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Contents

Federal Register

Vol. 65, No. 190

Friday, September 29, 2000

Separate Parts In This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 65, No. 190
Friday, September 29, 2000

DEPARTMENT OF TRANSPORTATION

14 CFR Part 71

[Airspace Docket No. 00–AGL–16]

Modification of Class D Airspace; Gary, IN; and Establishment of Class E Airspace; Gary, IN, Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the type of action taken as described in the final rule that was published in the **Federal Register** on Wednesday, July 26, 2000 (65 FR 45840), Airspace Docket No. 00–AGL–16. The final rule modified Class D Airspace at Gary, IN, and established Class E Airspace at Gary, IN.

EFFECTIVE DATE: 0901 UTC, October 5, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018, telephone: (847) 294–7477.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 00–18888, Airspace Docket No. 00–AGL–16, published on July 26, 2000 (65 FR 45840), modified Class D Airspace at Gary, IN, and established Class E Airspace at Gary, IN. An error in the type of action taken concerning the Class E airspace was inadvertently made. The action described for the Class E airspace was given as a modification of existing airspace when in fact it is an establishment of new Class E airspace. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the description for the type of action taken for the Class E airspace, Gary, IN, published in the **Federal Register** July 26, 2000 (65 FR 45840), (FR Doc. 00–18888), is corrected as follows:

1. On page 45840, Column 3, in the heading, beginning in line 6, correct "modification of Class E Airspace" to read "Establishment of Class E Airspace".

2. On page 45840, Column 3, in the SUMMARY, beginning in line 2, correct "modifies Class E airspace" to read "establishes Class E airspace".

3. On page 45841, Column 1, line 4 from the top of the column, add "creates" before "Class E airspace".

4. On page 45841, Column 1, under "History", line 3, add "establish" before "Class E airspace".

5. On page 45841, Column 1, under "The Rule", line 2, add "establishes" before "Class E airspace".

PART 71—[CORRECTED]

§71.1 [Corrected]

6. On page 45841, Column 2, under Paragraph 6005, line 1 of the airspace description, correct "AGL IN E5 Gary, IN [Revised]" to read "AGL IN E5 Gary, IN [New]".

Issued in Des Plaines, Illinois on September 13, 2000.

Douglas F. Powers,

Acting Manager, Air Traffic Division, Great Lakes Region.

[FR Doc. 00–25073 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ACE–31]

Amendment to Class E Airspace; Dexter, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class E airspace area at Dexter Municipal Airport, Dexter, MO. A review of the Class E airspace area for Dexter Municipal Airport indicates it does not comply with the criteria for 700 feet Above Ground level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The Class E airspace has been enlarged to conform to the criteria of FAA Order 7400.2D.

In addition, the Nondirectional Radio Beacon (NDB) and coordinates have been included in the text header.

The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR), include the NDB and coordinates in the text header and comply with the criteria of FAA Order 7400.2D.

DATES: 0901 UTC, January 25, 2001.

Comments for inclusion in the Rules Docket must be received on or before November 29, 2000.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Operations and Airspace Branch, Air Traffic Division, ACE–530, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 00–ACE–31, 901 Locust, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Operations and Airspace Branch, ACE–520a, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 revises the Class E airspace at Dexter, MO. A review of the Class E airspace for Dexter Municipal Airport, MO, indicated it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the Airport Reference Point (ARP) to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a

mile. The amendment at Dexter Municipal Airport, MO, will provide additional controlled airspace for aircraft operation under IFR, include the NDB and coordinates in the text header and comply with the criteria of FAA Order 7400.2D. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 00–ACE–31." The postcard will be date stamped and returned to the commenter.

Agency Findings

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

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, navigation (air).

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE MO E5 Dexter, MO [Revised]

Dexter Municipal Airport, MO
(Lat 36°46′39″ N., long. 89°56′28″ W)
Dexter NDB
(Lat 36°47′18″ N., long. 89°56′27″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Dexter Municipal Airport and within 2.6 miles each side of the 183° bearing from the Dexter NDB extending from the 6.4-mile radius to 7.4 miles south of the NDB.

* * * * *

Issued in Kansas City, MO, on September 20, 2000.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–24933 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ACE–30]

Amendments to Class E Airspace; Moberly, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments

SUMMARY: This action amends Class E airspace area at Omar N. Bradley Airport, Moberly, MO. A review of the Class E airspace area for Omar N. Bradley Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The

Class E airspace has been enlarged to conform to the criteria of FAA Order 7400.2D.

In addition, the Nondirectional Radio Beacon (NDB) Standard Instrument Approach Procedures (SIAPs) have been cancelled, therefore the extensions to the southeast and northwest can be eliminated.

The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR), eliminate the extensions to the southeast and northwest and comply with the criteria of FAA Order 7400.2D.

DATES: Effective date: 0901 UTC, January 25, 2001.

Comments for inclusion in the Rules Docket must be received on or before November 29, 2000.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Operations and Airspace Branch, Air Traffic Division, ACE–530, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 00–ACE–30, 901 Locust, Kansas City, MO 64016.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Operations and Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 revises the Class E airspace at Moberly, MO. A review of the Class E aispace for Omar N. Bradley Airport, MO, indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the Airport Reference Point (ARP) to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The amendment at Omar N. Bradley Airport, MO, will provide additional controlled airspace for aircraft operating under IFR, eliminate the extensions to the southeast and northwest and comply with the criteria of FAA Order 7400.2D. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

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

Comment Invited

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

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

Commenters wishing the FAA to acknowledge their receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 00–ACE–30." The postcard will be date stamped and returned to the commenter.

Agency Findings

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

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE MO E5 Moberly, MO [Revised]

Moberly, Omar N. Bradley Airport, MO
(Lat 39°27′50″ N., long. 92°25′40″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Omar N. Bradley Airport.

* * * * *

Issued in Kansas City, MO, on September 20, 2000.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–24932 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 98N–0044]

RIN 0910–AB97

Regulations on Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body; Partial Stay of Compliance

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; partial stay of compliance.

SUMMARY: The Food and Drug Administration (FDA) is announcing a partial stay of compliance for the final rule defining the types of statements that can be made concerning the effect of a dietary supplement on the structure or function of the body for certain dietary supplement products. Dietary supplement products that were labeled, or for which labeling had been printed, on or before January 6, 2000, the publication date of the final rule, are eligible for the stay. This action is in response to two petitions for stay and reconsideration.

DATES: This rule is effective October 30, 2000. Submit written comments by October 30, 2000. Submit written comments on the information collection provisions of this final rule by October 10, 2000. Notifications of products that are eligible for the stay of compliance may be submitted to FDA at any time following the effective date of this rule; it is to manufacturers' advantage to submit such notifications as soon as possible, as only products for which FDA has received a notification qualify for the stay.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit written comments on the information collection provisions of this final rule to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), 725 K St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA. Send notifications of products that are eligible for the stay of compliance to Food and Drug Administration, Office of Nutritional Products, Labeling, and Dietary Supplements, Division of Compliance and Enforcement (HFS–810), 200 C St. SW., Washington, DC 20204.

FOR FURTHER INFORMATION CONTACT: Robert J. Moore, Office of Nutritional Products, Labeling, and Dietary Supplements (HFS–800), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4605.

SUPPLEMENTARY INFORMATION:

I. Introduction

In the **Federal Register** of January 6, 2000 (65 FR 1000), FDA published a final rule entitled "Regulations on Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body" (hereinafter referred to as "the final rule"). In the final rule, FDA established regulations to define the types of statements that may be made without prior FDA review about the effects of dietary supplements on the structure or function of the body (structure/function claims), and to distinguish these claims from claims that a product treats, prevents, cures, diagnoses, or mitigates disease (disease claims).

In the preamble to the final rule, FDA stated that the final rule would become effective on February 7, 2000, approximately 30 days after publication. FDA also stated that any product that is marketed for the first time after publication of the final rule, and any new claims made for an existing product for the first time after the publication of the final rule, would be expected to be in compliance as of the effective date, February 7, 2000. However, small businesses that marketed a product as of January 6, 2000, the date of publication of the final rule, would have an additional 17 months (until July 7, 2001) to bring existing claims (i.e., claims already in the product's labeling on January 6, 2000) for those products into compliance. For all other products that were on the market as of January 6, 2000, FDA allowed an additional 11 months beyond the effective date (until January 7, 2001) to bring existing claims for those products into compliance.

II. Petitions for Reconsideration and Stay of Action

FDA received one petition under § 10.35 (21 CFR 10.35) for stay of the 30-day effective date and one petition under 21 CFR 10.33 for stay and reconsideration of part of the implementation plan in the final rule. A petition for stay submitted jointly by the Council for Responsible Nutrition (CRN) and the Consumer Healthcare Products Association (CHPA) (Docket No. 99N–0044/PSA1) (Ref. 1) (hereinafter referred to as the "joint petition") requested that FDA stay its 30-day effective date for "pipeline" products, i.e., products that were labeled, or for which labeling had been printed, but that had not yet been marketed when the final rule was published on January 6, 2000. The joint petition requested that such products be given the 11 or 17 months for compliance afforded to products that were being marketed as of the publication date of the final rule. The joint petition stated that in the nearly 2 years between publication of the proposed and final rules, dietary supplement manufacturers and distributors had relied on the criteria and examples of acceptable structure/function claims in the proposed rule to develop marketing strategies, manufacture products, and design and produce labeling. The petition stated that in many cases, this reliance had involved a significant investment of resources.

The joint petition further stated that the implementation of the final rule will involve, among other things, package redesign, redesign of websites and

promotional literature, and sometimes, new packaging equipment. The joint petition argued that the short implementation period (30 days for products not yet marketed) would not provide a long enough transition period to enable "pipeline" products to be brought into compliance. Moreover, the joint petition asserted that giving such products the same transition compliance period as products that had actually been marketed by January 6, 2000, would provide a fair and reasonable implementation plan for firms that had invested energy and resources, in good faith, developing a new product with labeling bearing claims based on the proposed rule, but that narrowly missed marketing the product by January 6, 2000.

The petition for stay and reconsideration was submitted by the American Herbal Products Association (Docket No. 98N–0044/PRC4) (Ref. 2) (hereinafter referred to as the "AHPA petition"). The AHPA petition requested that FDA reconsider two provisions of the final rule, one of which was the implementation plan. This notice will address only the request in the AHPA petition that concerns the implementation plan in the final rule; the other part of the AHPA petition will be addressed separately at a later time.

The AHPA petition requested two actions by FDA concerning the implementation plan. First, the AHPA petition requested that FDA treat certain products labeled before the February 7, 2000, effective date the same way as products marketed before the publication of the final rule on January 6, 2000. Specifically, the petition requested that FDA allow any product labeled before the February 7, 2000, effective date to be marketed during the 11-month or 17-month transition compliance period, provided that a notification has been submitted to FDA as required by section 403 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 343(r)(6)), that FDA has not objected to the notification, and that the product bears the required disclaimer. Second, the AHPA petition requested that products subject to the transition compliance period be allowed to be shipped after that period has ended, provided that the label had been affixed to the product prior to the applicable 11-month or 17-month compliance date.

