray label recording procedures. The direct relationship between the MQA sampled mail and the MQA report is shown by recording information directly from the tray labels onto the MQA documentation. Scheduling of MQA reviews and processing of samples will be coordinated with Mail Processing. Dispatch of sampled mail will not normally be affected by MQA reviews, although in some cases alternative means of routing may be used. In cases where presort errors exceeding 5 percent are found, mailers will receive copies of all documentation involved as a final quality control check of the process.

Item 7: DBCS equipment is used every day by the Postal Service to process live mail. Preventive maintenance is performed regularly and documented. It is important to note that MQA does not measure barcode readability but rather records mailer-applied barcodes to measure presort and piece count accuracy, as compared to mailer documentation for the sample. Because of the mathematical check digit incorporated in a barcode, DBCS equipment does not misinterpret barcodes. Only when the barcode and its check digit formula add up correctly is a barcode "read." Barcodes that are not read are rejected, and rejected pieces are not counted as errors under MQA. Rejected pieces will be analyzed and information reported to the mailer, as this may also assist mailers in improving quality. Moreover, for computer list sorted mailings, MQA will run thousands of similar pieces through the DBCS at the same time, optimizing the capabilities of the equipment to read barcodes on sampled mail.

Item 8: Postage adjustments are applied only to the actual pieces sampled or to the sort level sampled (5-digit, 3-digit, AADC, Mixed AADC). Sample sizes for MQA reviews are larger than any possible to date.

Items 9 and 10: Mailers with effective quality controls, who prepare mailings to qualify for the rates claimed, will not have difficulties. Difficulty in paying appropriate postage for a mailing is not used to establish the postage a particular mailer should pay and should not mean that one mailer is not required to meet the same preparation standards as others. If a postage adjustment is initiated, mailers also can discuss terms and conditions, or other alternatives that might be considered, with the USPS District Manager, Finance. Even mailers who have consistent quality control and qualification problems will not experience continuing postage adjustments if they make necessary corrections to their mail preparation procedures. Diagnostic feedback from the MQA report will be in sufficient detail to assist mailers in determining where in their operations a problem originated, but MQA also is designed to encourage mailers to perform ongoing self-assessments of their quality controls. Until October 15, 2000, mailers will have ample opportunity to both review internal quality control procedures and use MQA feedback to improve their operations.

Item 11: MQA postage adjustments will be based on objective data received from detailed machine reports of the presort and piece counts found in the mail sample. Mailers have appeal rights to the Rates and Classification Service Center for MQA determinations made at local or district offices.

Item 12: Measuring and documenting the quality of mail at points where it is most efficient to do so will lead to improved operations, efficiencies, and lower costs for both the Postal Service and mailers. In preliminary testing of MQA, several mailers already have made significant improvements in quality and in some cases also increased their efficiency and reduced their internal costs. MQA is a benefit, not a

burden, to mailers. The many high-quality mailers should not bear the burden of paying additional costs associated with poor-quality mail submitted by a small number of mailers.

Item 13: Improving quality throughout all mailing processes is a long-term need to which all members of the mailing industry should subscribe. As quality is improved and corresponding increases in efficiencies and stabilization of rates are achieved, more, not less, mail will result.

Item 14: MQA will focus initially on the largest volume mailers, then move down the chain to smaller volume mailers. The USPS will monitor this process and has built an objective approach to selecting which mail will be analyzed.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00–14681 Filed 6–8–00; 8:45 am]

BILLING CODE 7710–12–U

PRESIDIO TRUST

Presidio Theatre Building 99, The Presidio of San Francisco, CA; Notice of Intent to Prepare an Environmental Impact Statement

AGENCY: The Presidio Trust.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) for the rehabilitation and expansion of the Presidio Theatre (Building 99) within The Presidio of San Francisco, San Francisco, California (Presidio).

SUMMARY: The Presidio Trust (Trust) has received a proposal from one of its tenants, the San Francisco Film Centre, for rehabilitation and expansion of the Presidio Theatre (Theatre) within the Presidio. Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–90 as amended) (NEPA), and the regulations promulgated by the Council on Environmental Quality (40 CFR 1505.2), the Trust has determined that an EIS rather than an Environmental Assessment, as previously noticed in the **Federal Register** (65 FR 20218), will better serve the agency to comply with the NEPA. Therefore, the Trust will prepare an EIS for rehabilitating the existing 15,140-square-foot Theatre and adding up to 45,000 square feet of new construction for theater uses, a restaurant, retail museum and library store (proposed action). The EIS will include a discussion of the significant environmental impacts, and will inform decisionmakers and the public of reasonable alternatives which would minimize adverse impacts or enhance the quality of the environment, including "no action" and reuse of existing buildings to avoid new construction. Based on a preliminary review of the proposed action and input received during scoping to date, issues and impact topics to be analyzed include: traffic and transportation systems; cultural resources (effect on national historic landmark district and archeological resources); hydrology and water quality; visual resources and scenic viewing; air quality; and noise.

Public Comment

The Trust will hold a second public workshop/open house on June 19, 2000 to solicit comment regarding the range of alternatives to be evaluated in the EIS. A tour of the Theatre will be conducted from 5:30 to 6 p.m.; those interested in the tour will meet at 5:30 p.m. on June 19, 2000 in front of the Theatre, which is located at the corner of Moraga Avenue and Montgomery Street on the Main Post in the Presidio. The workshop will run from 6 to 8 p.m. at the San Francisco Film Centre (Building 39), which is located opposite the flagpole at the top of Graham Street on the Main Post in the Presidio. The Trust has chosen to extend the public scoping period to July 28, 2000 to provide additional time for the public to comment on the project. Comments regarding the scope of alternatives and impacts that the Trust received before its decision to proceed with an EIS will still be considered. The Trust will provide other informal information updates and notices concerning this project through postings on its website at www.presidiotrust.gov or through its monthly publication, the *Presidio Post.* The Trust will announce the release of the EIS by notice in the **Federal Register** and the *Presidio Post*, and through a direct mailing to the affected public.

ADDRESSES: Written comments concerning this notice must be sent by July 28, 2000 to John Pelka, NEPA Compliance Coordinator, The Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129–0052. Fax: 415–561–5315. E-mail: jpelka@presidiotrust.gov.

FOR FURTHER INFORMATION CONTACT: John Pelka, NEPA Compliance Coordinator, The Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129–0052. Telephone: 415–561–5300.

Dated: June 5, 2000.

Karen A. Cook,

General Counsel.

[FR Doc. 00–14585 Filed 6–8–00; 8:45 am]

BILLING CODE 4310–4R–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirements of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

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

Title and purpose of information collection: Student Beneficiary Monitoring; OMB 3220–0123.

Under provisions of the Railroad Retirement Act (RRA), there are two types of benefits whose payment is based upon the status of a child being a full-time student, a survivor benefit under Section 2 and an increased retirement benefit under Section 3(f)(3). A survivor benefit is paid directly to the student unless there is a representative payee. The benefit for a student in a life case is paid by increasing the retired parent's annuity rate under the overall minimum guaranty. The requirements for obtaining benefits based on full-time student status are prescribed in 20 CFR 219.54 and 219.55.

The RRB requires evidence of full-time school attendance in order to determine that a child is entitled to student benefits. The RRB utilizes the following forms to conduct its student monitoring program. Form G–315, Student Questionnaire, obtains certification of a student's full-time school attendance. It also obtains information on a student's marital status, Social Security benefits, and employment which are needed to determine entitlement or continued entitlement to benefits under the RRA. Form G–315a, Statement by School Official of Student's Full-time Attendance, is used to obtain verification from a school that a student attends school full-time and provides their expected graduation date. Form G–315a.1, Notice of Cessation of Full-Time Attendance, is used by a school to notify

the RRB that a student has ceased full-time school attendance. Completion is required to obtain or retain a benefit. One response is requested of each respondent.

The RRB proposes no changes to Form G–315, G–315a, or G–315a.1. The completion time for the G–315 is estimated at seven minutes per response. The completion time for the G–315a and G–315a.1 is estimated at two minutes. The RRB estimates that approximately 960 Form G–315's, 210 Form G–315a's and 60 Form G–315a.1's are received annually.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 00–14649 Filed 6–8–00; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In adcordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C., Section 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 2000, shall be at the rate of 26½ cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning July 1, 2000, 37.7 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 62.3 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus 100 percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: June 1, 2000.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 00–14648 Filed 6–8–00; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42896; File No. SR–NASD–00–18]

Self-Regulatory Organizations; Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Entry of Locking/Crossing Quotations Prior to the Nasdaq Market Opening

June 2, 2000.

Introduction

On April 13, 2000, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its wholly-owned subsidiary, the Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)91) of the Securities Exchange Act of 1934 ("Act" or "Exchange Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to the entry of locking/crossing quotations prior to the Nasdaq market opening. On April 18, 2000, the NASD submitted Amendment No. 1 to the proposal. The proposed rule change and Amendment No. 1 were published for comment in the **Federal Register** on May 10, 2000.[3] The Commission received one comment regarding this proposal.[4] This order approves the proposed rule change, as amended.

II. Description of the Proposal

Currently, under NASD Rule 4613(e) if a market participant locks/crosses the market between 9:20 a.m. and 9:29:59 a.m. Eastern Time, the market participant must send the market maker(s) or ECN(s) being locked/crossed, a SelectNet® message that has appended to it a "TRD OR MOV" administrative message ("Trade-or-Move Message").[5] The aggregate size of these Trade-or-Move Messages must be at least 5,000 shares. Thus, in order to lock/cross the market during this 10 minute period before the market opens, a market participant must send a Trade-or-Move Message for 5,000 shares and be willing to trade at least this amount. The party being locked or crossed must respond to the Trade-or-Move Message within 30 seconds by trading with the incoming message or moving its quotation to a price level that resolves the locked/crossed market.[6]

Nasdaq proposes to amend NASD Rule 4613(e), to permit market participants, when representing agency interests, to lock/cross the market at the actual size of the agency order, instead of 5,000 shares as currently required by rule. Under the proposal, if between 9:20 a.m. and 9:29:59 a.m. a market participant receives an agency order that would lock/cross the market, the market participant may lock/cross the market and send a Trade-or-Move Message for the actual size of the agency order, instead of 5,000 shares.[7] (For purposes of the amended rule, an agency order would not include an order for the account of a market maker in the issue, but would include orders for individuals, institutions, and broker-dealers who are not market makers in the security at issue.) Market participants whose proprietary quotes lock/cross the market between 9:20 and 9:29:59 a.m., would still be subject to the 5,000 aggregate share size requirement for Trade-or-Move Messages. Thus, if a market participant wishes to lock/cross the market while acting as principal, the market participant must send an aggregate of at least 5,000 shares through a Trade-or-Move Message to the parties being locked/crossed.

III. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD. In particular, the Commission finds that the proposal is consistent with the requirements of Sections 15A(b)(6), 15A(b)(11), and 11A(a)(1)(C) of the Act.[8]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 42754 (May 3, 2000), 65 FR 30167.

[4] *See* letter from Cameron Smith, General Counsel, Island ECN, to Jonathan Katz, Secretary, Commission, dated June 1, 2000.

[5] *See* Exchange Act Release No. 42400 (February 7, 2000), 65 FR 7407 (February 14, 2000) (order approving File No. SR–NASD–99–23 to amend NASD Rule 4613(e)).

[6] *Id.*

[7] This requirement does not apply when the market maker is holding agency interest where there is no understanding with the customer to have its order displayed and/or executed prior to the market's open, and the market maker otherwise is engaging in *bona fide* market making activity during the pre-opening period.

[8] 15 U.S.C. 78o–3(b)(6), 15 U.S.C. 78o–3(b)(11), and 15 U.S.C. 78k–1(a)(1)(C).

Section 15A(b)(6)[9] requires that the rules of a registered national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to, and facilitating transactions in, securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Section 15A(b)(11)[10] requires that the rules of a registered national securities association be designed to produce fair and informative quotations, prevent fictitious or misleading quotations, and to promote orderly procedures for collection, distributing, and publishing quotations. In Section 11A(a)(1)(C),[11] 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: (1) economically efficient execution of securities transactions; (2) fair competition among brokers and dealers; (3) the availability to brokers, dealers and investors of information with respect to quotations and transactions in securities; (4) the practicability of brokers executing investors' orders in the best market; and (5) an opportunity for investors' orders to be executed without the participation of a dealer.[12]

Specifically, the Commission finds that the proposal is consistent with Sections 15A(b)(6), 15A(b)(11), and 11A(1)(C) of the Act[13] because it is designed to further reduce the frequency of pre-opening locked and crossed markets, which should help to provide more informative quotation information, facilitate price discovery, and contribute to the maintenance of a fair and orderly market. The proposal will require a market participant to send a Trade-or-Move Message for agency orders that lock or cross the market between 9:20 and 9:29:59 a.m., for the actual size of the agency order, rather than 5,000 shares. Under the proposal, an agency order would not include an order for the account of a market maker in the issue, but would include orders for individuals, institutions, and broker-dealers who are not market makers in the security at issue. The recipient of a Trade-or-Move Message must respond to that message within 30 seconds of receiving it.

The Commission believes that the Trade-or-Move Message requirement for agency orders may reduce instances of pre-opening locked and crossed markets by providing an effective mechanism for promptly resolving any pre-opening locked or crossed markets that occur. In this regard, the Commission notes that the recipient of a Trade-or-Move Message must respond to the message within 30 seconds by either (1) trading in full with the incoming Trade-or-Move Message; (2) declining to trade with the incoming Trade-or-Move Message and moving its quotation to a price level that unlocks or uncrosses the market; or (3) trading with a portion of the incoming Trade-or-Move Message and moving its quotation to a price level that unlocks or uncrosses the market. By reducing instances of pre-opening locked and crossed markets, and facilitating the prompt resolution of any pre-opening locked or crossed markets that occur, the proposal should help to provide a more orderly opening in Nasdaq securities, to the benefit of all market participants.

The Commission believes, as it has concluded previously,[14] that continued locking and crossing of the market can negatively impact market quality. By helping to reduce the frequency of pre-opening locked and crossed markets, the Commission believes that the proposal should improve market quality and enhance the production of fair and orderly quotations. Accordingly, the Commission believes that the proposal is designed to produce fair and informative quotations, consistent with Section 15A(b)(11),[15] and to remove impediments to and perfect the mechanism of a free and open market and a national markey system, consistent with Section 15A(b)(6).[16]

In addition, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Commission believes that this proposal, which effectively creates an agency order exception to NASD Rule 4613, could increase market liquidity and transparency by allowing more customers to participate in Nasdaq's pre-opening market.[17] The Commission notes that this proposal is responsive to concerns raised by certain ECN commenters SR–NASD–99–23 that NASD Rule 4613(e) would disproportionately impact ECNs and limit the participation of ECNs, retail investors, and small broker-dealers in the pre-opening market.[18] The Commission believes that the amendments to NASD Rule 4613(e), which would permit agency orders for quotes of less than 5,000 shares to be appended to a Trade-or–Move Message, should help allay the concerns of ECNs with regard to the application of NASD Rule 4613(e).