The AHPA petition stated that the requested relief is necessary for two reasons. First, the AHPA petition asserted that the 30-day effective date does not provide enough time to relabel products that were in the pipeline, but were not marketed, before the publication of the final rule. The AHPA petition also stated that products labeled at any point during the 11-month or 17-month transition period should be allowed to be marketed even after the applicable compliance date to reduce the costs of the rule by eliminating the need to relabel or destroy inventory not marketed by the end of the transition period. The AHPA petition further stated that there is no basis to distinguish the implementation scheme for the final rule from that used to implement the dietary supplement nutrition labeling final regulations published in the **Federal Register** of September 23, 1997 (62 FR 49826 at 49842), which provided that any product labeled before the effective date did not have to be relabeled to comply after the effective date.

III. Response to Petitions

FDA has fully evaluated the two petitions for stay and reconsideration of the implementation plan in the final rule. FDA agrees that there may be manufacturers who, relying on the criteria and examples of acceptable structure/function claims in the proposed rule, produced labeling with claims that would have been considered structure/function claims under the proposed rule, but that are classified as disease claims under the final rule. We also agree that the 30-day effective date of the final rule may not have provided a long enough transition period to enable products close to being marketed when the final rule was published to be brought into compliance. Therefore, FDA is announcing a stay of compliance for a limited class of products. Products that were labeled no later than the publication date of the final rule, January 6, 2000, or for which labeling had been printed by that date (hereinafter referred to as "eligible products") will be eligible for the stay.

To prevent the partial stay from becoming effectively a blanket stay of the 30-day effective date for all products, FDA is requiring that any firm wishing to take advantage of the stay notify FDA of that fact before it markets its eligible products. The notification must: (1) Include the name and complete address of the firm submitting it; (2) identify the eligible products; (3) provide documentation that the eligible products were in fact labeled no later than January 6, 2000, or that labeling for the products had been printed by that date; and (4) include a certification, signed by a responsible individual, that the products are eligible for the stay. The eligible products must be described with sufficient specificity to enable FDA to identify them in the marketplace and distinguish them from other products (including other lots of the same product) that do not qualify for the stay. For example, the identification might consist of the name of the product and a unique identifier code, such as a product identification or lot code that the manufacturer uses to track its products.

FDA believes that the notification requirement is necessary for effective enforcement of the final rule. Without the notification, the agency would be unable to verify whether individual products are eligible for the stay and therefore would not be able to determine which products in the marketplace bear violative claims and are subject to enforcement action.

Firms must send the required notification to: Food and Drug Administration, Office of Nutritional Products, Labeling, and Dietary Supplements, Division of Compliance and Enforcement (HFS–810), 200 C St. SW., Washington, DC 20204. Notifications may be submitted at any time after the effective date of this final rule. It is to a manufacturers' advantage to submit such notifications as soon as possible, as only products for which FDA has received a notification qualify for the partial stay of compliance.

Small businesses that have eligible products and that submit the required notification to FDA will have 17 months after the effective date of the final rule (until July 7, 2001) to bring their eligible products into compliance, and other firms will have 11 months after the effective date of the final rule (until January 7, 2001) to bring their eligible products into compliance. We believe that this action provides a fair and reasonable implementation plan for firms that made a substantial investment in products that narrowly missed being marketed by the publication date of the final rule.

We are not granting the request in the AHPA petition that FDA allow products labeled before the 11-month or 17-month compliance date to be shipped after that date. In the preamble to the final rule (65 FR 1000 at 1044), FDA concluded that the compliance periods of 11 and 17 months following the effective date of the final rule were reasonable and fair. The agency stated that these compliance periods, uniformly applied, are sufficiently long and that an extension of the time to comply is not needed. The purpose of the compliance period is to give firms time to develop new labels that comply with the requirements of the act and regulation and to ensure a level playing field for all firms marketing dietary supplements. We find no basis to permit some firms to continue to market

products with claims that violate the act and that may give them a competitive advantage over products marketed by firms that have made the investment in time and expense to meet the applicable compliance dates.

Moreover, granting AHPA's request would create an incentive for manufacturers to perpetuate existing claims that are defined as disease claims under the final rule and, in fact, to label as many products as possible with such claims between now and the applicable compliance date. FDA believes that creating such an incentive would be unwise and that the agency should maintain the policy in the final rule, which was designed to encourage manufacturers to change their labeling in accordance with the final rule as quickly as possible, but no later than the applicable compliance date. Having a date by which all products must comply will reduce consumer confusion and greatly simplify enforcement, as after that date the agency will be able to take action against any product that bears unapproved disease claims, without also having to determine when the product was labeled.

We disagree that the basis for the effective date of the September 23, 1997, final rule implementing the nutrition labeling requirements for dietary supplements is relevant to the current rulemaking. In deciding to base the effective date of the September 23, 1997, final rule on the date of labeling, rather than the date of marketing, FDA relied on language in section 7 of the Dietary Supplement Health and Education Act of 1994 (DSHEA). Section 7 of DSHEA states that dietary supplements "may be labeled after the date of the enactment of this Act in accordance with the amendments made by this section, and shall be labeled after December 31, 1996, in accordance with such amendments." The final rule implements section 6 of DSHEA, which does not contain the same language as section 7 and is not subject to section 7. Therefore, the fact that FDA allowed products labeled before the effective date of the September 23, 1997, final rule to be marketed after the effective date of that rule does not compel that the same approach be taken to implement the final rule. For the reasons discussed above, namely, to encourage prompt implementation of the rule and ensure a level playing field after the compliance date, the agency is not staying the compliance dates in the implementation plan for products labeled on or before the appropriate compliance date. Consistent with the implementation plan in the final rule (65 FR 1000 at 1044), all products in interstate commerce that are subject to the final rule must be in compliance with the act and regulations by July 7, 2001 (for products marketed by small businesses), or January 7, 2001 (for other products).

Under § 10.35(a) and (d)(1), FDA may stay the effective date of a rule, or any other administrative action, upon a finding that the stay is in the public interest. FDA finds that this partial stay of compliance is in the public interest because it will allow a fair and reasonable transition compliance period for firms that made a substantial investment in dietary supplement products that were close to marketing when the final rule was published.

The Administrative Procedure Act and FDA regulations provide that the agency may issue a regulation without notice and comment procedures when the agency for good cause finds that such procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(3)(B); 21 CFR 10.40(e)(1)). Because this final rule is a stay of compliance, FDA finds that there is good cause to dispense with notice and comment procedures. Notice and comment procedures are unnecessary because this final rule does not change the substantive requirements of the final rule, only the date on which compliance with those requirements is expected for a limited class of products. Further, notice and comment procedures are not in the public interest because the final rule has already become effective, and therefore a prompt response to the petitions for stay and reconsideration is important.

IV. Analysis of Impacts

The economic impact of the final rule was discussed in the **Federal Register** (65 FR 1000 at 1044 through 1049). A partial stay of compliance for the final rule will provide additional time for companies to relabel products and will reduce label obsolescence, as there will be additional time to use up more existing labeling. Although this rule granting a partial stay of compliance will impose some small administrative costs on those industry members that wish to take advantage of it, these costs are expected to be much smaller than the savings that will be realized from reduced inventory losses. Thus, this final rule granting a partial stay of compliance should reduce the economic impact on industry.

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

Under the Regulatory Flexibility Act, if a rule has a significant economic impact on a substantial number of small entities, the agency must analyze regulatory options that would minimize any significant impact of the rule on small entities. This final rule provides a stay of compliance, which will allow manufacturers additional time to use up existing product labeling. Accordingly, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires that agencies prepare a written statement of anticipated costs and benefits before issuing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year (adjusted annually for inflation).

The Unfunded Mandates Reform Act does not require FDA to prepare a statement of costs and benefits for this rule, because this rule is not expected to result in expenditures that would exceed $100 million, adjusted for inflation, in any one year. The current inflation-adjusted statutory threshold is $110 million.

V. Paperwork Reduction Act of 1995

This final rule contains information collection provisions that are subject to review by OMB under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520). A description of these provisions is given below with an estimate of the annual reporting burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

With respect to the following collection of information, FDA invites

comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Notification of Products Eligible for a Stay of the Effective Date of FDA's Regulations on Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body.

Description: Under sections 301, 403(r)(1)(B) and (r)(6), and 505(a) of the act (21 U.S.C. 331, 343(r)(1)(B) and (r)(6)), and 355(a)) FDA is responsible for preventing distribution in interstate commerce of products marketed as dietary supplements with claims about the effect of the product on a disease, unless the claim is an authorized health claim. Section 701(a) of the act (21 U.S.C. 371(a)) gives FDA the authority to issue regulations for the efficient enforcement of the act. In the final rule (65 FR 1000), FDA published a regulation that defined the types of statements that can be made concerning the effect of a dietary supplement on the structure or function of the body. In the preamble to the final rule, the agency stated that the final rule would become effective on February 7, 2000, approximately 30 days after the date of the final rule's publication in the **Federal Register**. The final rule further provided that any product that is marketed for the first time after publication of the final rule, and any new claims made for an existing product for the first time after the publication of the final rule, would have to be in compliance as of the effective date.

In response to two petitions asking the agency to stay and/or reconsider the 30-day effective date for the final rule, FDA is granting a partial stay of compliance with the rule for those dietary supplement products that were labeled or for which labeling had been printed on or before January 6, 2000, the publication date of the final rule. A manufacturer that wishes to market products that are eligible for the stay would have to notify FDA of the identity of its eligible products; provide documentation that the products were labeled by January 6, 2000, or that labeling for the products had been printed by that date; and certify that the products that are the subject of the notification meet the eligibility criteria.

Information that is required in the notification includes: (1) The name and complete address of the firm submitting the notification; (2) a description of the products that are the subject of the notification. The description must be sufficient to enable FDA to identify the firm's qualifying products in the marketplace and distinguish them from other products (including other lots of the same product) that are not eligible for the stay. For example, the description might consist of the name of the product and a unique identifier code (such as a product identification or lot code that the manufacturer uses to track its products); (3) documentation that the products were labeled by January 6, 2000, or that the labeling for the products had been printed by that date (for example, purchase records from a label manufacturer or production records that showed that the products had been labeled by January 6, 2000); and (4) a certification, signed by a responsible individual, that the products are eligible for the stay.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
48	1	48	2	96

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

These estimates are based on the number of firms that may have products that are eligible for the stay. In the final rule (65 FR 1000 at 1047), FDA estimated that 1,000 firms manufacture dietary supplement products that would be covered by the final rule. FDA also estimated that approximately 4.81 percent of the 17,400 dietary supplement products currently being marketed with structure/function claims would be required to change their labels because of the requirements in the final rule (65 FR 1000 at 1046). Therefore, assuming that products affected by the final rule are uniformly distributed throughout the industry, approximately 48 firms (4.8 percent of 1,000 firms) may have products affected by the partial stay of compliance.