Finally, as the Commission noted in approving NASD–99–23,[19] under this proposal ECNs can still handle orders that lock or cross markets in the pre-opening in alternative ways. Specificaly, an ECN could (1) reject a locking or crossing order, just as ECNs reject locking or crossing orders during normal trading hours; or (2) trade with the incoming Trade-or-Move Message up to the size of its subscriber's order and decline the remainder of the Trade-or-Move Message.

IV. Conclusion

For the reasons discussed above, the Commission finds that the proposal is consistent with the Act and the rules and regulations thereunder applicable to a national securities association.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[20] that the

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[9] 15 U.S.C. 78o–3(b)(6).

[10] 15 U.S.C. 78o–3(b)(11).

[11] 15 U.S.C. 78k–1(a)(1)(C).

[12] In approving the proposed rule change, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78o–3(b)(6), 15 U.S.C. 78o–(b)(11), and 15 U.S.C. 78k–1(a)(1)(C).

[14] *See* Securities Exchange Act Release No. 40455 (September 22, 1998), 63 FR 51978 (September 29, 1998) (order approving File No. SR-NASD–98–01).

[15] 15 U.S.C. 78o–3(b)(11).

[16] 15 U.S.C. 78o–3(b)(6).

[17] As noted above, the Commission received one comment letter regarding the proposal. The commenter argued that market participants receiving Trade-or-Move Messages would be able to monitor the market so as to selectively execute orders only when market conditions are favorable. The commenter also noted that is not technologically equipped, at present, to implement the proposal. The commenter recommended that Nasdaq address the problem of pre-opening locked and crossed markets by requiring market participants to open firm, pre-opening quotations. *See* note 4, *above.*

In response to similar comments on NASD–99–23, the NASD stated that an ECN with an order of less than 5,000 shares that would lock or cross the market could (1) attempt to match the order internally with the order of another subscriber; (2) attempt to fill the order by sending a Select Net message to the market participant(s) it would lock or cross; or (3) wait to accumulate the 5,000 shares and then send a Trade-or-Move Message. in addition, an ECN whose subscriber entered a locking or crossing quotation between 9:20 a.m. and 9:29:59 a.m. could require its subscriber to comply with the Trade-or-Move Message requirement. Nasdaq also noted that an ECN with a pre-opening order that locked or crossed the market could wait until the opening of the market before sending a SelectNet message to the market participants it would lock or cross. *See* note 5, *above.*

[18] *See* note 4, *above.*

[19] *Id.*

[20] 15 U.S.C. 78s(b)(2).

proposed rule change (SR–NASD–00–18) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[21]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–14596 Filed 6–8–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42893; File No. SR–NSCC–00–03]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Relating to Processing Government Securities Trades

June 2, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on April 5, 2000, National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which items have been prepared primarily by NSCC. The Commission is publishing this notice and order to solicit comments from interested parties and to grant accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will allow NSCC to receive government securities trade data from the American Stock Exchange ("AMEX"), process the trade data, and transmit the trade data to the Government Securities Clearing Corporation ("GSCC").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the rule change is to amend NSCC's rules and procedurres to permit NSCC to: (1) Receive trade data concerning members' government security transactions conducted on the AMEX; (2) record trade information about those transactions on NSCC members' contract lists; and (3) transmit at the request of members the trade information to GSCC for processing.

Specifically, the rule change amends NSCC's rules and procedures as follows:

- The AMEX may submit locked-in trade data for transactions in "eligible government securities" included in the AMEX Order File ("AOF") System to NSCC. NSCC will maintain a list of "eligible government securities" which must be unmatured, marketable debt securities in book-entry form that are direct obligations of the United States Government; securities issued or guaranteed by the United States, a U.S. government agency or instrumentality, or a U.S. government-sponsored corporation; or such other security as determined by NSCC from time to time.[3]
- The AMEX may submit its trade data throughout trade date ("T") until a time specified by NSCC. The trade data must include quantity, security identification, identification of the marketplace of execution, contra-broker, trade value, and other identifying details that NSCC may require or permit.[4]
- NSCC will report back to members their AOF trade data items, including final contract amount as calculated by NSCC, on the morning of T+1 in a separate section of NSCC's regular way T+1 contract list.[5]
- Unless otherwise processed through GSCC, as described below, the settlement of AFO trade data items will be the responsibility of parties to the trade. Such items will not be settled through the facilities of NSCC.[6]

The rule change permits NSCC to transmit, at the request of members, AOF trade data items to GSCC for processing as follows[7]:

- Each member that would like to settle its AFO trades through GSCC must complete and deliver to NSCC an authorization agreement.[8]
- NSCC will submit AOF trade data items to GSCC within the timeframes established by NSCC.[9]

NSCC believes that the proposed rule change is consistent with the requirements of the Act,[10] and the rules and regulations thereunder. In particular, the proposed rule change is consistent with section 17A(b)(3)(F) of the Act, which requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, in general, to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Section 17A(b)(3)(F)[11] of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. For the reasons set forth below, the Commission believes that NSCC's rule change is consistent with this obligation.

The rule change permits NSCC to build upon its existing facilities to receive and process trade data concerning government securities traded through the AMEX's AOF System by NSCC members. After processing this information, NSCC will report back to members trade information relating to their AOF trades. At the request of members who wish to settle these trades through GSCC, NSCC will then transmit trade data to GSCC for processing. By providing this service, NSCC will be facilitating the prompt and accurate clearance and settlement of Amex-traded government securities. Therefore, the Commission finds that the proposed rule change is consistent with NSCC's obligations to promote the prompt and

[21] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepred by NSCC.

[3] NSCC Rule 3, Section 10.

[4] NSCC Procedure 11.D4(a)(ii).

[5] *Id.* at (iii).

[6] *Id.* at (iv).

[7] NSCC Procedure 11.D.4(b).

[8] *Id.* at 4(b)(i).

[9] *Id.* at 4(b)(ii).

[10] 15 U.S.C. 78q–1.

[11] 15 U.S.C. 78q–1(b)(3)(F).

accurate clearance and settlement of securities transactions.

NSCC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after publication of the notice of filing. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of the notice because accelerated approval will enable NSCC to coordinate with GSCC and the AMEX in order to begin providing these clearance and settlement services on the target start date of June 2, 2000.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR–NSCC–00–03 and should be submitted by June 30, 2000.

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NSCC–00–03) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–14574 Filed 6–8–00; 8:45 am]

BILLING CODE 8010–01–M

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42897; File No. SR–OCC–99–9]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving a Proposed Rule Change To Merge the Equity and Non-Equity Elements of OCC's Clearing Fund

June 5, 2000.

On September 24, 1999, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR–OCC–99–9) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposal was published in the **Federal Register** on December 8, 1999.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

Under the rule change, OCC will merge the equity and non-equity elements of its clearing fund into combined clearing fund. A member's contribution to the combined clearing fund will be based on the member's total margin requirements, with a minimum contribution of $150,000.[3]

In 1982, when OCC first began clearing non-equity products, including treasury, currency, and stock index options, OCC instituted a separate non-equity element to the clearing fund to limit the impact of a member default in one product base (*i.e.*, either equity or non-equity) on members trading only the other product base. The element of the clearing fund applicable to the product(s) involved in the default would be utilized first; only after that element was exhausted would the other element be used. Beginning in 1986, with the introduction of the Theoretical Intermarket Margin System ("TIMS") for non-equity products, some margin offsets were allowed between equity and non-equity products. Such offsets further expanded following the implementation of TIMS for equity products in 1991. The blurring of the distinction between equity and non-equity margin requirements and the integration of OCC's equity and non-equity systems in general has reached a level such that clearing members only receive a single margin requirement each day. OCC computes distinct equity and non-equity margin requirements only on a monthly basis for the purpose of determining the size of each element of the clearing fund.

Consistent with Article VIII, Section 2 of OCC's Bylaws, OCC will issue a memorandum to its clearing members at least five business days prior to the effective date of the rule change advising them of the change in the minimum contribution and advising them of their ability to withdraw from membership should they choose not to make the required clearing fund contribution.

II. Discussion

Section 17A(b)(3)(F)[4] of the Act requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission finds that combing the two clearing funds will have no effect on OCC's margining and risk management procedures that protect OCC against a member default. As a result, OCC will maintain its current level of protection while enhancing the efficiency of its operations. Accordingly, the rule change is consistent with OCC's obligation to safeguard securities and funds which are in OCC's custody or control.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–OCC–99–9) be, and hereby is, approved.

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 42195 (December 1, 1999), 64 FR 68712.

[3] According to OCC, almost all clearing members already contribute to both the equity and non-equity elements of the clearing fund and thus are subject to the $75,000 minimum contribution for each element. For those members, a merger of the two elements into one combined clearing fund will clause no aggregate change in the size of their clearing fund contribution. Five clearing members clear either only equity or only non-equity products and therefore contribute to only one element of the clearing fund. Three of these five members, however, will not have their contributions affected by the proposed $150,000 minimum. Thus, the merger of the two elements into one clearing fund will not materially change the overall size of the clearing fund and will not have a minor impact on a small number of members.

[4] 15 U.S.C. 78q–1(b)(3)(F).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland

Deputy Secretary.

[FR Doc. 00–14595 Filed 6–8–00; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3257]

Commonwealth of Massachusetts and a Contiguous County in the State of New Hampshire

Middlesex County and the contiguous Counties of Essex, Norfolk, Suffolk, and Worcester in Massachusetts, and Hillsborough County, New Hampshire constitute a disaster area as a result of damages caused by a fire that occurred on May 4, 2000 in the Town of Concord. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on July 31, 2000, and for economic injury until the close of business on March 2, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Boulevard South, 3rd Floor, Niagara Falls, NY 14303.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	7.375
Homeowners Without Credit Available Elsewhere	3.687
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	6.750
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The numbers assigned for physical damages are 325705 for Massachusetts and 325805 for New Hampshire. For economic injury the numbers are 9H4400 for Massachusetts and 9H4500 for New Hampshire.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 30, 2000.

Kris Swedin,

Acting Administrator.

[FR Doc. 00–14549 Filed 6–8–00; 8:45 am]

BILLING CODE 8025–01–U

[5] 17 C.F.R. 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3259]

State of Texas

Liberty County and the contiguous counties of Chambers, Hardin, Harris, Jefferson, Montgomery, Polk, and San Jacinto in the State of Texas constitute a disaster area as a result of damages caused by severe thunderstorms, flooding, and a tornado that occurred on May 19–20, 2000. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on July 31, 2000, and for economic injury until the close of business on March 2, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Ft. Worth, TX 76155.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	7.375
Homeowners Without Credit Available Elsewhere	3.687
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	6.750
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The numbers assigned to this disaster are 325906 for physical damage and 9H4600 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 30, 2000.

Kris Swedin,

Acting Administrator.

[FR Doc. 00–14550 Filed 6–8–00; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF STATE

Bureau of European Affairs

[Public Notice 3333]

30-Day Notice of Information Collection: Irish Peace Process Cultural and Training Program

AGENCY: Department of State.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: New Collection.

Originating Office: EUR.

Title of Information Collection: Irish Peace Process Cultural and Training Program ("IPPCTP").

Frequency: 1.

Form Number: N/A.

Respondents: Entities wishing to provide employment.

Estimated Number of Respondents: 4200.

Average Hours Per Response: (a) *Prospective Employers:* up to 2 hours in providing employer background information and up to 1 hour in reporting on participants' work experience (for each participant hired by an employer.) (b)

Participants: up to 2 hours in providing background/resume information, a photograph, and tracking information. Where participation originates with an employer nomination, the increase of time required of an employer in providing employee-related information will be offset by a corresponding reduction in the time otherwise required of employees in providing the same information.

Total Estimated Burden: 12,400 hours.

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed information collection and supporting documents may be obtained from the Officer for Ireland and Northern Ireland Affairs, Bureau of European Affairs (EUR/UBI), Room 4513, U.S. Department of State, Washington, DC 20520, (202) 647-6585.

Public comments and questions should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, (202) 395–5871.

Dated: May 25, 2000.

William Eaton,

Executive Director, Bureau of European Affairs, Department of State.

[FR Doc. 00–14665 Filed 6–8–00; 8:45 am]

BILLING CODE 4710–23–U

DEPARTMENT OF STATE

Office of Defense Trade Controls

[Public Notice 3335]

Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to section 36(c) and in compliance with section 36(e) of the Arms Export Control Act (22 U.S.C. 2776).

EFFECTIVE DATE: As shown on each of the ten letters.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Lowell, Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202 663–2700).

SUPPLEMENTARY INFORMATION: Section 38(e) of the Arms Export Control Act mandates that notifications to the Congress pursuant to section 36(c) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: June 2, 2000.

William J. Lowell,

Director, Office of Defense Trade Controls.

Honorable J. Dennis Hastert, Speaker of the House of Representatives.

May 12, 2000.

Dear Mr. Speaker: Pursuant to sections 36(c) & (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with the Republic of Korea.

The transaction described in the attached certification involves the manufacture of twenty (20) F–16C/D aircraft for the Republic of Korea Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 001–00

Honorable J. Dennis Hastert, Speaker of the House of Representatives.

May 11, 2000.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, services and information for the design and development of Ground System elements for tracking, telemetry, command, control and management of the Astrolink Commercial Communications Satellite System.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 008–00

Honorable J. Dennis Hastert, Speaker of the House of Representatives.

May 12, 2000.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction described in the attached certification involves the transfer of defensive services to the United Kingdom for the design, development, manufacture, assembly and delivery of Wing Trailing Edge Panels and Flap Hinge Fairings for the C–17 Globemaster Aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 015–00

Honorable J. Dennis Hastert, Speaker of the House of Representatives.

May 12, 2000.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction described in the attached certification involves the transfer of defense services to Japan for the overhaul and manufacture of SIIIS–3XT4/T4 Ejection Seats.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 017–00

Honorable J. Dennis Hastert, Speaker of the House of Representatives.

May 19, 2000.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification concerns the Sea Launch joint venture, in which Norway, Ukraine, Russia and United Kingdom will also participate, to provide commercial space launch services for communications satellites from a modified oil platform in the Pacific Ocean.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 026–00

Honorable J. Dennis Hastert, Speaker of the House of Representatives.

May 12, 2000.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the manufacture 65 Armored Combat Vehicles in Turkey for Malaysia.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 27–00

Honorable J. Dennis Hastert, Speaker of the House of Representatives.

May 17, 2000.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction described in the attached certification involves the transfer of defense services to establish in-country warehousing of spare parts, overhaul and depot-level repair of F100–PW–220/220E and F100–PW–229 engines in Saudi Arabia.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 32–00

Honorable J. Dennis Hastert, Speaker of the House of Representatives.

May 17, 2000.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves an extension in the duration of DTC 99–99, related to the export of technical data, hardware and assistance to support the acquisition, maintenance and operation of twenty-four (24) T–6A–1 aircraft for end-use in Canada for the NATO Flying Training in Canada (NFTC) Program.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 037–00

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

May 25, 2000.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of 747 High Mobility Multi-Purpose Wheeled Vehicles(HMMWV) to the Government of Israel for use by the Israeli Defense Forces.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 048–00

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

May 12, 2000.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical assistance for the manufacture of F–15 Structural Components in Israel for return to the United States.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 58–99

[FR Doc. 00–14667 Filed 6–8–00; 8:45 am]

BILLING CODE 4710–25–U

DEPARTMENT OF STATE

[Public Notice Number 3326]

Notice of Meetings; International Telecommunication Advisory Committee (ITAC), Telecommunication Development Sector (ITAC–D), Telecommunication Standardization Sector (ITAC–T), National Committee & U.S. Study Group A

The Department of State announces meetings of the U.S. International Telecommunication Advisory Committee (ITAC)—Telecommunication Standardization (ITAC–T) National Committee and US Study Group A, and ITAC—Telecommunication Development (ITAC–D). The purpose of the Committees is to advise the Department on policy and technical issues with respect to the International Telecommunication Union and international telecommunication standardization and development. Except where noted, meetings will be held at the Department of State, 2201 "C" Street, NW, Washington, DC.

The ITAC–D will meet in Room 5951 at the Department of State from 10 to 12 noon on June 21, 2000, to prepare positions for the September meetings of the ITU D Study Groups 1 & 2.

The ITAC–T National Committee will meet from 9:00 to 3:30 on June 22, 2000, at the Telecommunications Industry Association, Wilson Boulevard, Arlington, VA to review the results of the ITU Telecommunication Sector Advisory Group (TSAG), and make preparations for the ITU Council meeting in July 2000 and the World Telecommunication Sector Assembly in September 2000.

The ITAC–T U.S. Study Group A will meet from 2:00 to 4:00 on June 21, 2000, at the Federal Communications Commission to prepare positions regarding "international internet connection" and other matters for the September 2000 WTSA.

Members of the general public may attend these meetings. Directions to meeting locations and actual room

assignments may be determined by calling the Secretariat at 202 647–0965/2592. Entrance to the Department of State is controlled; people intending to attend any of the ITAC meetings should send a fax to (202) 647–7407 not later than 24 hours before the meeting. This fax should display the name of the meeting (ITAC T, US Study Group A, or ITAC–D) and date of meeting, your name, social security number, date of birth, and organizational affiliation. One of the following valid photo identifications will be required for admission: U.S. driver's license, passport, US Government identification card. Enter from the C Street Lobby; in view of escorting requirements, non-Government attendees should plan to arrive not less than 15 minutes before the meeting begins.

Attendees may join in the discussions, subject to the instructions of the Chair. Admission of members will be limited to seating available.

Dated: June 5, 2000.

Marian Gordon,

Director, Telecommunication & Information Standardization, Department of State.

[FR Doc. 00–14664 Filed 6–8–00; 8:45 am]

BILLING CODE 4710–45–U

TENNESSEE VALLEY AUTHORITY

Meeting of the Regional Resource Stewardship Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of meeting.

SUMMARY: The Regional Resource Stewardship Council (Regional Council) will hold a meeting to consider various matters. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2, (FACA).

The meeting agenda includes the following:

1. Lake Improvement Plan of 1990 and reservoir operating schedules
2. Subcommittee and working group reports
3. Public comments

The meeting is open to the public. Members of the public who wish to make oral public comments may do so during the Public comments portion of the agenda. Up to one hour will be allotted for the Public comments with participation available on a first-come, first-served basis. Speakers addressing the Council are requested to limit their remarks to no more than 5 minutes. Persons wishing to speak register at the door and are then called on by the Council Chair during the public comment period. Hand out materials should be limited to one printed page. Written comments are also invited and may be mailed to the Regional Resource Stewardship Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 11A, Knoxville, Tennessee 37902–1499, or faxed to (865) 632–3146.

DATES: The meeting will be held on June 22, 2000, from 8 a.m. to 4 p.m. CDT.

ADDRESSES: The meeting will be held in Memphis, Tennessee, in the Embassy Hall at the Embassy Suites Hotel, 1022 South Shady Grove Road, Memphis, Tennessee 38120, and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Sandra L Hill, 400 West Summit Hill Drive, WT 11A, Knoxville, Tennessee 37902–1499, (865) 632–2333.

Dated: June 2, 2000.

Kathryn J. Jackson,

Executive Vice President, River System Operations & Environment, Tennessee Valley Authority.

[FR Doc. 00–14650 Filed 6–8–00; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement for the Proposed Kelly Parkway; Bexar County, TX

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed Kelly Parkway highway project in Bexar County, Texas.

FOR FURTHER INFORMATION CONTACT: Walter Waidelich, Federal Highway Administration, 300 East 8th Street, Room 826, Austin, Texas 78701, (512) 916–5988; John Kelly, District Engineer, San Antonio District, Texas Department of Transportation, P.O. Box 29928, San Antonio, Texas 78284, (210) 615–1110.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas Department of Transportation, will prepare an environmental impact statement (EIS) on a proposed highway project in Bexar County, Texas. The proposed action is to construct the "Kelly Parkway" in and near southwest San Antonio, Texas. The purpose of and need for the proposed facility is to accommodate access and mobility needs related to traffic growth in the southwest San Antonio area and the redevelopment of the former Kelly Air Force Base (currently Kelly USA) and nearby areas. The proposed project will either be reconstructing an existing facility or building a new-location facility designed to be a direct link from Kelly USA and the Union Pacific South San Antonio Intermodal Rail Terminal to IH 35, IH 410, US 90 and State Highway 16.

The proposed Kelly Parkway termini are at US 90, between General Hudnell Drive on the west and the Union Pacific Railroad on the east, and SH 16, south of the San Antonio City limits. The length of the proposed project is approximately 8.8 miles. These boundaries form the northern and southern limits of the corridor for the EIS and are termed the "Kelly Parkway Corridor Study Area." The proposed Kelly Parkway Corridor Study Area limits begin along US 90 between the General McMullen drive interchange and Loop 353 (Nogalitos Street), and extends southeasterly to SH 16 south of the San Antonio city limits.

A full range of modal alternatives were examined for the proposed Kelly Parkway during the development of Mobility 2025, the San Antonio Metropolitan Transportation Plan (MTP). The proposed Kelly Parkway is included in this region's long range plan (MTP) as a highway facility in combination with transit accommodations to serve Kelly USA. As such, the range of alternatives for the proposed facility within the limits described above include: various alignments for a new-location facility, improvements to existing facilities, combinations of existing facility improvements and a new-location facility, and a no-build option. The number of lanes and roadway configuration will be determined as a part of the study.

A scoping meeting is planned and will be announced at a later date, followed by a series of public meetings. A local public involvement office will be established. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies having special interest or expertise, as well as private organizations and citizens who have previously expressed or are known to have interest in the proposed project. A public hearing will be held. The draft EIS will be available for public and agency review and comment prior to the public hearing. Public notice will be given of the time and place for the meetings and hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Brett M. Jackson,

Urban Programs Engineer, Austin, Texas.

[FR Doc. 00–14651 Filed 6–8–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement for the Burlington Northern Santa Fe Rail Yard; Vancouver, WA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed rail improvement at the Burlington Northern Santa Fe (BNSF) rail yard in Vancouver, Washington, and for the possible elimination of the 39th Street Crossing, which falls within the limits of the yard.

FOR FURTHER INFORMATION CONTACT: Gary S. Hughes, Federal Highway Administration, Evergreen Plaza Building, 711 South Capitol Way, Suite 501, Olympia, Washington 98501, Telephone: (360) 753–9025; Mr. James Slakey, Washington State Department of Transportation, 310 Maple Park East, Olympia, Washington, 98504, Telephone: (360) 705–7920.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Washington State Department of Transportation (WSDOT) will prepare an environmental impact statement (EIS) on the Vancouver Rail Project, a proposal to construct a multi-track bypass of the existing Burlington Northern Santa Fe (BNSF) yard facility in Vancouver, Washington, including the possible elimination of the 39th Street at-grade crossing located within the limits of the BNSF yard.

Six preliminary alternatives, including the no-action, are currently under consideration. The five build alternatives all include construction of a multi-track bypass along the eastern edge of the BNSF yard, but differ on what would be done to the 39th Street at-grade crossing. The alternatives for the 39th Street crossing include leaving the crossing as is, closing the crossing, closing the crossing and providing a pedestrian/bicycle overpass of the tracks, closing the crossing and carrying 39th Street over the tracks on structure, and closing the crossing and improving other nearby streets.

Agency and public involvement programs have been on-going in the Vancouver area since the proposal to institute intercity passenger service on the corridor was introduced several years ago. These have described the proposed action and solicited comment from citizens, organizations, and federal, state, and local agencies. Numerous public and agency meetings and open houses have been held, and comments and questions solicited and accepted via telephone, internet, public meetings, and the mail. In addition, targeted direct mail, advertisements, and media relations efforts have been used to reach the public and agencies. These types of efforts will continue throughout the environmental process for this proposal.

Advertisements offering interested persons the opportunity to attend and offer comments at a public hearing will be published prior to circulation of the draft environmental impact statement. Public notice of actions related to the proposal that identify the date, time, place of meetings, and the length of review periods will be published when appropriate.

To ensure that the full range of issues related to this proposed improvement program and its reasonable alternatives are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or FRA at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of federal programs and activities apply to this program)

Issued on: May 26, 2000.

Gary S. Hughes,

Operations Team Leader, Federal Highway Administration, Washington Division.

[FR Doc. 00–14652 Filed 6–8–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE–175–86]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, EE–175–86, (TD 8357), Certain Cash or Deferred Arrangements and Employee and Matching Contributions Under Employee Plans (§§ 1.401(k)–1, 1.401(m)–1, and 54.4979–1).

DATES: Written comments should be received on or before August 8, 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: Certain Cash or Deferred Arrangements and Employee and Matching Contributions Under Employee Plans.

OMB Number: 1545–1069.

Regulation Project Number: EE–175–86.

Abstract: This regulation provides the public with the guidance needed to comply with sections 401(k), 401(m), and 4979 of the Internal Revenue Code. The regulation affects sponsors of plans that contain cash or deferred arrangements or employee or matching contributions, and employees who are entitled to make elections under these plans.

Current Actions: There are no changes to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit

institutions, farms, and state, local, or tribal governments.

Estimated Number of Respondents: 355,500.

Estimated Time Per Respondent: 3 hours.

Estimated Total Annual Burden Hours: 1,060,000.

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 5, 2000.

Garrick R. Shear,

IRS Reparts Clearance Officer.

[FR Doc. 00–14689 Filed 6–8–00; 8:45 am]

BILLING CODE 4830–01–U

Corrections

Federal Register
Vol. 65, No. 112
Friday, June 9, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Correction

In notice document 00–13428 beginning on page 34468 in the issue of Tuesday, May 30, 2000, make the following correction:

On page 34469, in the third column, in the *Comments:* paragraph, "[insert date 30 days after date of publication in the **Federal Register**]" should read "June 29, 2000".

[FR Doc. C0–13428 Filed 6–8–00; 8:45 am]
BILLING CODE 1505–01–D

Federal Register

Friday,
June 9, 2000

Part II

Department of Education

34 CFR Part 5
The Freedom of Information Act; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 5

The Freedom of Information Act

AGENCY: Office of the Chief Information Officer, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the Department's regulations that implement the Freedom of Information Act (FOIA). These amendments are needed to establish new provisions implementing the Electronic Freedom of Information Act Amendments of 1996. The regulations have been streamlined and condensed, with more user-friendly language wherever possible.

DATES: We must receive your comments on or before July 10, 2000.

ADDRESSES: Address all comments about these proposed regulations to John Tressler, U.S. Department of Education, 400 Maryland Avenue, SW., ROB3, Room 5640, Washington, DC 20202–4110. If you prefer to send your comments through the Internet use the following address: comments@ed.gov

You must include the term FOIA in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: John Tressler. Telephone: (202) 708–8900. 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 requirement 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 room 5640, ROB3, Seventh and D Streets, SW., Washington, DC, between the hours of 8:30 a.m. and 4 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.

Background

The FOIA generally provides that any person has a right, enforceable in court, of access to Federal agency records. However, some records (or portions of those records) are protected from disclosure by one of nine exemptions or by one of three special law enforcement record exclusions.

The FOIA was amended by the Electronic Freedom of Information Act Amendments of 1996 (Public Law 104–231, October 2, 1996). The amendments provided specifically for the disclosure of electronic records.

The proposed revisions of part 5 change the language and structure of the regulations and would implement the provisions of the Electronic Freedom of Information Act Amendments of 1996. The new provisions implementing the 1996 amendments are in § 5.11(a)(4) (electronic reading rooms) and § 5.20 (How do I make a FOIA request?). Proposed revisions of the Department's fee schedule are in § 5.30. Other changes would make the regulations easier to understand.

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 (*e.g.*, grouping and order of sections, use of headings, paragraphing) improve 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, *§ 5.30 What is the schedule of fees?*
- 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 concerning 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.

These proposed regulations involve procedural rights of individuals under the Freedom of Information Act. Individuals are not considered to be entities under the Regulatory Flexibility Act.

Paperwork Reduction Act of 1995

These proposed regulations do not contain any information collection requirements.

Electronic Access to This Document

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

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the PDF you must have 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) at (202) 512–1530 or, toll free, at 1–888–293–6498.

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 does not apply.)

List of Subjects in 34 CFR Part 5

Freedom of Information.

Dated: June 2, 2000.

Richard W. Riley,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary proposes to amend title 34 of the Code of Federal Regulations by revising part 5 to read as follows:

PART 5—THE FREEDOM OF INFORMATION ACT

Subpart A—General

Subpart B—Records Available to the Public

Subpart C—Procedures for Requesting Access to Records

Subpart D—Fees and Charges

Subpart E—Administrative Appeals

Authority: 5 U.S.C. 552.

Subpart A—General

§ 5.1 What is the purpose of these regulations?

This part contains the rules that the Department of Education (Department or "we") follows in processing requests for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. These regulations inform you of the Department's FOIA policies and procedures.

§ 5.2 What definitions apply?

As used in this part:

Act and *FOIA* mean the Freedom of Information Act, 5 U.S.C. 552.

Agency records. (1) The term means documentary materials, regardless of physical form or characteristics, including those in electronic form, made or received by the Department under Federal law in connection with the transaction of public business and in the Department's possession and control at the time a FOIA request is received.

(2) These records include all documentary materials either preserved by the Department or appropriate for preservation as evidence of its organization, functions, policies, decisions, procedures and operations, or because of the informational value of the data contained in the records.

(3) Records do not include the following:

(i) Tangible, evidentiary objects or equipment;

(ii) Library or museum materials made or acquired and preserved solely for reference or exhibition purposes;

(iii) Extra copies of documents preserved only for convenience of reference; and

(iv) Stocks of publications.

FOIA request means a written request for agency records that reasonably describes the records sought, made by any individual, organization or business.

Subpart B—Records Available to the Public

§ 5.10 What is the Department's general policy regarding disclosure of agency records?