The notification burden would consist of the preparation of the letter notifying FDA and accompanying documentation that the products were labeled before January 6, 2000, or that the labeling had been printed by that date. FDA believes this burden will be small since firms already have the information needed to describe their own products with specificity. With respect to the supporting documentation, the firm would already have identified the relevant documents as part of ascertaining which products are eligible for the stay. Therefore, the firm would only need to reproduce the relevant documents to accompany the notification. The notification is a one-time action, and all of a firm's eligible products can be listed in a single notification. Therefore, FDA anticipates receiving only one notification per firm.

The information collection provisions of this final rule have been submitted to OMB for review. Interested persons may send comments regarding information collection by October 10, 2000, to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FDA has requested expedited processing of this information collection request under section 3507(j) of the PRA and 5 CFR 1320.13. The information to be collected under this final rule is needed before clearance could be obtained under the normal PRA clearance time periods. Further, the use of normal PRA clearance procedures is impracticable and would be likely to prevent or disrupt the collection of information because the compliance periods during which products that qualify for the partial stay may be marketed without relabeling would have ended or would be close to ending.

Prior to the effective date of this final rule, FDA will publish a notice in the **Federal Register** announcing OMB's decision to approve, modify, or

disapprove the information collection provisions in this final rule. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

VI. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding the final rule by October 30, 2000, except that comments regarding information collection are to submitted to OMB (address above) by October 10, 2000. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

VII. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Council for Responsible Nutrition and Consumer Healthcare Products Association, Petition for Stay of Action, February 7, 2000.

2. American Herbal Products Association, Petition for Reconsideration and Petition for Stay of Action, February 7, 2000.

Dated: September 21, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–24960 Filed 9–28–00; 8:45 am]

BILLING CODE 4160–01–F

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Rules of Procedure

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Final rule; elimination of expiration date.

SUMMARY: On February 19, 1999 the Occupational Safety and Health Review Commission issued a final rule amending its rules of procedure to add a new Subpart H to part 2200 consisting of § 2200.120 64 FR 8243. In that section the Commission established a mandatory settlement process known as the Settlement Part as a pilot program for a one-year trial period.

In order to more effectively evaluate the Settlement Part the Commission, on February 15, 2000, extended the pilot program through September 30, 2000. 65 FR 7434. While the evaluation was based on limited data, it showed generally positive results, including substantial satisfaction among the program's users. Accordingly, the Commission has determined to eliminate the expiration date and make the Settlement Part a permanent part of its Rules of Procedure. The Chairman will continue to monitor the program and to assess its effectiveness.

EFFECTIVE DATE: As of September 29, 2000 the expiration date for Subpart H consisting of § 2200.120 is removed and the subpart becomes a permanent part of 29 CFR part 2200.

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., General Counsel, One Lafayette Centre, 1120 20th St., NW., 9th Floor, Washington, DC 20036–3419, phone (202) 606–5410.

Dated: September 26, 2000.

Thomasina V. Rogers,

Chairman.

Gary L. Visscher,

Commissioner.

Stuart E. Weisberg,

Commissioner.

[FR Doc. 00–25138 Filed 9–28–00; 8:45 am]

BILLING CODE 7600–01–M

POSTAL SERVICE

39 CFR Part 20

Global Express Guaranteed

AGENCY: Postal Service.

ACTION: Amendment to interim rule.

SUMMARY: The Postal Service is amending the interim rule on Priority Mail Global Guaranteed service to establish it as a permanent international mail service, to announce a name change, and to expand the service to include a new classification for non-document (merchandise) shipments. This interim rule will also extend the optional insurance coverage to non-documents and establish and publish rates for the non-document service. This interim rule corrects and amends the interim rule published on August 28, 2000, 65 FR 52023–52028.

EFFECTIVE DATE: October 1, 2000. Comments on the amendment to the interim rule must be received on or before Ocotber 30, 2000.

ADDRESSES: Written comments should be mailed or delivered to Business Initiatives, Expedited/Package Services, U.S. Postal Service, 200 E Mansell Court, Suite 300, Roswell GA 30076–4850. Copies of all written comments will be available for public inspection between 9 a.m. and 4 p.m., Monday through Friday, in Business Initiatives, 200 E Mansell Court, Suite 300, Roswell GA.

FOR FURTHER INFORMATION CONTACT: Malcolm E. Hunt, (770) 360–1104.

SUPPLEMENTARY INFORMATION: On April 19, 1999, the Postal Service announced in the **Federal Register** (64 FR 19039–19042) the introduction of Priority Mail Global Guaranteed (PMGG) service on an interim basis. With PMGG, the USPS provided customers with a fully featured premium international service for documents with full track and trace capability. This service was initially available from 3,000 retail locations for delivery to a total of 19 countries.

On November 4, 1999, the Postal Service announced in the **Federal Register** (64 FR 60106–60109) the expansion of PMGG service to permit acceptance at a total of 10,000 retail locations, with destinating locations being expanded to 65 countries and territories.

On May 26, 2000, the Postal Service announced in the **Federal Register** (65 FR 34096–34101) the further expansion of PMGG service to a total of 202 destinating countries and territories. A revised rate structure was also introduced.

On August 28, 2000, the Postal Service announced in the **Federal Register** (65 FR 52023–52028) a further expansion of PMGG service. The number of retail locations was increased to a total of 20,000, document service rates were adjusted, optional document reconstruction insurance was increased to $2,499, and delivery service was extended to China. An incorrect listing of 3-digit ZIP Codes was included in the list of participating post offices in this rule. The correct list of participating post offices by 3-digit ZIP Code is incorporated in this interim rule.

Based on the successive and successful expansion of PMGG service, the Postal Service has determined to establish it as a permanent international mail service. To effectuate this change, the Postal Service is changing the name of the service to Global Express Guaranteed (GXG) and completing the expansion to include a new classification for merchandise shipments. GXG will now consist of two mail classifications:

a. GXG Document service.

b. GXG Non-Document service.

The GXG Document service mail classification is for shipments that

contain only documents and general correspondence for which no duty is assessed by the customs authority of the destinating country. This mail classification is a designated letter mail class pursuant to 39 U.S.C. 3623(d) and, as such, is sealed against inspection by the Postal Service. These Document service shipments may be subject to inspection in the destinating country for purposes of compliance with the customs requirements of the destinating country. The rate structure for Document service is separate and distinct from the rate structure for Non-Document service.

The GXG Non-Document service mail classification is for shipments that do not contain documents or general correspondence and for which duty may be assessed by the customs authority of the destinating country. Merchandise and all other dutiable items may be shipped using only this GXG classification. As such, this mail classification is not a letter mail class pursuant to 39 U.S.C. 3623(d). In order to provide for expedited customs clearance of these dutiable shipments, Non-Document service shipments will be subject to inspection by, among others, the Postal Service and its designated agents for purposes of aviation (air) security and to determine that the contents are eligible for shipment via Non-Document service and that the contents are adequately declared on the GXG Air Waybill/Shipping Invoice to permit expedited customs clearance. These Non-Document service shipments may also be subject to inspection in the destinating country for purposes of compliance with the customs requirements of the destinating country. The rate structure for Non-Document service is separate and distinct from the rate structure for Document service and reflects the generally higher costs inherent with handling dutiable shipments. Non-Document service is not available to some countries to which Document service is provided. See the following listing of destinating countries for specific availability.

Destinating Countries and Rate Groups

For rate purposes, destinating countries and territories have been placed into one of eight rate groups as set forth below.

Country	Document service rate group	Non-document service rate group
Afghanistan	(1)	(1)
Albania	8	8
Algeria	8	8
Andorra	6	6
Angola	8	8
Anguilla	7	7
Antigua & Barbuda	7	7
Argentina	5	5
Armenia	8	8
Aruba	7	7
Ascension	(1)	(1)
Australia	4	4
Austria	6	6
Azerbaijan	8	8
Bahamas	7	7
Bahrain	4	4
Bangladesh	4	4
Barbados	7	7
Belarus	8	8
Belgium	3	3
Belize	5	5
Benin	8	8
Bermuda	7	7
Bhutan	5	5
Bolivia	5	5
Bosnia-Herzegovina	8	8
Botswana	8	8
Brazil	5	5
British Virgin Islands	7	7
Brunei Darussalam	8	8
Bulgaria	8	8
Burkina Faso	8	8
Burma (Myanmar)	8	8
Burundi	8	8
Cambodia	8	8
Cameroon	8	8
Canada	1	1
Cape Verde	8	8
Cayman Islands	7	7
Central African Republic	8	8
Chad	8	8
Chile	5	5
China	4	4
Colombia	5	5
Comoros	8	8
Congo, Democratic Republic of the	8	8
Congo, Republic of the (Brazzaville)	8	8
Costa Rica	5	5
Cote d'Ivoire (Ivory Coast)	8	8
Croatia	8	8
Cuba	8	(1)
Cyprus	4	4
Czech Republic	8	8
Denmark	6	6
Djibouti	8	8
Dominica	7	7
Dominican Republic	7	7
Ecuador	5	5
Egypt	4	(1)
El Salvador	5	5
Equatorial Guinea	8	8
Eritrea	8	8
Estonia	8	8
Ethiopia	8	8
Falkland Islands	5	5
Faroe Islands	6	6
Fiji	5	5
Finland	6	6
France	3	3
French Guiana	5	(1)
French Polynesia	8	8
Gabon	8	8
Gambia	8	8
Georgia, Republic of	8	8
Germany	3	3
Ghana	8	8
Gibraltar	6	6
Great Britain & Northern Ireland	3	3
Greece	6	6
Greenland	6	6
Grenada	7	7
Guadeloupe	7	7
Guatemala	5	5
Guinea	8	8
Guinea-Bissau	8	8
Guyana	5	5
Haiti	7	7
Honduras	5	5
Hong Kong	3	3
Hungary	8	8
Iceland	6	6
India	4	4
Indonesia	4	4
Iran	4	(1)
Iraq	(1)	(1)
Ireland (Eire)	3	3
Israel	4	4
Italy	3	3
Jamaica	7	7
Japan	(1)	(1)
Jordan	4	4
Kazakhstan	8	8
Kenya	8	8
Kiribati	8	8
Korea, Democratic People's Republic of (North)	(1)	(1)
Korea, Republic of (South)	4	4
Kuwait	4	4
Kyrgyzstan	8	8
Laos	8	8
Latvia	8	8
Lebanon	4	4
Lesotho	8	8
Liberia	8	8
Libya	(1)	(1)
Liechtenstein	6	6
Lithuania	8	8
Luxembourg	3	3
Macao	3	3
Macedonia, Republic of	8	8
Madagascar	8	8
Malawi	8	8
Malaysia	4	4
Maldives	8	8
Mali	8	8
Malta	6	6
Martinique	7	7
Mauritania	8	8
Mauritius	8	8
Mexico	2	2
Moldova	8	8
Mongolia	8	8
Montserrat	7	7
Morocco	8	8