The Department's policy is one of full disclosure limited only by the obligations of confidentiality and the administrative necessities recognized by the Act. Thus, the Department makes agency records available for public inspection and copying, subject to the exemptions in 5 U.S.C. 552 (b)(1)–(9). As a matter of policy, the Department makes discretionary disclosures of records exempt under the FOIA if it is not foreseeable that disclosure would harm an interest protected by the FOIA. This policy, however, does not create any right enforceable in court.

§ 5.11 How does the Department make agency records publicly available?

(a)(1) The Department maintains a FOIA Reading Room containing a wide variety of agency records, including Department publications, whether available for purchase or not.

(2) The FOIA Reading Room currently contains the following agency records:

(i) All final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases (initial decisions and reconsiderations in matters that are not the result of administrative proceedings such as hearings or formal appeals are not opinions and orders in the adjudication of cases).

(ii) Those statements of policy and interpretations that have been adopted by the agency and are not published in the **Federal Register**.

(iii) Administrative staff manuals and instructions to staff that affect any member of the public.

(iv) Copies of all records that have been released to any person under 5 U.S.C. 552(a)(3) and that, because of the nature of their subject matter, the Department determines have become (or are likely to become) the subject of subsequent requests for substantially the same records.

(v) An index of the records referred to under paragraph (a)(2)(iv) of this section.

(3) The FOIA Reading Room is located at the National Library of Education, 400 Maryland Avenue, SW., Washington, DC, Levels B and SB, and is open to the public between 9 a.m. and 5 p.m., Eastern time, Monday through Friday, except Federal holidays.

(4) Reading room records created after November 1, 1996 are available on the Department's Web site at http://www.ed.gov/offices/ocio/infocall/info9.html

(b) The Department publishes the following records in the **Federal Register:**

(1) Descriptions of the Department's central and field organization and established locations, including Department contacts and methods by which the public can obtain information or decisions, or make submissions or requests.

(2) Statements of the general course and method the Department uses to channel and determine functions, including the nature and requirements of all formal and informal procedures available.

(3) Rules of procedures, descriptions of forms available and locations where forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations.

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Department.

(5) Every amendment, revision, or repeal of the materials described in paragraphs (b)(1) through (4) of this section.

(c)(1) You may seek access to agency records not available as described in

paragraphs (a) and (b) of this section by submitting a written request to the Department, in accordance with the procedures in § 5.20.

(2) The Department may deny access to agency records or portions of records under one or more of the FOIA exemptions listed at 5 U.S.C. 552(b)(1)–(9).

§ 5.12 Does the FOIA require the Department to create new records?

We are not required to create records by compiling selected items from the files, or by creating data such as ratios, proportions, percentages, per capitas, frequency distributions, trends, correlations, and comparisons. If these data have been compiled and are available as an existing agency record, we make the record available as provided in § 5.11.

Subpart C—Procedures for Requesting Access to Records

§ 5.20 How do I make a FOIA request?

(a)(1) In order to seek access to agency records you must submit your request in writing by one of the following methods:

(i) U.S. mail or its equivalent to FOIA Officer, Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–4651.

(ii) Fax transmitted to FOIA Officer, Department of Education at (202) 708–9346.

(iii) An e-mail message submitted to OCIO_FOIA@ed.gov.

(2) Be sure to clearly mark your submission as a "FOIA Request" and include your name, address, and telephone number or numbers with your request.

(b) Your request must reasonably describe the records sought and may include additional information that would assist the Department in locating the responsive records. In some instances, we may require you to submit additional information in order to clarify the nature of your request. In those situations, your request is not considered to be received for the purposes of 5 U.S.C. 552(a)(6) until we have received the necessary information from you.

(c) Your request may also specify that the records be provided in a specific form or format. We make reasonable efforts to comply with those requests.

(d) We process requests for electronic records and retrieve those records if retrieval can be achieved through reasonable efforts (in terms of both time and resources), and these efforts would not significantly interfere with the operation of an automated information system.

(e) Your request must also indicate whether you are willing to pay the fees associated with processing the request or if you are seeking a fee waiver.

(f) Once the office that maintains the records sought in your request has received your request, and you have provided us with any necessary clarifications, we make every reasonable effort to process your request within the twenty working day statutory requirement. Where unusual circumstances arise as defined in 5 U.S.C. 552(a)(6)(B)(iii), the Department may grant an extension of up to ten (10) additional working days.

§ 5.21 What procedures does the Department follow for requests for business information?

(a) Definitions. For purposes of this section:

(1) *Business information* means commercial or financial information obtained by the Department from a submitter that may be protected from disclosure under 5 U.S.C. 552(b)(4).

(2) *Submitter* means any person or entity from whom the Department obtains business information, directly or indirectly. The term includes corporations and state, local, tribal, and foreign governments.

(b) *Designation of business information.* A submitter of business information must use good-faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable later time, any portions of its submission that it considers to be protected from disclosure under 5 U.S.C. 552(b)(4). These designations expire ten years after the date of the submission unless the submitter requests, and provides justification for, a longer designation period.

(c) *Notice to submitters.* The Department provides a submitter with prompt written notice of a FOIA request or administrative appeal that seeks its business information if required under paragraph (d) of this section, except as provided in paragraph (g) of this section, in order to give the submitter an opportunity to object to disclosure of any specified portion of that information under paragraph (e) of this section. If the Department must notify a voluminous number of submitters, we may post or publish the notice in a place reasonably likely to accomplish notification.

(d) *If notice is required.* The Department notifies a submitter if—

(1) The submitter in good faith has designated the information as information considered protected from disclosure under 5 U.S.C. 552(b)(4); or

(2) The Department has reason to believe that the information may be protected from disclosure under 5 U.S.C. 552(b)(4).

(e) *Opportunity to object to disclosure.* We allow a submitter a reasonable time to respond to the notice described in paragraph (c) of this section and specify that time period within the notice. If a submitter has any objection to disclosure, it must submit a detailed written statement. The statement must specify all grounds for withholding any portion of the information under any exemption of the FOIA and, in the case of objecting to disclosure under 5 U.S.C. 552(b)(4), it must show why the information is a trade secret or commercial or financial information that is privileged or confidential. If a submitter fails to respond to the notice within the time specified in it, the submitter may not object to disclosure of the information. The Department only considers information provided by the submitter that we receive before we make a disclosure decision. Information provided by a submitter under this paragraph may itself be subject to disclosure under the FOIA.

(f) *Notice of intent to disclose.* We consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose business information. If we decide to disclose business information over the objection of a submitter, we give the submitter written notice, which includes the following:

(1) A statement of the reason or reasons why each of the submitter's disclosure objections was not sustained.

(2) A description of the business information to be disclosed.

(3) A specified disclosure date that is a reasonable time after the notice of intent to disclose.

(g) *Exceptions to notice requirements.* The notice requirements of paragraphs (c) and (f) of this section do not apply if—

(1) The Department determines that the information should not be disclosed;

(2) The information lawfully has been published or has been officially made available to the public;

(3) Disclosure of the information is required by statute (other than the FOIA) or by a regulation issued in accordance with the requirements of Executive Order 12600 (3 CFR, 1988 Comp., p. 235); or

(4) The designation made by the submitter under paragraph (b) of this section appears obviously frivolous—except that, in such a case, the Department, within a reasonable time before a specified disclosure date, gives

the submitter written notice of any final decision to disclose the information.

(h) *Notice of FOIA lawsuit.* If a requester files a lawsuit seeking to compel the disclosure of business information, we promptly notify the submitter.

(i) *Corresponding notice to requesters.* If we provide a submitter with notice and an opportunity to object to disclosure under paragraph (c) of this section, we also notify the requester or requesters. If we notify a submitter of our intent to disclose requested information under paragraph (f) of this section, we also notify the requester or requesters. If a submitter files a lawsuit seeking to prevent the disclosure of business information, we notify the requester or requesters.

§ 5.22 Who may deny a FOIA request?

The Department's FOIA Officer, the Inspector General or designee, and the Regional FOIA Review Officers may deny a FOIA request. Denials of requests—

(a) Are in writing;

(b) Contain a statement of the reasons for the denial and information on how to file an appeal under subpart E of this part; and

(c) Identify the person to whom an appeal should be submitted.

Subpart D—Fees and Charges

§ 5.30 What is the schedule of fees?

(a) Fees under this part are assessed in accordance with the Office of Management and Budget's "Uniform FOIA Fee Schedule and Guidelines," 52 FR 10012 (March 27, 1987), as follows:

(1) *Search for records*—(i) *General.* We charge full search fees for records requested for commercial use. We do not charge a search fee for requests made by representatives of the news media or by educational or noncommercial scientific institutions whose purpose is scholarly or scientific research and whose request is not for commercial use. For any other non-commercial requests, we provide the first two hours of search time without charge, except as provided in paragraph (a)(1)(iii) of this section. We calculate and assess search fees to the nearest quarter hour.

(ii) *Manual search.* We calculate the charge for a manual search by multiplying the search time (to the nearest quarter hour) by the sum of the basic rate of pay per hour of the employee conducting the search plus 16 percent of that rate.

(iii) *Computer search.* The charge for a computer search is the actual direct cost of providing the service, including the cost of operating the central processing unit (CPU) for the operating time that is directly attributable to searching for records responsive to a FOIA request, and the operator's or programmer's salary apportionable to the search.

(2) *Review of records.* If records are requested for commercial use, we charge fees for the initial examination of a record to determine whether it should be disclosed. We calculate review fees by multiplying the review time (to the nearest quarter hour) by the sum of the basic rate of pay per hour of the employee conducting the review plus 16 percent of that rate. If you request records that are stored outside Washington, DC, we add the mailing and handling costs of transporting records for review.

(3) *Duplication of records.* We do not charge a duplication fee for the first 100 pages, except in the case of commercial use requests. Duplication charges for paper copy reproduction of documents on photocopy machines is 15 cents per page.

(4) *Certification of records.* The charge for certifying records is $5 per record certified.

(5) *Other.* If we have not established a specific fee for a service, or you request a service that does not fall under one of the categories in paragraphs (a)(1) through (a)(4) of this section, the FOIA Officer may establish an appropriate fee, based on direct costs, on a case-by-case basis.

(b) If we award a contract for the search or duplication of records responsive to FOIA requests, the fees charged are the actual costs under the contract.

(c) We do not charge a fee if the total amount of the fee would be less than $10. If the total amount of the fee is $10 or more, we charge applicable search and review costs even if no records are located or disclosed.

(d) If the Department determines that a requester, or a group of requesters, is attempting to break down a request into multiple requests for the purpose of avoiding fee assessment, we combine the requests for the purposes of charging fees.

§ 5.31 Will I be notified of my estimated fees?

If the estimated fees total more than $25, or more than the amount specified in the request if that amount exceeds $25, we—

(a) Promptly notify you of the amount of the estimated fee or that portion of the fee that can readily be estimated; and

(b) Offer you the opportunity to modify your request.

§ 5.32 How are fee payments made?

You must make fee payments by personal check or bank draft drawn on a bank in the United States, postal money order, or credit card (once necessary procedures are established). You must make fee payments payable to the U.S. Department of Education, and mail your payment to the FOIA Officer, Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–4651. On request, we give you a receipt for fees paid.

§ 5.33 Under what circumstances must fees be paid in advance?

(a) If the estimated fee for processing a request exceeds $250, the FOIA Officer—

(1) Notifies you of anticipated fees and obtains satisfactory assurance of payment; or

(2) Requires advance payment before records are released.

(b) If you have previously failed to pay a fee, we require that the previous charges plus any accrued interest be paid before we process any subsequent requests. In addition, we require advance payment of estimated fees for your current request.

(c) Requests under this part are not deemed to have been received for purposes of 5 U.S.C. 552(a)(6) until we receive satisfactory assurance of payment or advance payment.

§ 5.34 What happens if fees are not paid?

If you do not pay a fee within 30 days after we send you a bill, we charge you interest at the rate designated at 31 U.S.C. 3717. The FOIA Officer may take other steps permitted by Federal debt collection statutes, including the use of collection agencies or disclosure to consumer-reporting organizations.

§ 5.35 Under what circumstances may fees be waived?

(a) The FOIA provides for a fee waiver if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(b)(1) You must apply to the FOIA Officer for a fee waiver and address in detail each of the factors in paragraphs (b)(2)(i) through (b)(2)(vi) of this section. Simply stating that the fee waiver criteria have been satisfied is insufficient for a fee waiver. In evaluating the fee waiver request, the FOIA Officer may ask for clarification or additional information.

(2) The FOIA Officer will grant a fee waiver only if each of the following six fee waiver criteria have been met:

(i) The subject of the requested records concerns the operations or activities of the Government.

(ii) The disclosure is likely to contribute to an understanding of government operations or activities.

(iii) The disclosure of the requested information will contribute to the understanding of the public at large, as opposed to an individual's understanding of government operations or activities.

(iv) The disclosure is likely to contribute significantly to public understanding of government operations or activities.

(v) The requester either does not have a commercial interest that would be furthered by the requested disclosure.

(vi) Any commercial interest of the requester is outweighed by the public interest in disclosure.

(c) You must ask for a fee waiver for each request to which the waiver may apply. We do not grant a standing fee waiver. We consider the merit of each fee waiver request.

Subpart E—Administrative Appeals

§ 5.40 How do I appeal the denial of a FOIA request or an adverse fee determination?

(a) *Appeal of denials.* If we deny your FOIA request in whole or in part under § 5.21, or when we advise you that we are unable to locate responsive records, you may file an appeal seeking administrative review of the denial, within 30 calendar days of your receipt of the denial letter.

(b) *Appeal of adverse fee determinations.* If we issue an adverse fee determination, you may file an appeal seeking administrative review of the adverse determination, within 30 calendar days from receipt of the denial letter. You may appeal any of the following:

(1) Our estimate of fees to be charged.

(2) Our calculation of fees.

(3) Our denial of a request for a fee waiver, in whole or in part.

(c) *Contents of an appeal letter.* Your appeal must be in writing and must include—

(1) Copies of the request and the denial;

(2) A statement of all legal and factual bases for the appeal; and

(3) Any evidence or argument you wish us to consider in deciding the appeal.

§ 5.41 Who decides administrative appeals?

The Secretary delegates authority to serve as the Department's FOIA Appeals Officer to a specific position or person. We provide the name and address of that person to the requester in a denial issued under § 5.21.

§ 5.42 What is the review process for appeals?

(a) An appeal determination is in writing. A determination denying an appeal in whole or in part states the reasons for the adverse decision, and advises you of the right to judicial review of the decision.

(b) Once the FOIA Appeals Officer has received your appeal for a denial of a FOIA request, we make every reasonable effort to process it within the twenty working day statutory requirement. Where unusual circumstances arise as defined in 5 U.S.C. 552(a)(6)(B)(iii), the Department may grant an extension of up to ten (10) additional working days.

(c) Failure to comply with time limits stated in 5 U.S.C. 552(a)(6) constitutes an exhaustion of your administrative remedies.

BILLING CODE 4000–01–P

Appendix A

Summary of Current U.S. Department of Education Fees for Processing FOIA Requests[1]

TYPE OF REQUESTER	TYPE OF SERVICE				
	Manual Searches	Computer Searches	Review of Records[2]	Photocopying	Certification
CATEGORY I (Commercial Businesses)	[3]Employee's or employees' actual rate of pay plus a 16% administrative charge	Actual direct cost of providing the service (incl. portion of the programmer's or operator's time and CPU usage)	Employee's or employees'; actual rate of pay plus a 16% administrative charge	15 cents per photocopied page (no free pages)	$5.00 per record certified
CATEGORY II (Educational Institutions or Scientific Research Organizations or the News Media)	No Charge	No Charge	No Charge	15 cents per photocopied page (with 100 Pages free)	$5.00 per record certified
CATEGORY III (All Others, including individuals and non-profit organizations)	[3]Employee's or employees' actual rate of pay plus 16%	Actual direct cost of providing the service (incl. the portion of the programmer's or operator's time and CPU usage)	No Charge	15 cents per photocopied page (with 100 Pages free)	$5.00 per record certified
	A *Total* of Two Hours of Search Time (including Manual and/or Computer Search Activities) is Free				

[1]Note that the minimum fee that the Department will charge is $10.00;
[2]If records are stored outside of Washington, DC, the costs of mailing and handling to transport the records for review must be included; and
[3]If any portion of fulfilling the request is performed by a contractor, his/her hourly rate on the contract -- plus 16% -- shall be used in determining charges.

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Part III

Office of Management and Budget

48 CFR Part 9903
Cost Accounting Standards Board; Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage; Final Rule

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9903

Cost Accounting Standards Board; Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

ACTION: Final rule.

SUMMARY: The Office of Federal Procurement Policy, Cost Accounting Standards Board, is revising applicability, thresholds and procedures for the application of the Cost Accounting Standards (CAS) to negotiated government contracts. This rulemaking is authorized pursuant to Section 26 of the Office of Federal Procurement Policy Act. The Board is taking final action on this topic in order to adjust CAS applicability requirements and dollar thresholds in accordance with the provisions of the National Defense Authorization Act for Fiscal Year 2000.

DATES: This final rule is effective June 9, 2000.

FOR FURTHER INFORMATION CONTACT: Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board (telephone: 202–395–3254).

SUPPLEMENTARY INFORMATION

A. Background

On February 7, 2000, the Cost Accounting Standards Board issued an interim rule with request for comment, 65 FR 5990. That rule, implemented Sec. 802 of the National Defense Authorization Act for Fiscal Year 2000, Pub. L. 106–65, "Streamlined Applicability of Cost Accounting Standards." This final rule implements the provisions of Sec. 802 and provides responses to public comments received on the interim CAS Board rule. Many of the public comments received by the Board addressed issues that were beyond the scope of Sec. 802. The Board is limiting its revisions in this final rule to the items specified in Sec. 802.

B. Summary of Amendments

"Trigger contract": 48 CFR 9903.201–1(b) is amended by adding a new subparagraph (7) that exempts contracts and subcontracts from CAS coverage, provided that the business unit of the contractor or subcontractor is currently performing one or more CAS-covered contracts or subcontracts of $7.5 million or more.

"Firm-fixed price contract exemption": The Board is implementing this statutory exemption by amending 48 CFR 9903.201–1(b) to revise subparagraph (15) to exempt from CAS coverage, firm-fixed-price contracts and subcontracts awarded on the basis of adequate price competition without submission of cost or pricing data. The Board is using the term "cost or pricing data" rather than "certified" cost or pricing data in order to conform to the statutory requirements of 10 U.S.C. § 2306(h)(1) and 41 U.S.C. § 254(b), which defines "Cost or pricing data" as data that requires certification.

"Types of CAS coverage": 48 CFR 9903.201–2(a) is amended by revising the dollar threshold for "full CAS coverage" from $25 million to $50 million, and deleting the requirement that to be subject to "full CAS coverage", that a contractor or subcontractor have received at least one contract or subcontract that exceeded $1 million (the previous "trigger contract" amount for initiation of "full CAS coverage"). 48 CFR 9903.201–2(b) is amended by revising the definition of "modified CAS coverage" to indicate that such coverage applies to covered contracts and subcontracts where the total value of CAS-covered contracts and subcontracts received by a business unit is less than $50 million. Conforming amendments have also been made to the solicitation provisions and contract clauses appearing at 9903.201–3 and 9903.201–4, respectively.

"Waiver": 48 CFR 9903.201–5 is amended by revising this section to provide for agency CAS waiver authority under certain circumstances. "Disclosure requirements": 48 CFR 9903.202–1(b) is amended by revising the dollar amount for disclosure from $25 million to $50 million, and deleting the requirement that a contractor or subcontractor have received at least one contract in excess of $1 million.

C. Paperwork Reduction Act

The Paperwork Reduction Act, Public Law 96–511, does not apply to this rule, because this rule imposes no paperwork burden on offerors, affected contractors and subcontractors, or members of the public which requires the approval of OMB under 44 U.S.C. §3501, *et seq.* The purpose of this rule is to implement Pub. L. 106–65.

D. Executive Order 12866 and the Regulatory Flexibility Act

This rule serves to eliminate certain administrative requirements associated with the application and administration of the Cost Accounting Standards by covered government contractors and subcontractors. The economic impact on contractors and subcontractors is therefore expected to be minor. As a result, the Board has determined that this is not a "major rule" under the provisions of Executive Order 12866, and that a regulatory impact analysis is not required. Furthermore, this rule will not have a significant effect on a substantial number of small entities because small businesses are exempt from the application of the Cost Accounting Standards. Therefore, this rule does not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980.

E. Public Comments

This final rule is based upon the Board's interim rule that was issued on February 7, 2000, 65 FR 5990. Thirteen public comments were received, including eleven timely comments and two late comments. The major comments received and the Board's actions taken in response thereto are summarized below:

Comment: Eight commenters generally supported the interim rule.

Response: The Board noted these supportive comments.

Comment: Four commenters opposed the rule, stating their belief that it provides too many opportunities for contractors to avoid CAS coverage, leaving the Government exposed to undue risk, primarily by permitting the use of inconsistent or inappropriate accounting conventions.

Response: The Board noted the commenters concerns. However, this rule is designed to implement the requirements of Sec. 802 of the National Defense Authorization Act for Fiscal Year 2000, Pub. L. 106–65. In this respect, the Board believes that it is faithfully implementing the requirements of that law.

Comment: Seven commenters recommended that the Board retain the language of the previous CAS exemption found at 48 CFR 9903.201–1(b)(15), while adding the revised language found in the interim rule at 9903.201–1(b)(15), to constitute a new CAS exemption. These commenters believe that CAS should not apply regardless of whether a TINA waiver or exemption was granted.

Conversely, four commenters stated that they believed that the revised language at 9903.201–1(b)(15) represented a compromise, inasmuch as the statutory language at Sec. 802 appears to be designed to avoid encouraging contractors to seek TINA

waivers merely in order to be exempted from CAS requirements.

Response: Based on the legal, legislative and administrative history of this issue (including agency CAS waiver reporting requirements), the Board believes that it is adhering to the statutory intent of Sec. 802. As such, the language contained in the interim rule with respect to 9903.201–1(b)(15) is being adopted in this final rule.

Comment: Seven commenters recommended revisions to the language at 9903.201–1(b)(7) to define the term "currently performing". Four of the seven commenters recommended a definition(s) that would have the effect of exempting more contracts from CAS coverage; while three commenters recommended definition(s) that would have the effect of including more contracts within the scope of CAS coverage.

Response: The Board believes that the term "currently performing" is more than adequately defined in the Board's rules at 48 CFR 9903.301. "Currently performing", as used in the Board's rules, means that a contractor has been awarded a CAS-covered contract, but has not yet received notification of final acceptance of all supplies, services and data deliverable under the contract (including options). The Board would draw the commenters attention to the existence of this long-standing definition.

Comment: The Board also received a number of comments regarding additional CAS exemptions, waivers, dollar threshold and applicability changes, and other regulatory matters that would have the general effect of further reducing CAS applicability to contracts and subcontracts. In addition, one commenter opposed the delegation of any CAS waiver authority to the procuring agencies.

Response: While the Board has considered all the comments it has received, it is specifically limiting the scope of this rulemaking to those items required to be addressed by Sec. 802 of Pub. L. 106–65.

List of Subjects in 48 CFR Part 9903

Cost accounting standards, Government procurement.

Nelson F. Gibbs,

Executive Director, Cost Accounting Standards Board.

For the reasons set forth in this preamble, chapter 99 of title 48 of the Code of Federal Regulations is amended as set forth below:

1. The authority citation for part 9903 of chapter 99 of title 48 continues to read as follows:

Authority: Pub. L. 100–679, 102 Stat 4056, 41 U.S.C. 422.

9903.201 [Amended]

2. Section 9903.201–1 is amended by revising paragraph (b)(7) and revising paragraph (b)(15) to read as follows:

9903.201–1 CAS applicability.

* * * * *

(b) * * *

(7) Contracts or subcontracts of less than $7.5 million, provided that, at the time of award, the business unit of the contractor or subcontractor is not currently performing any CAS-covered contracts or subcontracts valued at $7.5 million or greater.

* * * * *

(15) Firm-fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of cost or pricing data.

3. Section 9903.201–2 is amended by revising paragraphs (a)(1) and (2) and (b)(1) and (2) to read as follows:

9903.201–2 Types of CAS coverage.

(a) * * *

(1) Receive a single CAS-covered contract award of $50 million or more; or

(2) Received $50 million or more in net CAS-covered awards during its preceding cost accounting period.

(b) *Modified coverage.* (1) Modified CAS coverage requires only that the contractor comply with Standard 9904.401, Consistency in Estimating, Accumulating, and Reporting Costs, Standard 9904.402, Consistency in Allocating Costs Incurred for the Same Purpose, Standard 9904.405, Accounting for Unallowable Costs and Standard 9904.406, Cost Accounting Standard—Cost Accounting Period. Modified, rather, than full, CAS coverage may be applied to a covered contract of less than $50 million awarded to a business unit that received less than $50 million in net CAS-covered awards in the immediately preceding cost accounting period.

(2) If any one contract is awarded with modified CAS coverage, all CAS-covered contracts awarded to that business unit during that cost accounting period must also have modified coverage with the following exception: if the business unit receives a single CAS-covered contract award of $50 million or more, that contract must be subject to full CAS coverage. Thereafter, any covered contract awarded in the same cost accounting period must also be subject to full CAS coverage.

* * * * *

4. Section 9903.201–3 is amended by revising the clause heading; by revising paragraph (c)(3) in Part I of the clause, by revising the CAUTION paragraph following paragraph (c)(4) in Part I of the clause; and by revising Part II of the clause, to read as follows:

9903.201–3 Solicitation provisions.

* * * * *

Cost Accounting Standards Notices and Certification (April 2000)

* * * * *

I. Disclosure Statement—Cost Accounting Practices and Certification

* * * * *

(c) * * *

■(3) Certificate of Monetary Exemption.

The offeror hereby certifies that the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated prime contracts and subcontracts subject to CAS totaling $50 million or more in the cost accounting period immediately preceding the period in which this proposal was submitted.

The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

(4) * * *

Caution: Offerors currently required to disclose because they were awarded a CAS-covered prime contract or subcontract of $50 million or more in the current cost accounting period may not claim this exemption (4). Further, the exemption applies only in connection with proposals submitted before expiration of the 90-day period following the cost accounting period in which the monetary exemption was exceeded.

II. Cost Accounting Standards—Eligibility for Modified Contact Coverage

If the offeror is eligible to use the modified provisions of 9903.201–2(b) and elects to do so, the offeror shall indicate by checking the box below. Checking the box below shall mean that the resultant contract is subject to the Disclosure and Consistency of Cost Accounting Practices clause in lieu of the Cost Accounting Standards clause.

■The offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 9903.201–2(b) and certifies that the offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause because during the cost accounting period

immediately preceding the period in which this proposal was submitted, the offeror received less than $50 million in awards of CAS-covered prime contracts and subcontracts. The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

Caution: An offeror may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a CAS-covered contract of $50 million or more or if, during its current cost accounting period, the offeror has been awarded a single CAS-covered prime contract or subcontract of $50 million or more.

* * * * *

5. Section 9903.201–4 is amended by revising paragraph (c)(1) to read as follows:

9903.201–4 Contract clauses.

* * * * *

(c) *Disclosure and Consistency of Cost Accounting Practices.* (1) The contracting officer shall insert the clause set forth below, Disclosure and Consistency of Cost Accounting Practices, in negotiated contracts when the contract amount is over $500,000 but less than $50 million, and the offeror certifies it is eligible for and elects to use modified CAS coverage (*see* 9903.201–2, unless the clause prescribed in paragraph (d) of this subsection is used).

* * * * *

6. Section 9903.201–5 is revised to read as follows:

9903.201–5 Waiver

(a) The head of an executive agency may waive the applicability of the Cost Accounting Standards for a contract or subcontract with a value of less than $15 million, if that official determines, in writing, that the business unit of the contractor or subcontractor that will perform the work—

(1) Is primarily engaged in the sale of commercial items; and

(2) Would not otherwise be subject to the Cost Accounting Standards under this Chapter.

(b) The head of an executive agency may waive the applicability of the Cost Accounting Standards for a contract or subcontract under exceptional circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of the Cost Accounting Standards by the agency head shall be set forth in writing, and shall include a statement of the circumstances justifying the waiver.

(c) The head of an executive agency may not delegate the authority under paragraphs (a) and (b) of this section, to any official below the senior policymaking level in the agency.

(d) The head of each executive agency shall report the waivers granted under paragraphs (a) and (b) of this section, for that agency, to the Cost Accounting Standards Board, on an annual basis, not later than 90 days after the close of the Government's fiscal year.

(e) Upon request of an agency head or his designee, the Cost Accounting Standards Board may waive all or any part of the requirements of 9903.201–4(a), Cost Accounting Standards, or 9903.201–4(c), Disclosure and Consistency of Cost Accounting Practices, with respect to a contract subject to the Cost Accounting Standards. Any request for a waiver shall describe the proposed contract or subcontract for which the waiver is sought and shall contain—

(1) An unequivocal statement that the proposed contractor or subcontractor refuses to accept a contract containing all or a specified part of a CAS clause and the specific reason for that refusal;

(2) A statement as to whether the proposed contractor or subcontractor has accepted any prime contract or subcontract containing a CAS clause;

(3) The amount of the proposed award and the sum of all awards by the agency requesting the waiver to the proposed contractor or subcontractor in each of the preceding 3 years;

(4) A statement that no other source is available to satisfy the agency's needs on a timely basis;

(5) A statement of alternative methods considered for fulfilling the need and the agency's reasons for rejecting them;

(6) A statement of steps being taken by the agency to establish other sources of supply for future contracts for the products or services for which a waiver is being requested; and

(7) Any other information that may be useful in evaluating the request.

(f) Except as provided by the Cost Accounting Standards Board, the authority in paragraph (e) of this section shall not be delegated.

9903.202 Disclosure requirements.

7. Section 9903.202–1 is amended by revising paragraphs (b)(1) and (2) to read as follows:

9903.202–1 General requirements.