Country	Document service rate group	Non-document service rate group
Mozambique	8	8
Namibia	8	8
Nauru	8	8
Nepal	8	8
Netherlands	3	3
Netherlands Antilles	7	7
New Caledonia	5	5
New Zealand	4	4
Nicaragua	5	5
Niger	8	8
Nigeria	8	8
Norway	6	6
Oman	4	4
Pakistan	4	4
Panama	5	5
Papua New Guinea	5	5
Paraguay	5	5
Peru	5	5
Philippines	4	4
Pitcairn Island	(1)	(1)
Poland	8	8
Portugal	6	6
Qatar	4	4
Reunion	8	8
Romania	8	8
Russia	8	8
Rwanda	8	8
St. Christopher (St. Kitts) & Nevis	7	7
Saint Helena	(1)	(1)
Saint Lucia	7	7
Saint Pierre & Miquelon	1	1
Saint Vincent & Grenadines	7	7
San Marino	3	3
Sao Tome & Principe	8	8
Saudi Arabia	4	4
Senegal	8	8
Serbia-Montenegro (Yugoslavia)	8	8
Seychelles	8	8
Sierra Leone	8	8
Singapore	3	3
Slovak Republic (Slovakia)	8	8
Slovenia	8	8
Solomon Islands	8	8
Somalia	8	8
South Africa	8	8
Spain	6	6
Sri Lanka	4	4
Sudan	(1)	(1)
Suriname	5	5
Swaziland	8	8
Sweden	6	6
Switzerland	6	6
Syrian Arab Republic (Syria)	4	(1)
Taiwan	3	3
Tajikistan	8	8
Tanzania	8	8
Thailand	4	4
Togo	8	8
Tonga	8	8
Trinidad & Tobago	7	7
Tristan da Cunha	(1)	(1)
Tunisia	8	8
Turkey	4	4
Turkmenistan	8	8
Turks & Caicos Islands	7	7
Tuvalu	8	8
Uganda	8	8
Ukraine	8	8
United Arab Emirates	4	4
Uruguay	5	5
Uzbekistan	8	8
Vanuatu	5	5
Vatican City	3	3
Venezuela	5	5
Vietnam	4	4
Wallis & Futuna Islands	4	4
Western Samoa	4	4
Yemen	4	4
Zambia	8	8
Zimbabwe	8	8

[1] No service.

Although the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirements of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites public comment on the amendment to the interim rule at the above address.

The Postal Service is amending the *International Mail Manual,* which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

A transmittal letter changing the relevant pages in the *International Mail Manual* will be published and automatically transmitted to all subscribers. Notice of issuance of the transmittal will be published in the **Federal Register** as provided by 39 CFR 20.3.

On or about September 26, 2000, the Postal Service announced in the **Federal Register** a proposed rule that would amend and renumber provisions in the *International Mail Manual.* If that rule is adopted, GXG will be found in Section 210 of chapter 2 of the *International Mail Manual.*

List of Subjects in 39 CFR Part 20

Foreign relations, International postal service.

PART 20—[AMENDED]

1. The authority citation for 39 CFR Part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. Chapter 2 of the International Mail Manual is amended as follows:

2 CONDITIONS FOR MAILING

210 EXPRESS MAIL INTERNATIONAL SERVICE

215 GLOBAL EXPRESS GUARANTEED

215.1 Description

215.11 General

Global Express Guaranteed (GXG) service is an international expedited delivery service provided through an alliance with DHL Worldwide Express, Inc. It provides reliable, high-speed, guaranteed, and time-definite service from selected post offices in the United States to a large number of international destinations. (See Countries and Cities Served Section of the Global Express Guaranteed Service Guide for destination service commitments.) GXG delivery service is guaranteed to meet the specified service standards or the postage paid may be refunded. Liability insurance is provided for lost or damaged shipments. See 215.54.

215.12 Allowable Contents

Documents and general correspondence (non-dutiable items) and non-documents (all dutiable items including merchandise) may be shipped using GXG service. See 215.2 for classification and rate treatment of specific shipments based on content. The allowable contents for GXG shipments may also be restricted by the destinating country. Refer to the Global Express Guaranteed Service Guide for the definition of allowable contents for each destinating country. Senders are responsible for determining if their item is allowable despite any statement made in the Global Express Guaranteed Service Guide, GXG Website, or by a postal employee or the Postal Service's agents.

215.2 Mail Classifications

215.21 Global Express Guaranteed Document Service

The GXG Document service mail classification is for shipments that contain only documents and general correspondence for which no duty is assessed by the customs authority of the destinating country (non-dutiable shipments). Packages shipped by GXG Document service are sealed against inspection by the Postal Service or other U.S. agencies and authorities. These Document service shipments may be subject to inspection in the destinating country for purposes of compliance with the customs requirements of the destinating country. The postage rates applicable to Document service shipments are set forth in 215.61 and

are separate and distinct from the postage rates for Non-Document service.

215.22 Global Express Guaranteed Non-Document Service

The GXG Non-Document service mail classification is for shipments that do not contain documents or general correspondence and for which duty may be assessed by the customs authority of the destinating country. Merchandise and all other dutiable items may be shipped using only this GXG classification. Non-Document service shipments are not sealed against inspection under 39 U.S.C. 3623(d). Non-Document service shipments will be subject to inspection by the Postal Service and its designated agents for purposes of aviation (air) security and to determine that the contents are eligible for shipment via Non-Document service and that the contents are adequately declared on the GXG Air Waybill/Shipping Invoice to permit expedited customs clearance. These Non-Document service shipments may also be subject to inspection in the destinating country for purposes of compliance with the customs requirements of the destinating country. Non-Document service is not available to some countries to which Document service is provided. See the listing of destinating countries in 215.32 for specific availability. The postage rates applicable to Non-Document service shipments are set forth in 215.62 and are separate and distinct from the postage rates for Document service.

215.3 Service Areas

215.31 Origins

GXG items must be entered through selected post offices that are located in the following ZIP Code areas. Check with your local post office or review the Global Express Guaranteed Service Guide for a participating post office near you.

State	ZIP Code Areas
AL—Alabama	352, 356–358, 361–362, 366, 368.
AR—Arkansas	722–723.
AZ—Arizona	850, 852–853, 857.
CA—California	900, 902–908, 910–922, 926–928, 937, 939–941, 943–951, 954.
CO—Colorado	800–803, 805–806, 808–810.
CT—Connecticut	060–069.
DC—District of Columbia	200, 202–203, 205.
DE—Delaware	197–199.
FL—Florida	320–323, 326–338, 342, 344, 346–347, 349.
GA—Georgia	300–319.
IA—Iowa	500–504, 506–507, 510–511, 515–516, 520, 522–528.
IL—Illinois	600–620, 622, 625–627, 629.
IN—Indiana	460–479.
KS—Kansas	660–662, 667, 674, 676.
KY—Kentucky	400–406, 410–416, 421–424, 427.
LA—Louisiana	700–701, 703–704, 707–708.
MA—Massachusetts	010–027.
MD—Maryland	206–212, 214, 217, 219.
ME—Maine	039–041.
MI—Michigan	480–497.
MN—Minnesota	550–551, 553–554, 558–563.
MO—Missouri	630–631, 633, 636–641, 644–648, 654–658.
MS—Mississippi	383, 386, 389, 392, 394–395.
MT—Montana	591.
NC—North Carolina	270–282, 286.
NE—Nebraska	680–681, 685–687.
NH—New Hampshire	010–011, 030–034, 036–038.
NJ—New Jersey	070–089.
NM—New Mexico	871.
NY—New York	100–101, 103–149.
OH—Ohio	430–458.
OK—Oklahoma	730–731, 734–738, 740–741, 743–748.
OR—Oregon	972.
PA—Pennsylvania	150–176, 178–179, 189–191, 193–196.
PR—Puerto Rico	006–007, 009.
RI—Rhode Island	028–029.
SC—South Carolina	297–299.
SD—South Dakota	570–571.
TN—Tennessee	370–374, 376–385.
TX—Texas	750–756, 759–764, 768–770, 772–778, 780–782, 784, 791, 794–796.
UT—Utah	840–841, 843–847.
VA—Virginia	201, 220–227, 230–239.
VI—Virgin Islands	008.
VT—Vermont	054, 056.
WA—Washington	980–985, 988–989.
WI—Wisconsin	530–532, 534, 537, 540, 543, 546–549.
WV—West Virginia	250–257, 260, 267.
WY—Wyoming	820.

215.32 Destinating Countries and Rate Groups

GXG service is available to the following destinating countries and territories. For rate purposes, countries have been placed into one of eight rate groups.