* * * * *

(b) * * *

(1) Any business unit that is selected to receive a CAS-covered contract or subcontract of $50 million or more shall submit a Disclosure Statement before award.

(2) Any company which, together with its segments, received net awards of negotiated prime contracts and subcontracts subject to CAS totaling $50 million or more in its most recent cost accounting period, must submit a Disclosure Statement before award of its first CAS-covered contract in the immediately following cost accounting period. However, if the first CAS-covered contract is received within 90 days of the start of the cost accounting period, the contractor is not required to file until the end of 90 days.

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Federal Register

Friday,
June 9, 2000

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 121, et al.
Prohibition of Smoking on Scheduled Passenger Flights; Final Rules

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 252

[Docket No. OST–2000–7473; OST Docket No. 46783; Notice 90–5; OST Docket No. 44778; Notice 91–1]

RIN 2105–AC85; 2105–AB58

Smoking Aboard Aircraft

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule; Disposition of comments; disposition of petition for rulemaking.

SUMMARY: The Department is amending its smoking rule to implement a recent statutory ban on smoking aboard aircraft in scheduled passenger interstate, intrastate and foreign air transportation. This rule is being issued in conjunction with a related FAA final rule on smoking that makes its rules consistent with the statutory ban. The FAA rule is published elsewhere in today's issue of the Federal Register.

This rule also confirms certain portions of the Department's 1990 interim final rule that incorporated a statutory ban on smoking aboard aircraft on almost all flight segments within the United States. The 1990 rule codified a blanket waiver concerning single-entity charters and made other clarifying changes. Finally, this rule responds to a petition for rulemaking to prohibit smoking aboard commercial aircraft

DATES: This final rule is effective June 4, 2000, in order to meet the effective date for the statutory ban on smoking.

FOR FURTHER INFORMATION CONTACT: Arnold Konheim, Office of the Assistant Secretary for Transportation Policy, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 (202) 366–4849.

SUPPLEMENTARY INFORMATION:

Electronic Access

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Background

Throughout this preamble and rule, we have used the terms "air carrier" and "foreign air carrier", as defined in 49 U.S.C. 40102, in which an "air carrier" is a citizen of the United States undertaking to provide air transportation, and a "foreign air carrier" is a person, not a citizen of the United States, undertaking to provide foreign air transportation.

In 1973, the Civil Aeronautics Board (CAB) adopted its first regulation (ER–800, 38 FR 12207, May 10, 1973) restricting smoking on air carrier flights. In subsequent years, the CAB and then the Office of the Secretary (OST) of the Department of Transportation, to which CAB functions were transferred on January 1, 1985, strengthened this rule in accord with public input, scientific studies and statutory requirements.

In its initial form, the rule required the separation of smoking passengers from no-smoking passengers. With each revision, the rule provided additional protections to nonsmokers, reflecting findings by the Surgeon General, the National Academy of Sciences, and the U.S. Environmental Protection Agency that exposure to environmental tobacco smoke is deleterious to health.

The increase in restrictions on smoking on air carrier flights also reflected global policy and public trends. In its 1992 session, the Assembly of the International Civil Aviation Organization passed Resolution A29–15, which called on its member nations "to take necessary measures as soon as possible to restrict smoking progressively on all international passenger flights." To reduce the health hazards to passengers and crew and to enhance aviation safety, the governments of Australia, Canada, New Zealand and the United States have since entered into an international agreement banning smoking on all non-stop flights of their airlines between the signatory countries. This ban applies to all locations within the aircraft, including the flight deck.

The Federal Aviation Administration (FAA) also regulates smoking to enhance safe air transportation and to implement statutory bans on smoking. The FAA has issued rules in furtherance of the statutory bans on smoking and the Department's ban on smoking contained in 14 CFR part 252. The FAA, under its safety mandate, has also issued rules to deal with the safety problems that can develop when people on board aircraft violate the statutory ban on smoking and try to conceal their smoking. For example, smoke detectors are required in lavatories because sometimes people try to hide cigarette butts in paper-towel refuse compartments that could lead to a fire in flight.

The statute on which the current rules are based is Public Law 101–164, which was enacted in 1989 and reads as follows:

> * * * it shall be unlawful to smoke in the passenger cabin or lavatory on any scheduled airline flight segment in air transportation or intrastate air transportation, which is—
>
> (i) between any two points within Puerto Rico, the United States Virgin Islands, the District of Columbia, or any state of the United States (other than Alaska and Hawaii), or between any point in any one of the aforesaid jurisdictions (other than Alaska and Hawaii) and any point in any other of such jurisdictions;
>
> (ii) within the State of Alaska or within the State of Hawaii; or
>
> (iii) scheduled for 6 hours or less in duration, and between any point described in clause (1) and any point in Alaska or Hawaii. or between any point in Alaska and any point in Hawaii.

The current 14 CFR part 252, which applies to air carriers and foreign air carriers, incorporates these statutory requirements and also requires air carriers to ban smoking when the ventilation system is not fully functioning, when a plane is on the ground, and on all aircraft with less than 30 seats. It also requires air carriers to ban smoking of cigars and pipes. In addition, on flights where smoking is not banned, the rule provides that each air carrier furnish any confirmed passenger who checks in on time a seat in a no-smoking section, if requested. The air carrier must expand the no-smoking section to accommodate all qualified passengers and must make special provision to ensure that, if a no-smoking section is placed between the smoking sections, the nonsmoking passengers are not "unreasonably burdened." Air carriers are otherwise free to ban smoking if they choose.

In fact, all air carriers ban smoking on all scheduled passenger flights, and most foreign air carriers ban smoking. At present, 97.7 percent of all scheduled passenger flight segments to and from the United States are smoke-free.

Recent Statutory Changes

On April 5, 2000, President Clinton signed H.R. 1000 (P.L. 106–181), the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, containing the following section:

> Sec. 708. Prohibitions Against Smoking on Scheduled Flights
>
> (a) In General * * *

41706. Prohibitions against smoking on scheduled flights.

(a) Smoking Prohibition in Intrastate and Interstate Air Transportation: An individual may not smoke in an aircraft in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

(b) Smoking Prohibition in Foreign Air Transportation: The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in any aircraft in scheduled passenger foreign air transportation.

(c) Limitation on Applicability:

(1) In general: If a foreign government objects to the application of subsection (b) on the basis that subsection (b) provides for an extraterritorial application of the laws of the United States, the Secretary shall waive the application of subsection (b) to a foreign air carrier licensed by that foreign government at such time as an alternative prohibition negotiated under paragraph (2) becomes effective and is enforced by the Secretary.

(2) Alternative prohibition: If, pursuant to paragraph (1), a foreign government objects to the prohibition under subsection (b), the Secretary shall enter into bilateral negotiations with the objecting foreign government to provide for an alternative smoking prohibition.

(d) Regulations: The Secretary shall prescribe such regulations as are necessary to carry out this section.

(b) *Effective Date:* The amendment made by subsection (a) shall take effect on the date that is 60 days after the date of enactment of this Act.

Final Rule

The Office of the Secretary's current smoking regulations are contained in 14 CFR Part 252 and require that air carriers and foreign air carriers prohibit smoking on certain flights. This rule amends Part 252 to implement the recent statutory ban on smoking for air carriers and foreign air carriers. This rule bans smoking on all scheduled passenger flights of air carriers, and on all scheduled passenger flight segments of foreign air carriers (1) between points in the U.S. and (2) between the U.S. and foreign points. The statutory ban on passengers smoking on aircraft in interstate and intrastate air transportation is self-executing and goes into effect on the 60th day after enactment of the statute whether or not we update this regulation. Since this rule essentially restates a statutory mandate with an imminent deadline, seeking prior notice and comment on it is unnecessary under 5 U.S.C. 553(b).

The rule also incorporates the waiver provision for foreign air carriers under criteria provided in the statute. That is, a foreign government can object to the rule as an extraterritorial application of U.S. laws and request a waiver of the requirements, once bilateral negotiations with the U.S. have put in place an alternative smoking prohibition.

Smoking on the flight deck is now prohibited by the government only on scheduled non-stop flights between Australia, Canada, New Zealand and the United States. Consistent with the recent statute, the new section 252.8 in the rule now bans smoking in all locations within the aircraft, including the flight deck. This new ban applies to all air carrier and foreign air carrier flights covered by the rule. The rule does not change the current requirement in §252.11 that air carriers prohibit smoking whenever their aircraft are on the ground. The ban, as it applies to foreign air carriers, is less extensive. In particular, it is flight-specific, applying only from the time the aircraft begins enplaning passengers to the time that all passengers complete deplaning.

The recent statutory ban on smoking applies to individual passengers and flight crew as well as to air carriers and foreign air carriers. This rule applies only to air carriers and foreign air carriers. The companion FAA rule published elsewhere in today's **Federal Register** implements the statutory ban on smoking by such individuals.

We have made nonsubstantive changes to Part 252 to use the terms "air carrier" and "foreign air carrier", as defined in 49 USC 40102, in all sections, changed and otherwise unchanged. As stated above, an "air carrier" is a citizen of the United States undertaking to provide air transportation, and a "foreign air carrier" is a person, not a citizen of the United States, undertaking to provide foreign air transportation.

Effective Date

The Administrative Procedure Act, 5 U.S.C. 553(d)(3), states that regulations may not go into effect less than 30 days after publication except where good cause is shown. The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century directs the Secretary of Transportation to issue regulations to prohibit smoking on scheduled flights within 60 days of its enactment. Therefore, we must make this amendment effective by June 4, 2000. We have determined that good cause exists to make this amendment effective on June 4, 2000, rather than 30 days after publication. All air carrier flights and nearly 98 percent of foreign air carrier flights to and from the U.S. already meet this requirement. As a result, making the rule effective in less than 30 days after publication will burden very few foreign air carriers.

Disposition of Comments to the 1990 Interim Final Rule (Docket No. 46783)

On February 13, 1990, the Office of the Secretary published an interim final rule in the **Federal Register** (55 FR 4991) implementing Public Law 101–164. That act banned smoking on most scheduled airline flight segments within the United States. The rule also codified a blanket waiver concerning single-entity charters and made other clarifying changes. In addition, the interim rule requested comments on changing the applicability of section 252.13 from "less than 30 seats" to "30 seats or less" in order to conform to the terminology used in the Federal Aviation Administration's (FAA) carrier operating rules found in 14 CFR Parts 135 and 121. We did not receive any comments on the proposed change. Accordingly, this final rule adopts the change.

We received four comments in response to the interim final rule. One commenter, a private citizen, expressed his opposition to the act because it had the effect of "alleviat[ing] any fiscal responsibilities the airline industry may encounter" to install more efficient airplane ventilation systems. However, the smoking ban should improve the efficiency of existing ventilation systems.

Sun Country Airlines suggested that the smoking ban be extended to all carriers, whether scheduled or charter operations. Both the 1989 and 2000 legislation apply only to "scheduled flights." Both rules simply implement the legislation. Nevertheless, there has never been a requirement to permit smoking aboard aircraft, and charter operators have always been free to ban smoking on any or all of their flights.

Another private citizen commented that smokers also have rights and suggested that proper ventilation would solve the problem of "germ ridden" air. The Tobacco Institute [TI], a trade association of cigarette manufacturers, stated that the Department's "broad statements [in the interim final rule's preamble] as to 'rights' of smokers and nonsmokers" is "neither necessary nor supported by the legislation." DOT's use of the word "rights" merely emphasizes that smokers do not have the right to demand that an airline provide a "smoking seat." We did not intend the discussion in the interim final rule's preamble to be a policy statement of the overall rights of smokers versus nonsmokers.

TI also asserted that air carriers would "likely suffer competitive disadvantage" if smoking is banned on those air carriers' international flights. Finally, TI

asserted that the rule exempting "single-entity charters" should avoid imposing unnecessary administrative burdens on charter operators. Specifically, TI believes that the advance notice provisions of §252.19 preclude "administrative flexibility" for charter operators. The advance notice provisions of §252.19 merely codified a blanket waiver for single-entity charter operators that has been in effect since 1982 with no serious problems. In addition, we note that no charter operator has commented in opposition to this section.

Petition of David James Biss (Docket No. 44778)

On April 7, 1987, Mr. David Biss petitioned the Department to ban all smoking on passenger-carrying commercial aircraft operating under the jurisdiction of the DOT. This final rule addresses most of Mr. Biss' concerns. Accordingly, this rule disposes of his petition for rulemaking.

Regulatory Process Matters

This rule is a nonsignificant regulatory action under section 3(f) of Executive Order 12866 and has not been reviewed by the Office of Management and Budget under that order. This rule is also not significant under the Regulatory Policies and Procedures of the Department of Transportation, 44 FR 11034, (February 26, 1979), because it primarily implements a statutory directive. This rule is expected to have a minimal economic effect, therefore further regulatory evaluation is not necessary.

Regulatory Assessment

The additional number of flights on which airlines will be required to ban all smoking will be a very small percentage of all those between the United States and foreign countries. A total of 159 air carriers and foreign air carriers performed departures from the United States to foreign countries in 1998. Of these, 35 were certificated in the U.S., and none of them permits smoking. Of 124 foreign air carriers, only 17 permitted smoking on any flight. Except for Aeroflot and Olympic Airways, all major European airlines ban smoking. So do most of those in other regions, excepting certain foreign air carriers in South and Central America, Asia, and the Middle East. Out of 191,000 departures from the U.S. by foreign air carriers, only 11,000, or 5.4 percent, permitted smoking in 1998. Since more than half of the departures are performed by air carriers, this represents an average of 2.3 percent of all departures. Even this figure probably overstates the proportion of passengers newly affected by this legislation and rule, because the majority of such flights are by smaller airlines on less densely traveled routes. For example, 2,800 departures are performed by the Mexican carrier Aero California, which operates DC–9 aircraft seating fewer than 100 passengers.

The benefits of protection against environmental tobacco smoke in aircraft include improved comfort of passengers and crew, as well as lower risk of both acute and chronic adverse health impacts associated with increased incidence of respiratory illnesses, lung cancer, heart disease, and fetal defects for those repeatedly exposed over a long period. Safety will be augmented by reduced risk of fire, preventing impairment of the alertness of crews resulting from smoke intoxication, and improved reliability of equipment that will not be subjected to accumulated deposits of smoke residues. It is possible that smokers will suffer some discomfort through being prevented from smoking during the flight, but they too will receive the stated health and safety benefits.

The airlines required to discontinue their present policies of permitting smoking in flight will benefit from reduced maintenance costs for cleaning and replacing upholstery, servicing no-smoking lights, and emptying ashtrays. They will suffer no loss of revenue through diversion of smoking passengers; because there are no close substitutes for scheduled airline flights in international transportation, and all flights will be covered by the same no-smoking rule.

Small Business Impact

Congress enacted the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The act requires agencies to review proposed regulations that may have a significant economic impact on a substantial number of small entities. For purposes of this rule, small entities include smaller air carriers.

All small air carriers already meet the requirements of this rule, since all air carriers already ban smoking on all scheduled passenger service. This rule contains no direct reporting or record-keeping requirements that would affect small entities. There are no other federal rules that duplicate, overlap, or conflict with this rule. Therefore, I certify under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this regulation will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposal contains no collection-of-information requirements subject to the Paperwork Reduction Act, Public Law 96–511, 44 U.S.C. Chapter 35.

Federalism Implications

We have reviewed this rule in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and determined that it 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. The rule will not limit the policymaking discretion of the States. Nothing in it would directly preempt any State law or regulation. Because the rule will have no significant effect on State or local governments, no consultations with State and local governments on this rule were necessary and it does not warrant the preparation of a Federalism Assessment.

National Environmental Policy Act (NEPA)

Issuing this rule is exempt from any requirement to prepare an environmental impact statement under NEPA because the Department's action is ministerial without discretion. In addition, the department has determined that this rule will not have any significant impact on the quality of the human environment. Smoking within an aircraft has a negligible effect on the environment outside of the aircraft and its elimination would also have a negligible effect.

Within the aircraft, smoking can result in non-smoking passengers and crew being exposed to environmental tobacco smoke (ETS). A study by the Department showed that ETS contaminants are not restricted to the smoking section of an aircraft but are found throughout the cabin, particularly in the no-smoking area closest to the smoking section. The effect of a smoking ban would be to reduce the health risk to passengers and crew from exposure to ETS. It would also enhance aviation safety by reducing the risk of (a) fire, (b) failure of compartments holding oxygen masks to open because of the accumulation of tobacco tar residue and (c) degradation of the crew's ability to function properly.

The issuance of a rule banning smoking on all scheduled passenger flights to and from this country by foreign air carriers and on all

international scheduled passenger flights of air carriers would have no adverse effect on the environment. In fact, the rule would improve air quality within the aircraft, reduce the risk of adverse health effects, and enhance aviation safety.

Therefore, the department has found that the rule will have no significant adverse economic impact. A copy of the environmental assessment has been filed in the public docket.

List of Subjects in 14 CFR Part 252

Air carriers, Aircraft, Consumer protection, Foreign air carriers, smoking.

Accordingly, the Office of the Secretary of the U.S. Department of Transportation revises 14 CFR part 252 to read as follows:

PART 252—SMOKING ABOARD AIRCRAFT

Sec.

Authority: Pub. L 101–164; 49 U.S.C. 40102, 40109, 40113, 41701, 41702, 41706, as amended by section 708 of Pub. L 106–181, 41711, and 46301.

Cross Reference: For smoking rules of the Federal Aviation Administration, see 14 CFR 121.317(c), 121.571(a)(1)(i), 129.29, 135.117(a)(1), and 135.127(a).

§ 252.1 Purpose.

This part implements a ban on smoking of tobacco products on air carrier and foreign air carrier flights in scheduled intrastate, interstate and foreign air transportation, as required by 49 USC 41706. It also addresses smoking on charter flights. Nothing in this regulation shall be deemed to require air carriers or foreign air carriers to permit the smoking of tobacco products aboard aircraft.

Note to § 252.1: As defined in 49 U.S.C. 40102, an "air carrier" is a citizen of the United States undertaking to provide air transportation, and a "foreign air carrier" is a person, not a citizen of the United States, undertaking to provide foreign air transportation.

§ 252.2 Applicability.

This part applies to all operations of air carriers engaged in interstate, intrastate and foreign air transportation and to foreign air carriers engaged in foreign air transportation, but does not apply to the on-demand services of air taxi operators.

§ 252.3 Smoking ban: air carriers.

Air carriers shall prohibit smoking on all scheduled passenger flights.

§ 252.5 Smoking ban: foreign air carriers.

(a) Foreign air carriers shall prohibit smoking on all scheduled passenger flight segments:

(1) Between points in the United States, and

(2) Between the U.S. and any foreign point.

(b) A foreign government objecting to the application of paragraph (a) of this section on the basis that paragraph (a) provides for extraterritorial application of the laws of the United States may request and obtain a waiver of paragraph (a) from the Assistant Secretary of Transportation for Transportation Policy, provided that an alternative smoking prohibition resulting from bilateral negotiations is in effect.

§ 252.7 No-smoking sections.

(a) Except as provided in paragraph (b) of this section, air carriers operating nonstop flight segments to which §§ 252.3 and 252.13 do not apply shall provide, at a minimum:

(1) A no-smoking section for each class of service;

(2) A sufficient number of seats in each no-smoking section to accommodate all persons in that class of service who wish to be seated there;

(3) Expansion of no-smoking sections to meet passenger demand; and

(4) Special provisions to ensure that if a no-smoking section is placed between smoking sections, the nonsmoking passengers are not unreasonably burdened.

(b) On flights for which passengers may make confirmed reservations and on which seats are assigned before boarding, an air carrier need not provide a seat in a no-smoking section to a passenger who has not met the carrier's requirements as to time and method of obtaining a seat on the flight, or who does not have a confirmed reservation. If a seat is available in the established no-smoking section, however, an air carrier shall seat there any enplaning passenger who so requests, regardless of boarding time or reservation status.

§ 252.8 Extent of smoking restrictions.

The restrictions on smoking described in §§ 252.3 through 252.7 shall apply to all locations within the aircraft.

§ 252.9 Ventilation systems.

Air carriers shall prohibit smoking whenever the ventilation system is not fully functioning. Fully functioning for this purpose means operating so as to provide the level and quality of ventilation specified and designed by the manufacturer for the number of persons currently in the passenger compartment.

§ 252.11 Aircraft on the ground.

(a) Air carriers shall prohibit smoking whenever the aircraft is on the ground.

(b) With respect to the restrictions on smoking described in § 252.5, foreign air carriers shall prohibit smoking from the time an aircraft begins enplaning passengers until the time passengers complete deplaning.

§ 252.13 Small aircraft.

Air carriers shall prohibit smoking on aircraft designed to have a passenger capacity of 30 or fewer seats.

Note to § 252.13: This section, like the rest of this part, does not apply to on-demand services of air taxi operators; see § 252.2 in this part.

§ 252.15 Cigars and pipes.

Air carriers shall prohibit the smoking of cigars and pipes aboard aircraft.

§ 252.17 Enforcement.

Air carriers and foreign air carriers shall take such action as is necessary to ensure that smoking by passengers or crew is not permitted in the passenger cabin or lavatories on no-smoking flight segments. Air carriers shall take such action as is necessary to ensure that smoking by passengers or crew is not permitted in no-smoking sections or at other times or places where smoking is prohibited by this part, and to maintain required separation of passengers in smoking and no-smoking areas.

§ 252.19 Single-entity charters.

On single-entity charters operated pursuant to §§ 207.50 or 208.300 of this title, air carriers need not comply with the procedures of this part 252 if such a request is made by the charterer, provided that each passenger on such flights is given notice of the smoking procedures for the flight at the time he or she first makes arrangements to take the flight.

Issued in Washington, D.C. on June 2, 2000, under authority delegated by 49 CFR 1.56a (h)2.

Robert S. Goldner,

Acting Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 00–14480 Filed 6–6–00; 3:32 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121, 129, and 135

[Docket No. FAA–2000–7467; Amendment Nos. 121–277, 129–29 and 135–76]

RIN 2120–AH04

Prohibition of Smoking on Scheduled Passenger Flights

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is amending its regulations to bring them into conformance with recent legislation prohibiting smoking aboard all aircraft in scheduled passenger interstate or intrastate air transportation and scheduled passenger foreign air transportation. This rule is being issued with a related DOT rule on smoking, which is published elsewhere in today's issue.

DATES: Effective June 4, 2000. See also "Discussion of Dates" under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Alberta Brown, Aviation Safety Inspector, AFS–200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8321.

SUPPLEMENTARY INFORMATION:

Availability of Final Rules

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the FedWorld electronic bulletin board service (telephone: (703) 321–3339), or the Government Printing Office's (GPO) electronic bulletin board service (telephone: (202) 512–1661).

Internet users may reach the FAA's web page at http://www.faa.gov/avr/arm/nprm/nprm.htm or the GPO's web page at http://www.access.gpo.gov/nara for access to recently published rulemaking documents.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Communications must identify the amendment number or docket number of this final rule.

Persons interested in being placed on the mailing list for future rulemaking documents should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Small Entity Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Internet users can find information on SBREFA on the FAA's web page at *http://www.faa.gov/avr/arm/sbrefa/htm* and may send electronic inquiries to the following' internet address: 9–AWA–SBREFA@faa.gov.

Background

On April 5, 2000, Congress enacted Public Law 106–181, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. Among other things, section 708 of Public Law 106–181 amended 49 U.S.C. 41706 by directing the Secretary of Transportation to "require all air carriers and foreign air carriers to prohibit smoking in any aircraft in scheduled passenger foreign air transportation." The legislation also stated, "If a foreign government objects to the application [of the smoking prohibition in foreign air transportation] on the basis that [it] provides for an extraterritorial application of the laws of the United States, the Secretary shall waive the application of [the prohibition] to a foreign air carrier licensed by that foreign government at such time as an alternative prohibition negotiated * * * becomes effective and is enforced by the Secretary." In addition, the legislation stated, "* * * the Secretary shall enter into bilateral negotiations with the objecting foreign government to provide for an alternative smoking prohibition."

Previously, under the Office of the Secretary's rules (14 CFR part 252), smoking was prohibited for the following scheduled flight segments of air carriers:

- Between any two points within Puerto Rico, the United States Virgin Islands, the District of Columbia, or any State of the United States (other than Alaska or Hawaii) or between any two points in any one of the above-mentioned jurisdictions (other than Alaska or Hawaii);
- Within the State of Alaska or within the State of Hawaii; or
- Scheduled in the current Worldwide or North American Edition of the *Official Airline Guide* for 6 hours or less in duration and between any point listed in [the first bulleted paragraph above] and any point in Alaska or Hawaii, or between any point in Alaska and any point in Hawaii.

The Office of the Secretary's regulations applied predominantly to smoking in the passenger cabin, but smoking on the flight deck was permitted under the FAA's rules if authorized by the pilot in command for any part of the operation, except during airplane movement on the surface, takeoff, or landing. (*See* former 14 CFR 121.317(g).) However, since 1994, an international agreement has prohibited smoking on the flight deck of specified international flights (*e.g.*, certain flights between the United States and Australia). Many air carriers have voluntarily limited smoking in response to customer request. For example, at least one major air carrier has banned smoking on all airline property, including airplanes, crew buses, vehicles, and buildings.

Today's final rule is a direct result of legislative amendments to 49 U.S.C. 41706. Because Congress mandated these changes, good cause exists for the Department of Transportation to amend its rules concerning smoking (14 CFR part 252) and for the FAA to make conforming amendments to its own rules. A legislative mandate of this nature makes it "unnecessary" to provide notice and comment procedures. (*See* 5 U.S.C. 553 (b)(B).)

Section-by-Section Analysis

Section 121.317—Passenger information requirements, smoking prohibitions, and additional seat belt requirements—The heading is being revised to reflect the fact that the section contains smoking prohibitions in addition to passenger information and seat belt requirements.

Paragraph (c) is being revised in its entirety to apply to situations in which the new legislation and 14 CFR part 252 ban smoking. For those operations, no person may operate an airplane unless either the "No Smoking" passenger information sign is lighted for the entire flight, or one or more "No Smoking" placards meeting the requirements of 14 CFR 25.1541 are posted for the entire flight segment. Thus, paragraph (c) itself does not ban smoking on certain flights. Instead, the paragraph informs people who operate airplanes in part 121 operations that when smoking is banned for the entire flight segment (*e.g.*, on those flights identified in 14 CFR part 252), then either the "No Smoking" passenger information signs must be lighted, or "No Smoking" placards must be posted.

Other situations exist in which the new legislation and recent amendments to 14 CFR part 252 do not ban smoking.

In those situations, the FAA's long-standing rules have banned, and continue to ban, smoking at certain times. For example, in a part 121 supplemental operation (either an all-cargo operation or a passenger-carrying operation in which the air carrier/commercial operator did not hold out a schedule to the public), the recent legislative ban on smoking and the recent amendments to 14 CFR part 252 do not apply because it applies only on scheduled passenger flights. On supplemental operations, smoking has been banned, and continues to be banned, for example, "during any movement [of the airplane] on the surface, for each takeoff, for each landing, and at any other time considered necessary by the pilot in command." However, for supplemental operations, the legislation does not ban smoking in the passenger cabin during en route phases of the flight, unless the pilot in command considers it necessary to turn on the "No Smoking" signs. For all part 121, part 129, and part 135 operations, smoking has been, and continues to be, prohibited in any aircraft lavatory. The FAA's ban on smoking in lavatories applies regardless of whether the 14 CFR part 252 smoking ban applies to the entire flight segment or whether it is, for example, a part 121 supplemental or part 135 on-demand operation where the operator may permit smoking during an en route segment of the flight in some circumstances. (*See* 14 CFR 121.317 (h), 129.29 (a), and 135.127 (c).) These operators of supplemental and on-demand flights must keep in mind that there are additional smoking prohibitions for "small aircraft" specified in 14 CFR 252.13.

Also under newly revised § 121.317 (c), the word "aircraft" is being changed to "airplane" because part 121 has only airplanes, and former paragraphs (c)(1), (c)(2), and (c)(3) are being deleted since these provisions reflect the former statutory provisions.

Paragraph (g) of § 121.317 is being revised to identify certain kinds of operations conducted under part 121 where smoking has been neither banned by the recent legislative amendments nor changed by 14 CFR part 252. The revised paragraph specifies the situations during which a pilot in command permits smoking on the flight deck. It is important to explain what newly revised (g) does not do. It does not apply in those situations where Congress banned smoking on the entire aircraft. For example, the legislation and recently amended 14 CFR part 252 ban smoking on aircraft in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation. Thus, for purposes of part 121, smoking is banned for the entire flight segment on the entire airplane (including the flight deck) on most part 121 domestic operations.

Smoking is banned on all part 121 operations that are engaged in "interstate air transportation" operations, as that term is defined in 49 U.S.C. 40102(a)(25). However, some part 121 domestic operations that are conducted entirely within a State of the United States are not covered by the legislative ban on smoking. Congress provided that a person may not smoke in an aircraft in scheduled passenger "intrastate air transportation." The term "intrastate air transportation" is defined in 49 U.S.C. 40102(a)(27). To meet the statutory definition of "intrastate air transportation," the transportation must be provided by a common carrier for compensation or hire entirely within one State, and it must be done in a "turbojet powered aircraft capable of carrying at least 30 passengers." (See 49 U.S.C. 40102 (a)(27).) Therefore, if a part 121 domestic operation or a part 135 commuter operation is conducted entirely within one State but it is conducted with a turbojet aircraft that is not capable of carrying at least 30 passengers, or is conducted with an aircraft that is not turbojet powered, then it is not engaged in the statutory "intrastate air transportation." Thus, the legislative ban on smoking does not apply to those operations; however, a Department of Transportation ban on smoking in certain "small aircraft" may apply. (See 14 CFR 252.13.) On those domestic operations and commuter operations that are not covered by the legislative ban, by the Department of Transportation's 14 CFR part 252 ban, or by international agreement, the former regulations and the revised regulations permit the pilot in command to authorize smoking on the flight deck (if it is physically separated from the passenger compartment), except during aircraft movement on the surface or during takeoff or landing. However, when the 14 CFR part 252 ban applies, it also prohibits smoking whenever the aircraft is on the ground. The pilot in command may authorize smoking on the flight deck on flights not covered by the legislative ban or 14 CFR part 252, even when the "No Smoking" signs are lighted or when the "No Smoking" placards are posted, except during the aircraft movement specified in the previous sentence.