Country	Document Service Rate Group	Non-Document Service Rate Group
Afghanistan	(1)	(1)
Albania	8	8
Algeria	8	8
Andorra	6	6
Angola	8	8
Anguilla	7	7
Antigua & Barbuda	7	7
Argentina	5	5
Armenia	8	8
Aruba	7	7
Ascension	(1)	(1)
Australia	4	4
Austria	6	6
Azerbaijan	8	8
Bahamas	7	7
Bahrain	4	4
Bangladesh	4	4
Barbados	7	7
Belarus	8	8
Belgium	3	3
Belize	5	5
Benin	8	8
Bermuda	7	7
Bhutan	5	5
Bolivia	5	5
Bosnia-Herzegovina	8	8
Botswana	8	8
Brazil	5	5
British Virgin Islands	7	7
Brunei Darussalam	8	8
Bulgaria	8	8
Burkina Faso	8	8
Burma (Myanmar)	8	8
Burundi	8	8
Cambodia	8	8
Cameroon	8	8
Canada	1	1
Cape Verde	8	8
Cayman Islands	7	7
Central African Republic	8	8
Chad	8	8
Chile	5	5
China	4	4
Colombia	5	5
Comoros	8	8
Congo, Democratic Republic of the	8	8
Congo, Republic of the (Brazzaville)	8	8
Costa Rica	5	5
Cote d'Ivoire (Ivory Coast)	8	8
Croatia	8	8
Cuba	8	(1)
Cyprus	4	4
Czech Republic	8	8
Denmark	6	6
Djibouti	8	8
Dominica	7	7
Dominican Republic	7	7
Ecuador	5	5
Egypt	4	(1)
El Salvador	5	5
Equatorial Guinea	8	8
Eritrea	8	8
Estonia	8	8
Ethiopia	8	8
Falkland Islands	5	5
Faroe Islands	6	6
Fiji	5	5
Finland	6	6
France	3	3
French Guiana	5	(1)
French Polynesia	8	8
Gabon	8	8
Gambia	8	8
Georgia, Republic of	8	8
Germany	3	3
Ghana	8	8
Gibraltar	6	6
Great Britain & Northern Ireland	3	3
Greece	6	6
Greenland	6	6
Grenada	7	7
Guadeloupe	7	7
Guatemala	5	5
Guinea	8	8
Guinea-Bissau	8	8
Guyana	5	5
Haiti	7	7
Honduras	5	5
Hong Kong	3	3
Hungary	8	8
Iceland	6	6
India	4	4
Indonesia	4	4
Iran	4	(1)
Iraq	(1)	(1)
Ireland (Eire)	3	3
Israel	4	4
Italy	3	3
Jamaica	7	7
Japan	(1)	(1)
Jordan	4	4
Kazakhstan	8	8
Kenya	8	8
Kiribati	8	8
Korea, Democratic People's Republic of (North)	(1)	(1)
Korea, Republic of (South)	4	4
Kuwait	4	4
Kyrgyzstan	8	8
Laos	8	8
Latvia	8	8
Lebanon	4	4
Lesotho	8	8
Liberia	8	8
Libya	(1)	(1)
Liechtenstein	6	6
Lithuania	8	8
Luxembourg	3	3
Macao	3	3
Macedonia, Republic of	8	8
Madagascar	8	8
Malawi	8	8
Malaysia	4	4
Maldives	8	8
Mali	8	8
Malta	6	6
Martinique	7	7
Mauritania	8	8
Mauritius	8	8
Mexico	2	2
Moldova	8	8
Mongolia	8	8
Montserrat	7	7
Morocco	8	8
Mozambique	8	8
Namibia	8	8
Nauru	8	8
Nepal	8	8
Netherlands	3	3
Netherlands Antilles	7	7
New Caledonia	5	5
New Zealand	4	4
Nicaragua	5	5
Niger	8	8
Nigeria	8	8
Norway	6	6
Oman	4	4
Pakistan	4	4
Panama	5	5
Papua New Guinea	5	5
Paraguay	5	5
Peru	5	5
Philippines	4	4
Pitcairn Island	(1)	(1)
Poland	8	8
Portugal	6	6
Qatar	4	4
Reunion	8	8
Romania	8	8
Russia	8	8
Rwanda	8	8
St. Christopher (St. Kitts) & Nevis	7	7
Saint Helena	(1)	(1)
Saint Lucia	7	7
Saint Pierre & Miquelon	1	1
Saint Vincent & Grenadines	7	7
San Marino	3	3
Sao Tome & Principe	8	8
Saudi Arabia	4	4
Senegal	8	8
Serbia-Montenegro (Yugoslavia)	8	8
Seychelles	8	8
Sierra Leone	8	8
Singapore	3	3
Slovak Republic (Slovakia)	8	8
Slovenia	8	8
Solomon Islands	8	8
Somalia	8	8
South Africa	8	8
Spain	6	6
Sri Lanka	4	4
Sudan	(1)	(1)
Suriname	5	5
Swaziland	8	8
Sweden	6	6
Switzerland	6	6
Syrian Arab Republic (Syria)	4	(1)

Country	Document Service Rate Group	Non-Document Service Rate Group
Taiwan	3	3
Tajikistan	8	8
Tanzania	8	8
Thailand	4	4
Togo	8	8
Tonga	8	8
Trinidad & Tobago	7	7
Tristan da Cunha	(1)	(1)
Tunisia	8	8
Turkey	4	4
Turkmenistan	8	8
Turks & Caicos Islands	7	7
Tuvalu	8	8
Uganda	8	8
Ukraine	8	8
United Arab Emirates	4	4
Uruguay	5	5
Uzbekistan	8	8
Vanuatu	5	5
Vatican City	3	3
Venezuela	5	5
Vietnam	4	4
Wallis & Futuna Islands	4	4
Western Samoa	4	4
Yemen	4	4
Zambia	8	8
Zimbabwe	8	8

[1] No service.

GXG service is available to all locations that are referenced in the Individual Country Listings except for the following:

Afghanistan
Ascension
Iraq
Japan
Korea, Democratic People's Republic of (North)
Libya
Pitcairn Island
Saint Helena
Sudan
Tristan de Cunha

The following countries are limited to GXG Document service only:

Cuba
Egypt
French Guiana
Iran
Syrian Arab Republic (Syria)

215.4 Service Guarantee

215.41 General

The Postal Service guarantees delivery within the service standards specified in the Global Express Guaranteed Service Guide or the sender may be entitled to a full refund of the postage paid. For the purpose of the service guarantee, the date and time of delivery, attempted delivery, or availability for delivery constitutes delivery.

215.42 Transit Days for Non-Document Service

For GXG Non-Document service, total transit days may be affected by general customs delays, specific customs commodity delays, holidays observed in the destinating country, and other factors beyond the Postal Service's control. See Terms and Conditions on the GXG Air Waybill/Shipping Invoice or in the Global Express Guaranteed Service Guide for details.

215.5 Inquiries, Postage Refunds, and Indemnity Claims

215.51 Inquiries

Inquiries concerning the delivery of GXG items are made by calling 800–222–1811 or through the Postal Service Website.

215.52 Postage Refunds

Postage may be refunded if a shipment tendered at a designated post office before the specified deposit time is not delivered or if delivery is not attempted before 5:00 p.m. local time in the delivery location in accordance with the guaranteed delivery standards in the Global Express Guaranteed Service Guide. The mailer may file requests for postage refunds only by contacting a customer service representative at 800–222–1811. The original receipt of the GXG Air Waybill/Shipping Invoice is required when filing a claim for a postage refund. Requests for postage refunds must be made no later than 30 days from the date of shipment. The GXG customer service office will adjudicate refunds for GXG. The GXG customer service office can be contacted at 800–222–1811. Final approval and payment will be made by the Postal Service.

Refunds will not be made if delivery was attempted but could not be made, if the delivery address was incomplete or inaccurate, or if the shipment was delayed by circumstances outside the control of the Postal Service or its agents (as defined in the Global Express Guaranteed Service Guide).

215.53 Indemnity Claims

215.531 Claims for Document Service Shipments

If a Document service shipment is lost or damaged, the sender may file a claim for document reconstruction costs, subject to 215.54. All claims must be initiated within 30 days of the shipment date by contacting a customer service representative at 800–222–1811. The representative will provide more details on how to file a claim. The original receipt of the GXG Air Waybill/Shipping Invoice must be included when filing a claim. Consult the Global Express Guaranteed Service Guide for limitations and restrictions on indemnity payments for GXG items. The GXG customer service office will adjudicate refunds for GXG. The GXG customer service office can be contacted at 800–222–1811. Final approval and payment will be made by the Postal Service.

215.532 Claims for Non-Document Service Shipments

If a Non-Document service shipment is lost or damaged, the sender may file a claim for the declared value of the shipment costs, subject to 215.54. All claims must be initiated within 30 days of the shipment date by contacting a customer service representative at 800–222–1811. The representative will provide more details on how to file a claim. The original receipt of the GXG Air Waybill/Shipping Invoice must be included when filing a claim. Consult the Global Express Guaranteed Service Guide for limitations and restrictions on indemnity payments for GXG items. The GXG customer service office will adjudicate refunds for GXG. The GXG customer service office can be contacted at 800–222–1811. Final approval and payment will be made by the Postal Service.

215.54 Extent of Postal Service Liability for Lost or Damaged Contents

215.541 Document Service Shipments

Liability for a lost or damaged Document service shipment is limited to the lowest of the following:

a. $100 or the amount of additional optional insurance purchased.

b. The actual amount of the loss or damage.

c. The actual value of the contents.

"Actual value" means the lowest cost of replacing, reconstructing or reconstituting the Allowable Contents of the shipment (determined at the time and place of acceptance).

215.542 Non-Document Service Shipments

Liability for a lost or damaged Non-Document service shipment is limited to the lowest of the following:

a. $100 or the amount of additional optional insurance purchased.

b. The actual amount of the loss or damage.

c. The actual value of the contents.

"Actual value" means the lowest cost of replacing, reconstructing, or reconstituting the Allowable Contents of the shipment (determined at the time and place of acceptance).

215.55 Insurance

215.551 Insurance for Document Service Shipments

Document reconstruction insurance (the reasonable costs incurred in reconstructing duplicates of nonnegotiable documents mailed), up to $100 per shipment, is included at no additional charge. Additional document reconstruction insurance may be purchased for Document service shipments, as outlined in section 215.553, not to exceed the total cost of reconstruction, $2,499, or a lesser amount as limited by country, content, or value. Coverage, terms, and limitations are subject to change.

215.552 Insurance for Non-Document Service Shipments

Non-Document insurance for loss, damage, or rifling, up to $100 per shipment, is included at no additional charge. Additional Non-Document insurance may be purchased for shipments, as outlined in section 215.553, not to exceed the total declared shipment value, $2,499, or a lesser amount as limited by country, content, or value. Coverage, terms, and limitations are subject to change.

215.553 Insurance Fees

Insurance amount	Fee
$100	No Fee.
$200	$0.70.
$300	$1.40.
$400	$2.10.
$500	$2.80.
For document reconstruction insurance or non-document insurance coverage above $500, add $0.70 per $100 or fraction thereof, up to a maximum of $2,499 per shipment..	
$2,499	$16.80.

215.6 Postage

215.61 Document Service Rates/Groups

Weight not over (lbs.)	Rate group 1	Rate group 2	Rate group 3	Rate group 4	Rate group 5	Rate group 6	Rate group 7	Rate group 8
0.5	$19	$20	$24	$29	$40	$28	$24	$60
1	28	28	30	38	46	41	35	68
2	33	35	38	47	56	51	41	79
3	35	41	45	54	70	57	48	91
4	38	45	53	61	84	63	54	102
5	41	50	61	68	97	70	60	114
6	43	53	67	75	110	75	65	126
7	46	56	71	81	122	81	70	138
8	48	60	75	88	134	86	74	150
9	50	63	80	95	147	91	79	162
10	53	65	84	99	156	97	82	170
11	55	68	87	104	166	100	86	181
12	57	71	91	110	176	104	90	193
13	60	74	94	115	186	108	94	205
14	62	76	98	120	196	112	98	216
15	64	79	101	125	205	116	102	228
16	67	82	104	131	214	120	106	239
17	69	84	108	136	222	124	110	250
18	71	87	111	141	229	128	114	261
19	74	90	115	146	237	132	118	272
20	76	92	118	151	244	136	122	283
21	78	95	121	156	251	139	126	292
22	80	97	125	161	259	143	130	301
23	82	100	128	166	266	147	134	308
24	85	103	132	171	274	151	138	315
25	87	105	135	176	281	155	142	323
26	89	108	138	181	289	159	146	330
27	91	110	142	185	296	163	150	337
28	93	113	145	190	304	167	153	345
29	95	115	148	195	311	171	157	352
30	98	119	153	202	322	177	163	363
31	100	122	157	207	329	181	167	371
32	102	124	160	212	337	185	171	378
33	104	126	164	217	344	189	175	386
34	107	127	167	222	352	193	179	393
35	109	129	170	227	360	197	183	401
36	111	131	174	231	367	201	187	408
37	113	133	177	236	375	205	191	416
38	115	135	181	241	382	209	195	423
39	117	137	184	246	389	213	199	430
40	119	139	187	251	395	217	203	438
41	121	141	191	256	402	221	207	445
42	125	143	194	261	409	225	211	453
43	127	145	198	266	416	229	215	460
44	129	146	201	271	423	233	219	468
45	132	148	205	275	430	237	223	475
46	134	150	208	280	437	241	227	482
47	136	151	211	285	443	245	231	490
48	138	153	215	290	450	249	235	497
49	141	155	218	295	457	253	239	505
50	143	158	224	303	469	259	245	518

Weight not over (lbs.)	Rate group 1	Rate group 2	Rate group 3	Rate group 4	Rate group 5	Rate group 6	Rate group 7	Rate group 8
51	147	160	227	308	476	259	249	533
52	149	160	231	313	483	267	253	533
53	151	164	234	318	490	271	257	549
54	154	164	238	323	497	275	261	549
55	155	167	241	328	504	278	265	562
56	157	167	245	333	511	283	270	562
57	157	170	248	338	518	286	274	574
58	157	170	251	343	524	291	278	574
59	157	173	255	348	531	294	282	587
60	157	173	258	353	538	299	285	587
61	164	176	262	358	545	302	290	602
62	165	176	265	362	551	308	292	602
63	167	179	269	367	559	310	298	617
64	168	179	272	372	562	316	298	617
65	169	182	276	377	573	318	305	632
66	169	182	279	382	573	324	305	632
67	169	186	282	387	584	326	313	647
68	169	186	286	392	584	332	313	647
69	169	189	289	397	595	334	320	662
70	169	189	293	402	595	340	320	662

215.62 Non-Document Service Rates/Groups

Weight not over (lbs.)	Rate group 1	Rate group 2	Rate group 3	Rate group 4	Rate group 5	Rate group 6	Rate group 7	Rate group 8
1	$33	$34	$39	$45	$52	$47	$40	$75
2	38	40	46	52	65	55	46	89
3	40	46	53	59	79	62	53	101
4	43	50	60	66	93	68	59	112
5	46	55	67	73	106	75	65	124
6	48	58	72	80	119	80	70	136
7	51	61	76	86	131	86	75	148
8	53	65	80	93	143	91	79	160
9	55	68	85	100	156	96	84	172
10	58	70	89	104	165	102	87	180
11	60	73	92	109	175	105	91	191
12	62	76	96	115	185	109	95	203
13	65	79	99	120	195	113	99	215
14	67	81	103	125	205	117	103	226
15	69	84	106	130	214	121	107	238
16	72	87	109	136	223	125	111	249
17	74	89	113	141	231	129	115	260
18	76	92	116	146	238	133	119	271
19	79	95	120	151	246	137	123	282
20	81	97	123	156	253	141	127	293
21	83	100	126	161	260	144	131	302
22	85	102	130	166	268	148	135	311
23	87	105	133	171	275	152	139	318
24	90	108	137	176	283	156	143	325
25	92	110	140	181	290	160	147	333
26	94	113	143	186	298	164	151	340
27	96	115	147	190	305	168	155	347
28	98	118	150	195	313	172	158	355
29	100	120	153	200	320	176	162	362
30	103	124	158	207	331	182	168	373
31	105	127	162	212	338	186	172	381
32	107	129	165	217	346	190	176	388
33	109	131	169	222	353	194	180	396
34	112	132	172	227	361	198	184	403
35	114	134	175	232	369	202	188	411
36	116	136	179	236	376	206	192	418
37	118	138	182	241	384	210	196	426
38	120	140	186	246	391	214	200	433
39	122	142	189	251	398	218	204	440
40	124	144	192	256	404	222	208	448
41	126	146	196	261	411	226	212	455
42	130	148	199	266	418	230	216	463
43	132	150	203	271	425	234	220	470
44	134	151	206	276	432	238	224	478
45	137	153	210	280	439	242	228	485
46	139	155	213	285	446	246	232	492
47	141	156	216	290	452	250	236	500

Weight not over (lbs.)	Rate group 1	Rate group 2	Rate group 3	Rate group 4	Rate group 5	Rate group 6	Rate group 7	Rate group 8
48	143	158	220	295	459	254	240	507
49	146	160	223	300	466	258	244	515
50	148	163	229	308	478	264	250	528
51	152	165	232	313	485	264	254	543
52	154	165	236	318	492	272	258	543
53	156	169	239	323	499	276	262	559
54	159	169	243	328	506	280	266	559
55	160	172	246	333	513	283	270	572
56	162	172	250	338	520	288	275	572
57	162	175	253	343	527	291	279	584
58	162	175	256	348	533	296	283	584
59	162	178	260	353	540	299	287	597
60	162	178	263	358	547	304	290	597
61	169	181	267	363	554	307	295	612
62	170	181	270	367	560	313	297	612
63	172	184	274	372	568	315	303	627
64	173	184	277	377	571	321	303	627
65	174	187	281	382	582	323	310	642
66	174	187	284	387	582	329	310	642
67	174	191	287	392	593	331	318	657
68	174	191	291	397	593	337	318	657
69	174	194	294	402	604	339	325	672
70	174	194	298	407	604	345	325	672

215.63 Payment of Postage

215.631 Methods of Payment

Both GXG Document service shipments and Non-Document service shipments may be paid by postage stamps, postage validation imprinter (PVI) labels, or postage meter stamps.

215.632 Official Mail

GXG shipments that are originated by federal agencies and departments are subject to the same postage payment requirements, weight and size limits, customs requirements, and general conditions for mailing as GXG shipments that are originated by non-governmental entities.

Both GXG Document Service shipments and Non-Document service shipments mailed by Postal Service entities must bear the G–10 permit indicia that is prescribed for all USPS official mail. There is a 70-pound weight limit for USPS-originated GXG shipments going to all authorized destinating countries. See section 144.2.

215.7 Weight and Size Limits

215.71 General

The weight, dimensional weight, and size limits set forth in this section are the same for both GXG Document service shipments and Non-Document service shipments.

215.72 Weight Limits

The maximum weight is 70 pounds.

215.73 Dimensional Weight

The equation for determining dimensional weight is as follows:

Dimensional Weight = (Length × Width × Height)/166

When determining the dimensional weight, each individual measurement must be rounded down to the nearest whole inch.

215.74 Size Limits

215.741 Minimum Size

Items must be large enough—approximately 9 inches in height and 12 inches in length—so that a GXG Air Waybill/Shipping Invoice can be affixed on the face of the item.

215.742 Maximum Size

Length and girth combined may not exceed 108 inches. Individual dimensions may not exceed 46 inches in length, 35 inches in width, and 46 inches in height.

215.8 Preparation Requirements

215.81 Preparation by the Sender

a. Prepare the item as a flat or package using either the GXG envelope provided by the Postal Service or mailer-supplied packaging. Mailers using their own envelope or wrapping must also affix a GXG sticker (Item 107RGG3) to the front and back of the item.

b. Complete the GXG Air Waybill/Shipping Invoice (Item 11FGG1) to show the complete address of the sender and addressee. Items cannot be addressed to a post office box or an APO or FPO address.

c. Global Express Guaranteed Document Service Shipment Preparation: Complete the Shipment Details to show the contents in detail including description and estimated cost of reconstruction. A separate customs declaration is not used. Sign and date the mailer agreement.

d. Global Express Guaranteed Non-Document Service Shipment Preparation: Complete the Shipment Details to show the contents in detail including description, valuation, and country of manufacture. Non-Document service shipments cannot have a value that exceeds $2,499. A separate customs declaration is not used. Sign and date the mailer agreement.

215.82 Preparation by Acceptance Employee

a. Check that the sender has properly completed the GXG Air Waybill/Shipping Invoice.

b. Complete the postage transaction if the item is not prepaid.

c. Complete the "Origin" information.

d. Remove the customer's copy of the GXG Air Waybill/Shipping Invoice and give it to the customer. Process the GXG Air Waybill/Shipping Invoice according to directions on the shipping document.

215.83 Customs Forms Not Required

The GXG Air Waybill/Shipping Invoice contains space for the sender to declare the contents. A separate postal customs declaration is not used.

* * * * *

Individual Country Listings

[The Individual Country Listings in the International Mail Manual will be revised to reflect the availability of GXG

service and the applicable postage rates.]

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Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00–25092 Filed 9–28–00; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 063–0029a; FRL–6866–1]

Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Arizona State Implementation Plan (SIP) which concern the control of sulfur emissions within the Pinal County Air Quality Control District (PCAQCD). We are approving three local rules and rescinding one local rule that regulate these emissions under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on November 28, 2000 without further notice, unless EPA receives adverse comments by October 30, 2000. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoeniz, AZ 85012.

Pinal County Air Quality Control District, Building F, 31 North Pinal Street, Florence, AZ 85232.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 744–1197.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to EPA.

Table of Contents

I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules we are approving and the rule we are rescinding with the dates that they were adopted by the local air agency and submitted by the Arizona Department of Environmental Quality.

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
PCAQCD	5–22–950	Fossil Fuel Fired Steam Generator Standard Applicability	02/22/95	11/27/95
PCAQCD	5–22–960	Fossil Fuel Fired Steam Generator Sulfur Dioxide Emission Limitation.	02/22/95	11/27/95
PCAQCD	5–24–1024	Sulfite pulp mills—sulfur compound emissions	02/22/95	11/27/95
PCAQCD	7–3–2.5	Other Industries (repealed)	06/20/96	10/07/98

On February 2, 1996 and April 24, 1999, these rule submittals were found to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

B. What Is The Purpose of the Submitted Rule Revisions?

The rules submitted by the PCAQCD are intended to replace existing SIP rules that apply to both Pinal and Gila Counties formerly known as the Pinal-Gila Counties Air Quality Control District.[1] Therefore, the submitted rule revisions are applicable to the Pinal County Air Quality Control District only. The SIP rules as applicable to Gila County will not change. TSD has more information about these rules.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rules?

In determining the approvability of the SO_2 rules, EPA must evaluate each rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).

While the portion of PCAQCD applicable to these submittals is in attainment with the SO_2 NAAQS, many of the general SIP requirements regarding enforceablity and SIP relaxation (see 110(l)and 193 of the Act), for example, are still appropriate for these rules.

Guidance and policy documents that we used to define specific enforceability requirements include the following:

1. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 **Federal Register** Document," (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.