It should also be noted that the legislative ban does not apply to all-cargo operations and to "unscheduled" passenger-carrying operations, and thus, does not apply to most part 121 supplemental operations and most part 135 on-demand operations. There are a few scheduled passenger-carrying operations that are defined in § 119.3 as "On-demand operations." (See paragraph (2) of the definition of "On-demand operation" in § 119.3.) The few scheduled passenger-carrying operations that are classified by part 119 as "on-demand" are subject to the legislative ban and the 14 CFR part 252 ban, provided the flights are either scheduled passenger flights in interstate air transportation, or the flights are scheduled passenger intrastate air transportation operations conducted in turbojet powered aircraft capable of carrying at least 30 passengers. Therefore, in revised paragraph (g), the FAA is carrying forward the authority for the pilot in command to permit smoking on the flight deck (if it is physically separated from the passenger compartment) in certain situations (even when the "No Smoking" signs are lighted) for those flights not covered by the legislative ban or the 14 CFR part 252 ban on smoking. One situation in which the pilot in command does not have the authority to permit smoking on the flight deck is when the aircraft is moving on the surface, or during takeoff or landing.

Finally, because scheduled passenger-carrying public charter operations under 14 CFR part 380 are subject to the legislative ban on smoking, and because those operations are also subject to the 14 CFR part 252 ban on smoking, the FAA must make it clear in its rules that the pilots in command of aircraft in those operations do not have the authority to permit smoking on the flight deck. Scheduled passenger-carrying public charter operations conducted under 14 CFR part 380 are treated as Supplemental Operations under part 121, or On-Demand Operations under part 135, even though the operator may well hold out to the public a departure location, departure time, and arrival location, which satisfies the definition of "scheduled operations" in § 119.3.

Section 129.29 Smoking prohibitions—This section is being revised in its entirety to prohibit smoking by anyone anywhere on an aircraft during scheduled passenger foreign air transportation or during any scheduled passenger interstate or intrastate air transportation. The revised section also includes the words "unless authorized by the Secretary of Transportation," because the legislation states that foreign governments that object to the ban may negotiate alternatives with the Secretary.

Section 135.127 Passenger information requirements and smoking prohibitions—The heading of the section is being revised to include a reference to smoking prohibitions.

Paragraph (a) is being revised in its entirety to require that smoking by anyone at any time during any scheduled flight is prohibited and to specify the methods by which passengers may be notified of no smoking.

Paragraph (b) is being revised in a manner similar to the revisions to § 121.317(g). See discussion of § 121.317(g) above, except that part 121 refers only to airplanes, while part 135 refers to aircraft.

Discussion of Dates

Section 708 of Public Law 106–181 states that the amendment to 49 U.S.C. 41706 is effective on June 4, 2000 (60 days after the date of enactment of the legislation). This final rule, which implements conforming amendments to the FAA's regulations, is effective on June 4, 2000. Because Congress mandated these changes, good cause exists for the Department of Transportation to amend its rules concerning smoking (14 CFR part 252) and for the FAA to make conforming amendments to its rules. A legislative mandate makes it "unnecessary" to provide for notice and comment procedures. (See 5 U.S.C. 553 (b)(B).)

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507 (d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. We have determined that there are no new information collection requirements associated with this rule.

International Compatibility

In keeping with U.S. obligations under the convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA reviewed ICAO Standards and Recommended Practices but did not find corresponding provisions that differ from this rulemaking action.

In its 1992 session, the ICAO Assembly passed Resolution A29–15 concerning smoking on international passenger flights. The resolution called on member states to take appropriate measures "to restrict smoking progressively on all international flights." To reduce health hazards to passengers and crew and to enhance aviation safety, the governments of Australia, Canada, New Zealand, and the United States have since entered into an international agreement banning smoking on their airlines during all non-stop flights between those countries. This international agreement applies to all locations within an aircraft in passenger operation, including the flight deck, cabin, and lavatories.

Economic Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Act also requires the consideration of international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation).

In conducting these analyses, the FAA has determined this rule: (1) Has benefits that do justify its costs, is not a "significant regulatory action," as defined in the Executive Order, and is "significant," as defined in DOT's Regulatory Policies and Procedures; (2) will not have a significant impact on a substantial number of small entities; (3) reduces barriers to international trade; and (4) does not impose an unfunded mandate on state, local, or tribal governments, or on the private sector. These analyses are summarized below.

This rule incorporates the provisions of 49 U.S.C. 41706 (as amended by section 708 of Pub. L. 106–181) into 14 CFR Parts 121, 129, and 135, and any costs and benefits that will result from this rulemaking are attributable to the legislation. Former Department of Transportation provisions allowing smoking on flights over 6 hours in duration are superseded by the new legislation. In addition, if a foreign air carrier's host government objects to these provisions and comments to the Secretary of Transportation, the Secretary will negotiate the issue.

The methods that will be used to inform passengers of the smoking prohibition are the lighted passenger information sign or posted "No Smoking" placards, and the required safety briefing. The costs involved with this rule, which are attributable to the legislation, are minor, as a smoking prohibition has been in place domestically for a decade, and some air carriers have already banned smoking on all flights without regulation.

Air carriers will realize some savings from this rule, which are attributable to the legislation. There will be less wear and tear on the ventilation systems on newly covered aircraft, and each of these aircraft may have to be cleaned less often. Air carriers will not have to deal with the logistics of smoking versus no-smoking sections. In addition, there are health benefits to people from prohibiting smoking aboard aircraft.

The FAA concludes that there are some economic benefits to the air carriers from prohibiting smoking on these newly included flights. Congress, which reflects the will of the American public, has also determined that the smoking ban is in the best interest of the nation. As stated above, this rule directly reflects legislative requirements and therefore the associated minor costs and benefits occur as a result of the legislation rather than the rule.

Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (the Act) establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation." To achieve that principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rational for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis (RFA) as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small

entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and an RFA is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

For this rule, the small entity group is considered to be part 121, part 129, and part 135 air carriers or commercial operators (Standard Industrial Classification Code (SIC) 4512). As noted above, the costs for each air carrier and commercial operator will be minimal.

The FAA conducted the required review of this rule and determined that it will not have a significant economic impact on a substantial number of small entities. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the FAA certifies that this rule will not have a significant impact on a substantial number of small entities.

International Trade Impact Statement

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards. In addition, consistent with the Administration's belief in the general superiority and desirability of free trade, it is the policy of the Administration to remove or diminish to the extent feasible, barriers to international trade, including both barriers affecting the export of American goods and services to foreign countries and barriers affecting the import of foreign goods and services into the United States.

In accordance with the above statute and policy, the FAA has assessed the potential effect of this final rule and has determined that it will impose the same costs on domestic and international entities and thus has a neutral trade impact.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action will not have a substantial direct effect on the states or the relationship between the national government and the states or on the distribution of power and responsibilities among the various levels of government. Therefore, the FAA has determined that this final rule does not have federalism implications.

Unfunded Mandates Determination

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pubic Law 104–4 on March 22, 1995, is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments.

Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action."

This final rule does not contain such a mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental assessment or environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of this rule has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Pubic Law 94–163, as amended (43 U.S.C. 6362) and FAA Order 1053.1. It has been determined that the final rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects

14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety.

14 CFR Part 129

Air carriers, Aircraft, Airports, Aviation safety.

14 CFR Part 135

Aircraft, Aviation safety.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends title 14 CFR parts 121, 129, and 135 as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

1. The authority citation for part 121 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105.

2. Amend § 121.317 by revising the section heading and paragraphs (c) and (g) to read as follows:

§ 121.317 Passenger information requirements, smoking prohibitions, and additional seat belt requirements.

* * * * *

(c) No person may operate an airplane on a flight on which smoking is prohibited by part 252 of this title unless either the "No Smoking" passenger information signs are lighted during the entire flight, or one or more "No Smoking" placards meeting the requirements of § 25.1541 of this chapter are posted during the entire flight segment. If both the lighted signs and the placards are used, the signs must remain lighted during the entire flight segment.

* * * * *

(g) No person may smoke while a "No Smoking" sign is lighted or while "No Smoking" placards are posted, except as follows:

(1) *Supplemental operations.* The pilot in command of an airplane engaged in a supplemental operation may authorize smoking on the flight deck (if it is physically separated from any passenger compartment), but not in any of the following situations:

(i) During airplane movement on the surface or during takeoff or landing;

(ii) During scheduled passenger-carrying public charter operations conducted under part 380 of this title; or

(iii) During any operation where smoking is prohibited by part 252 of this title or by international agreement.

(2) *Certain intrastate domestic operations.* Except during airplane movement on the surface or during takeoff or landing, a pilot in command of an airplane engaged in a domestic operation may authorize smoking on the flight deck (if it is physically separated from the passenger compartment) if—

(i) Smoking on the flight deck is not otherwise prohibited by part 252 of this title;

(ii) The flight is conducted entirely within the same State of the United States (a flight from one place in Hawaii to another place in Hawaii through the airspace over a place outside of Hawaii

is not entirely within the same State); and

(iii) The airplane is either not turbojet-powered or the airplane is not capable of carrying at least 30 passengers.

* * * * *

PART 129—OPERATIONS: FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S.-REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE

3. The authority citation for part 129 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40104–40105, 40113, 40119, 41706, 44701–44702, 44712, 44716–44717, 44722, 44901–44904, 44906.

4. Revise § 129.29 to read as follows:

§ 129.29 Smoking prohibitions.

(a) No person may smoke and no operator may permit smoking in any aircraft lavatory.

(b) Unless otherwise authorized by the Secretary of Transportation, no person may smoke and no operator may permit smoking anywhere on the aircraft (including the passenger cabin and the flight deck) during scheduled passenger foreign air transportation or during any scheduled passenger interstate or intrastate air transportation.

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

5. The authority citation for part 135 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 41706, 44113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

6. Amend § 135.127 by revising the heading and paragraphs (a) and (b) to read as follows:

§ 135.127 Passenger information requirements and smoking prohibitions.

(a) No person may conduct a scheduled flight on which smoking is prohibited by part 252 of this title unless the "No Smoking" passenger information signs are lighted during the entire flight, or one or more "No Smoking" placards meeting the requirements of § 25.1541 of this chapter are posted during the entire flight. If both the lighted signs and the placards are used, the signs must remain lighted during the entire flight segment.

(b) No person may smoke while a "No Smoking" sign is lighted or while "No Smoking" placards are posted, except as follows:

(1) *On-demand operations.* The pilot in command of an aircraft engaged in an on-demand operation may authorize smoking on the flight deck (if it is physically separated from any passenger compartment), except in any of the following situations:

(i) During aircraft movement on the surface or during takeoff or landing;

(ii) During scheduled passenger-carrying public charter operations conducted under part 380 of this title;

(iii) During on-demand operations conducted interstate that meet paragraph (2) of the definition "On-demand operation" in § 119.3 of this chapter, unless permitted under paragraph (b)(2) of this section; or

(iv) During any operation where smoking is prohibited by part 252 of this title or by international agreement.

(2) *Certain intrastate commuter operations and certain intrastate on-demand operations.* Except during aircraft movement on the surface or during takeoff or landing, a pilot in command of an aircraft engaged in a commuter operation or an on-demand operation that meets paragraph (2) of the definition of "On-demand operation" in § 119.3 of this chapter may authorize smoking on the flight deck (if it is physically separated from the passenger compartment, if any) if—

(i) Smoking on the flight deck is not otherwise prohibited by part 252 of this title;

(ii) The flight is conducted entirely within the same State of the United States (a flight from one place in Hawaii to another place in Hawaii through the airspace over a place outside Hawaii is not entirely within the same State); and

(iii) The aircraft is either not turbojet-powered or the aircraft is not capable of carrying at least 30 passengers.

* * * * *

Issued in Washington DC on June 2, 2000.

Jane F. Garvey,

Administrator.

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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.

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S.J. Res. 44/P.L. 106–205

Supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II. (May 26, 2000; 114 Stat. 312)

H.R. 154/P.L. 106–206

To allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes. (May 26, 2000; 114 Stat. 314)

H.R. 371/P.L. 106–207

Hmong Veterans' Naturalization Act of 2000 (May 26, 2000; 114 Stat. 316)

H.R. 834/P.L. 106–208

National Historic Preservation Act Amendments of 2000 (May 26, 2000; 114 Stat. 318)

H.R. 1377/P.L. 106–209

To designate the facility of the United States Postal Service located at 9308 South Chicago Avenue, Chicago, Illinois, as the "John J. Buchanan Post Office Building". (May 26, 2000; 114 Stat. 320)

H.R. 1832/P.L. 106–210

Muhammad Ali Boxing Reform Act (May 26, 2000; 114 Stat. 321)

H.R. 3629/P.L. 106–211

To amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III. (May 26, 2000; 114 Stat. 330)

H.R. 3707/P.L. 106–212

American Institute in Taiwan Facilities Enhancement Act (May 26, 2000; 114 Stat. 332)

S. 1836/P.L. 106–213

To extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama. (May 26, 2000; 114 Stat. 334)

Last List May 25, 2000

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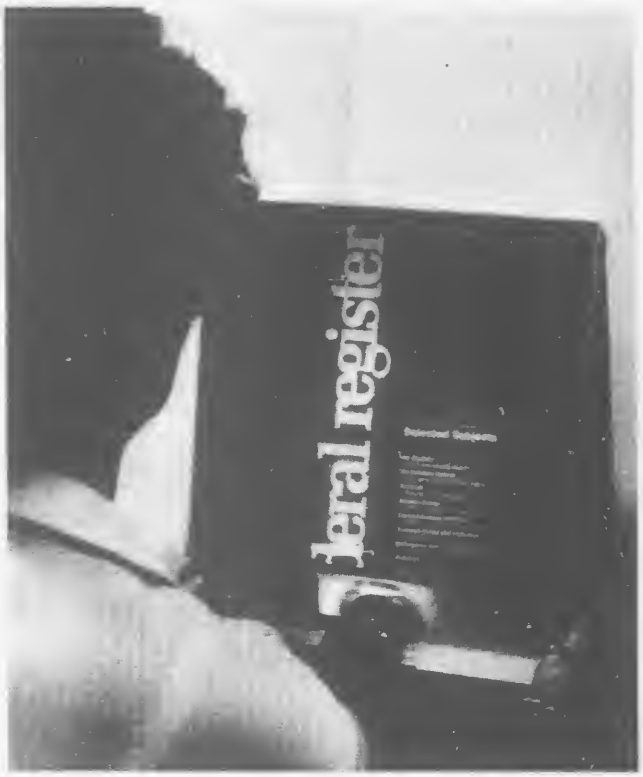

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