2. "SO_2 Guideline Document," EPA–452/R–94–008.

B. Do the Rules Meet the Evaluation Criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. The rule revisions are primarily administrative, where PCAQCD renumbers existing SIP regulations to make them applicable to Pinal County only and rescinds one rule that is no longer applicable. The TSD has more information on our evaluation.

[1] Pinal County was a participant in a multi-county air quality control district known as the Pinal-Gila Air Quality Control District. In 1988 the respective Boards of Supervisors of Pinal County and Gila County agreed to dissolve the Pinal-Gila Counties Air Quality Control Districts. Gila County terminated its participation in the air district and gave jurisdiction for air quality control in Gila County to the State of Arizona. PCAQCD was formed to regulate air quality in Pinal County.

C. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this, so we are finalizing the approval without proposing it in advance. However, in the Proposed Rules section of this **Federal Register,** we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by October 30, 2000, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on November 28, 2000. This will incorporate these rules into the federally enforceable SIP and remove the rescinded rule from the SIP for Pinal County.

III. Background Information

Why Were These Rules Submitted?

40 CFR 81.303 provides the attainment status designations for air districts in Arizona. In Pinal County, there are two clearly defined sulfur dioxide nonattainment areas. One surrounds the BHP copper smelter located in San Manuel; the other surrounds the ASARCO Hayden copper smelter complex. Since Arizona statutes have exclusive jurisdiction over copper smelters, the Arizona Department of Environmental Quality prepares and executes the implementation plans for those sulfur dioxide nonattainment areas. The rules submitted by the PCAQCD applies to sources in the portion of the county designated "attainment" for sulfur dioxide.

Sulfur dioxide is formed by the combustion of fuels containing sulfur compounds. High concentrations of SO_2 affect breathing and may aggravate existing respiratory and cardiovascular disease.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

B. Executive Order 13045

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13084

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

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

D. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely acts on a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply act on requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a

significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action acts on pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to today's action because it does not require the public to perform activities conducive to the use of VCS.

H. Submission to Congress and the Comptroller General

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

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 28, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Sulfur Oxides.

Dated: August 18, 2000.

Nora McGee,

Acting Regional Administrator, Region IX.

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

PART 52—[AMENDED]

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

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

Subpart D—Arizona

2. Section 52.120 is amended by adding paragraphs (c)(18)(iv)(C) and (c)(84)(i)(E) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(18) * * *

(iv) * * *

(C) Previously approved on December 17, 1979 and now deleted without replacement Rule 7–3–2.5.

* * * * *

(84) * * *

(i) * * *

(E) Rules 5–22–950, 5–22–960, and 5–24–1045 codified on February 22, 1995.

* * * * *

[FR Doc. 00–24568 Filed 9–28–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NY43a–212, FRL–6873–2]

Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving a revision to the New York State Implementation Plan for ozone concerning the control of volatile organic compounds and oxides of nitrogen. This revision was submitted to comply with provisions of the Clean Air Act (CAA) relating to the adoption of vehicle refueling controls or comparable measure(s) in the upstate portion of New York State. The intended effect of this action is to approve a program required by the CAA which will result in emission reductions that will help achieve attainment of the national ambient air quality standard for ozone.

DATES: This direct final rule is effective on November 28, 2000 without further notice, unless EPA receives adverse comment by October 30, 2000. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: All comments should be addressed to: Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.

Copies of the state submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866.

New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–4249.

SUPPLEMENTARY INFORMATION:

I. What Action Is EPA taking?

The Environmental Protection Agency (EPA) is approving the Stage II (control of gasoline vapors resulting from the refueling of vehicle fuel tanks at gasoline service stations) comparability demonstration that the New York State Department of Environmental Conservation (NYSDEC) submitted on April 18, 2000. EPA is approving this submittal into the New York State Implementation Plan (SIP) because it meets the requirements of section 184(b)(2) of the Clean Air Act (CAA).

II. What Are the CAA Requirements for Stage II Comparability?

Historically, there has been a major ozone nonattainment problem in the northeastern United States. A significant portion of the problem is the result of regional transport of ozone and ozone precursors (volatile organic compounds (VOC) and oxides of nitrogen (NO_X)). To address this problem of interstate transport ozone air pollution, section 184 of the CAA specifically created the Ozone Transport Region (OTR), which includes the entire states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and the District of Columbia consolidated metropolitan statistical area, which includes a portion of Virginia.

The CAA established five classifications of ozone nonattainment areas. In ascending order of severity of the air pollution problem, these are: marginal, moderate, serious, severe, and extreme. In addition, there are three types of nonclassifiable ozone nonattainment areas: submarginal, transitional, and incomplete/no data. The CAA requires specific control requirements according to the designation and classification of each area.

Section 184 also provides for a specific set of additional requirements for the OTR designed to address the regional transport problem. These additional requirements include control measures for attainment as well as nonattainment areas. For the OTR, there are two requirements related to Stage II vehicle refueling controls. One is the section 182(b)(3) requirement that all moderate and above nonattainment areas must adopt Stage II vehicle refueling controls. The New York City Metropolitan Area (including portions of Orange County) is classified as a severe ozone nonattainment area, and therefore, it adopted Stage II vehicle refueling controls, which were approved by EPA on April 30, 1998 (63 FR 23665). Pursuant to section 202(a)(6) of the CAA, moderate areas were released from this requirement when EPA promulgated onboard vapor recovery rules.

The second OTR requirement is the section 184(b)(2) requirement that all areas in the OTR must adopt Stage II or alternative measures capable of achieving comparable emissions. Because states that contain serious and above nonattainment areas must implement Stage II programs under section 182(b)(3), those areas, even after promulgation of the onboard regulations, cannot take advantage of the flexibility provided by section 184(b)(2) to adopt a comparable measure instead.

Section 184(b)(2) of the CAA requires that states in the OTR to adopt Stage II or comparable measures within one year of EPA completion of a study identifying control measures capable of achieving emissions reductions comparable to the reductions achievable through section 182(b)(3) Stage II vehicle refueling controls. EPA completed its study "Stage II Comparability Study for the Northeast Ozone Transport Region" (EPA–452/R–94–011) on January 13, 1995. Therefore, New York was required to either adopt Stage II in areas outside the New York City Metropolitan area or adopt comparable regulations.

III. What Measures Are Included in New York's Stage II Comparability SIP?

To demonstrate that it has met the CAA Stage II comparability requirement, New York relies on NO_X controls in lieu of implementing the control of VOCs at gasoline service stations in the upstate portion of New York State. These NO_X reductions will serve as comparable emission reductions as defined in section 184(b)(2) of the CAA.

On September 27, 1994, the Ozone Transport Commission (OTC) agreed to a Memorandum of Understanding (MOU) committing the signatory states to the development and implementation of a region-wide NO_X emission reduction. The OTC MOU promotes emission reductions at utility and large industrial boilers for the purpose of reducing ozone season NO_X emissions and further the effort to achieve the federal health-based standards.

The OTC NO_X MOU calls for states to reduce NO_X emissions from boilers and indirect heat exchangers with heat inputs greater than 250 million Btu per hour. These reductions will be realized in two phases, the first phase is implemented in 1999 and the second in 2003.

In order to comply with the 1999 reductions of the OTC NO_X MOU, New York State adopted subpart 227–3 entitled the "Pre-2003 Nitrogen Oxides Emissions Budget and Allowance Program" on March 5, 1999. EPA approved subpart 227–3 as part of the SIP on April 19, 2000 (65 FR 20905). Subpart 227–3 implemented the 1999-2002 NO_X emission reductions by establishing a statewide NO_X Budget for all fossil fuel fired boilers and indirect heat exchangers with a maximum rated heat input capacity of 250 million Btu per hour or greater as well as emissions from other fuel fired electric generating sources with a rated output of 15 megawatts (MW) or greater.

IV. Are States Allowed To Use NO_X Emission Reductions as a Substitute for Stage II VOC Emission Reductions?

Under EPA's interpretation of section 184(b)(2), states have the option of adopting comparable NO_X control measures instead of Stage II. EPA provides the methodology for determining what level of NO_X emission reductions is comparable to Stage II VOC emissions reductions for a particular area, and therefore, allowed to be substituted. NO_X may not be substituted for VOC in areas where there is a waiver under section 182(f) of the CAA from some or all NO_X requirements because such a waiver

indicates that NO_X reductions are either in excess and not necessary for attainment, or NO_X reductions are otherwise not beneficial. New York State has not obtained any such waivers under section 182(f).

V. What Is New York's Stage II Comparability Analysis?

New York State has adopted certain NO_X controls in lieu of implementing the control of VOCs at gasoline service stations in the upstate portion of New York State. New York's analysis relies on the Interim Inventory projections provided in the EPA Stage II Comparability Study for the Northeast Ozone Transport Region, January, 1995. The EPA study projects for Stage II vapor recovery VOC emission reductions of 25 tons per day (tpd) for the upstate portion of New York State. The New York City Metropolitan Area is classified as a severe ozone nonattainment area, and therefore, it is not eligible for inclusion in this comparability analysis.

New York's Phase II NO_X budget and allocation program established a statewide cap of 46,959 tons for the ozone season (May 1–September 30). These 46,959 tons were allocated to the affected sources through a negotiation process involving representatives from each affected facility. The 5-month budget was divided by 153 days (total number days in the ozone season) to provide a ton per day (tpd) figure. After removing the sources located in the severe nonattainment area, the aggregated creditable reduction for Stage II substitution from remaining affected sources equates to 81.6 tpd NO_X.

EPA provides a NO_X to VOC substitution ratio in the percent of each total inventory basis. Ratios for each state in the OTR are presented in EPA's Stage II Comparability Study for the Northeast Ozone Transport Region, table 5–1. The 81.6 tpd of NO_X equates to 102 tpd VOC when using this substitution ratio.

VI. Why Is EPA Approving New York's Stage II Comparability SIP Revision?

EPA has evaluated New York's Stage II comparability SIP revision and finds it consistent with the CAA, EPA regulations, and EPA policy. EPA is approving New York's Stage II comparability SIP revision because New York has provided a substitute control measure, Subpart 227–3, which provides greater emission reductions than Stage II and has successfully demonstrated that the substitution of Phase II NO_X controls is a comparable measure to Stage II control for the upstate portion of New York State.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective November 28, 2000 without further notice unless the Agency receives adverse comments by October 30, 2000.

If the EPA receives adverse comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

VII. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

B. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This SIP approval is not subject to Executive Order 13045 because it proposes approval of a state program implementing a Federal standard, and it is not economically significant under Executive Order 12866.

C. Executive Order 13084

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

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

D. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by state and local governments, or EPA consults with state and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts state law unless the Agency consults with state and local officials

early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, EPA certifies that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated annual costs to state, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the final approval action does not include a federal mandate that may result in estimated annual costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 28, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 21, 2000.

William J. Muszynski,

Acting Regional Administrator, Region 2.

40 CFR Part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart HH—New York

2. Section 52.1683 is amended by adding new paragraph (g) to read as follows:

§ 52.1683 Control strategy: Ozone.

* * * * *

(g) EPA approves as a revision to the New York State Implementation Plan, the Stage II gasoline vapor recovery comparability plan for upstate portions of New York State submitted by the New York State Department of Environmental Conservation on April 18, 2000.

[FR Doc. 00–24789 Filed 9–28–00; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301052; FRL–6745–9]

RIN 2070–AB78

Flucarbazone-sodium; Time-Limited Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for combined residues of flucarbazone-sodium, 4,5-dihydro-3-methoxy-4-methyl-5-oxo-*N*-[[2(trifluoromethoxy)phenyl] sulfonyl]-1*H*-1,2,4-triazole 1-carboxamide, sodium salt) and its *N*-desmethyl metabolite in or on wheat, forage at 0.30 parts per million (ppm); wheat, grain at 0.01 ppm; wheat, hay at 0.10 ppm; and wheat, straw at 0.05 ppm; and combined residues of flucarbazone-sodium and its metabolites converted to 2-(trifluoromethoxy)benzene sulfonamide and calculated as flucarbazone-sodium in or on milk at 0.005 ppm; meat and meat byproducts (excluding liver) of cattle, goats, hogs, horses and sheep at 0.01 ppm; and liver of cattle, goats, hogs, horses and sheep at 1.5 ppm. Bayer Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

The tolerances will expire and be revoked on November 1, 2005.

DATES: This regulation is effective September 29, 2000.Objections and requests for hearings, identified by docket control number OPP–301052, must be received by EPA on or before November 28, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301052 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703)–305–6224; and e-mail address: miller.joanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.*You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301052. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of October 8, 1999 (64 FR 195) (FRL–6384–2), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP) for tolerance by Bayer Corporation, 8400 Hawthorne Road, Kansas City, Missouri 64120–0013. This notice included a summary of the petition prepared by Bayer Corporation, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR part 180 be amended by establishing tolerances for combined residues of the herbicide flucarbazone-sodium, 4,5-dihydro-3-methoxy-4-methyl-5-oxo-*N*-[[2(trifluoromethoxy)phenyl]sulfonyl]-1*H*-1,2,4-triazole 1-carboxamide, sodium salt) and its *N*-desmethyl metabolite in or on wheat, forage at 0.30 ppm; wheat, grain at 0.01 ppm; wheat, hay at 0.10 ppm; wheat, straw at 0.05 ppm, milk at 0.005 ppm; meat of cattle, goats, hogs, horses and sheep at 0.01 ppm; and liver of cattle, goats, hogs, horses and sheep at 0.60 ppm. As a result of its review of scientific data submitted in support of this petition, the Agency has determined that additional sulfonamide metabolites should be included in the tolerance expression for both wheat and the associated animal commodities. The submitted analytical method and residue data for livestock are sufficient to establish tolerances for livestock commodities that include the additional sulfonamide metabolites. The animal tolerances requested by Bayer Corporation for flucarbazone-sodium and its *N*-desmethyl metabolite are adequate to cover the additional metabolites, with the exception of the tolerance for liver, which EPA has determined must be raised from 0.60 ppm to 1.5 ppm. However, before EPA can establish tolerances for wheat forage, grain, hay and straw that include the sulfonamide metabolites, the registrant must submit a revised method and additional residue data that measure not only the parent and *N*-desmethyl metabolite, but also the sulfonamide metabolites of concern. Therefore, EPA is establishing time-limited tolerances for combined residues of flucarbazone-sodium, 4,5-dihydro-3-methoxy-4-methyl-5-oxo-*N*-[[2(trifluoromethoxy)phenyl] sulfonyl]-1*H*-1,2,4-triazole 1-carboxamide, sodium salt) and its *N*-desmethyl metabolite in or on wheat, forage at 0.30 ppm; wheat, grain at 0.01 ppm; wheat, hay at 0.10 ppm; and wheat, straw at 0.05 ppm; and combined residues of flucarbazone-sodium and its metabolites converted to 2-(trifluoromethoxy)benzene sulfonamide and calculated as flucarbazone-sodium in or on milk at 0.005 ppm; meat and meat byproducts (excluding liver) of cattle, goats, hogs, horses and sheep at 0.01 ppm; and liver of cattle, goats, hogs, horses and sheep at 1.5 ppm. The tolerances are being established as time-limited to allow time to develop additional analytical methodology and residue data for wheat to support revised tolerances that include the

sulfonamide metabolites. These tolerances will expire and be revoked on November 1, 2005. Although EPA does not have sufficient data to establish wheat tolerances that include the sulfonamide metabolites, sufficient data are available for the Agency to estimate human exposure and risk from these metabolites as described in the "Exposure Assessment" section below.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggrege exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for combined residues of flucarbazone-sodium, 4,5-dihydro-3-methoxy-4-methyl-5-oxo-*N*-[[2(trifluoromethoxy)phenyl] sulfonyl]-1*H*-1,2,4-triazole 1-carboxamide, sodium salt) and its *N*-desmethyl metabolite in or on wheat, forage at 0.30 ppm; wheat, grain at 0.01 ppm; wheat, hay at 0.10 ppm; and wheat, straw at 0.05 ppm; and combined residues of flucarbazone-sodium and its metabolites converted to 2-(trifluoromethoxy)benzene sulfonamide and calculated as flucarbazone-sodium in or on milk at 0.005 ppm; meat and meat byproducts (excluding liver) of cattle, goats, hogs, horses and sheep at 0.01 ppm; and liver of cattle, goats, hogs, horses and sheep at 1.5 ppm. EPA's assessment of exposures and risks associated with establishing these tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by flucarbazone-sodium are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	28–Day oral toxicity in rodents (rats)	NOAEL = 27 mg/kg/day in males and 25 mg/kg/day in females. LOAEL = 266 mg/kg/day in males and 251 mg/kg/day in females based on immunological changes in both sexes
870.3100	90–Day oral toxicity in rodents (rats)	NOAEL = 73.5 mg/kg/day in males and 102 mg/kg/day in females LOAEL = 287 mg/kg/day in males and 358 mg/kg/day in females based on immunological findings in both sexes
870.3100	28–Day oral toxicity in rodents (mice)	NOAEL = > 4,554 mg/kg/day in males and 6,429 mg/kg/day in females LOAEL > 4,554 mg/kg/day in males and 6,429 mg/kg/day in females. There were no signs of toxicity attributable to treatment at any dose level
870.3100	90–Day oral toxicity in rodents (mice)	NOAEL = > 2,083 mg/kg/day in males and 3,051 mg/kg/day in females LOAEL > 2,083 mg/kg/day in males and 3,051 mg/kg/day in females. There were no signs of toxicity attributable to treatment at any dose level.
870.3150	28–Day oral toxicity in nonrodents (dogs)	NOAEL = 164 mg/kg/day in males and 171 mg/kg/day in females LOAEL = 1,614 mg/kg/day in males and 1,319 mg/kg/day in females based on decreased body weight gain, decreased food consumption, decreased T4 levels and increased thyroxine-binding capacity, induction of microsomal enzymes, increased liver weight and liver histopathology in both sexes
870.3150	90–Day oral toxicity in nonrodents (dogs)	NOAEL = 33.8 mg/kg/day in males and 35.2 mg/kg/day in females with the occurrence of slight, adaptive induction of hepatic microsomal enzymes LOAEL = 162 mg/kg/day in males and 170 mg/kg/day in females based on decreased T4 levels, increased thyroxine-binding capacity, induction of microsomal enzymes, gross pathology and histopathology in the stomach, and histopathology in the liver in both sexes
870.3200	21/28–Day dermal toxicity in rabbits	NOAEL ≥1,000 mg/kg/day for both sexes.

TABLE 1.—SUBCHRONIC, CHRONIC AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
		LOAEL > 1,000 mg/kg/day. There were no signs of toxicity attributable to treatment at any dose level.
870.3250	90–Day dermal toxicity in rats	Not applicable (NA)
870.3465	90–Day inhalation toxicity in rats	NA
870.3700a	Prenatal developmental toxicity in rats	Maternal NOAEL = > 1,000 mg/kg/day LOAEL > 1,000 mg/kg/day Developmental NOAEL = > 1,000 mg/kg/day LOAEL > 1,000 mg/kg/day
870.3700b	Prenatal developmental toxicity in rabbits	Maternal NOAEL = 100 mg/kg/day LOAEL = 300 mg/kg/day based on decreased food consumption and increased clinical signs Developmental NOAEL = 300 mg/kg/day LOAEL = 500 mg/kg/day based on decreased fetal weight and increased incidence of delayed fetal ossification
870.3800	Reproduction and fertility effects in rats	Parental/Systemic NOAEL = 287 mg/kg/day for males and 340 mg/kg/day for females with a slight, increased incidence of moderate cecal enlargement occurring as an adaptive response to treatment LOAEL = 800 mg/kg/day for males based on decreased liver weight and 991 mg/kg/day for females based on decreased uterine weight and increased incidence of severe cecal enlargement Reproductive/Offspring NOAEL = 287 mg/kg/day for males and 340 mg/kg/day for females LOAEL = 800 mg/kg/day for males and 991 mg/kg/day for females based on reduced pup weights, decreased liver weight in male pups, marbled liver, air filled stomach
870.4100b	Chronic toxicity in dogs	NOAEL = 35.9 mg/kg/day in males and 37.1 mg/kg/day in females. LOAEL = 183 mg/kg/day in males and 187 mg/kg/day in females based upon body weight gain depression and increased N-demethylase levels in both sexes, decreased T4 levels and marginally increased liver weight in females.
870.4300	2–Year Chronic toxicity/carcinogenicity in rats	NOAEL = 125 mg/kg/day in males and females LOAEL = 1,000 mg/kg/day in males and females based on decreased body weight and increased food consumption in females, thickened mucosa of the glandular stomach in both sexes, inflammatory infiltrates (males), vacuolation of the squamous epithelium in the fore-stomach (females) and immunological effects in males No evidence of carcinogenicity
870.4200b	2–Year Carcinogenicity in mice	NOAEL = 275 mg/kg/day in males and 459 mg/kg/day in females LOAEL = 2,066 mg/kg/day in males and 3,212 mg/kg/day in females based on decreased body weight in both sexes and increased food consumption in males. No evidence of carcinogenicity
870.5100	Gene Mutation; reverse gene mutation assay in bacteria	There was no evidence of induced mutant colonies over background.
870.5100	Gene Mutation; reverse gene mutation assay in bacteria with MKH 10868, an animal, plant, and soil metabolite	There was no evidence of induced mutant colonies over background
870.5300	Gene mutation assay in V79 cultured mammalian cells	No increase in mutant frequency above that of negative controls up to the limit dose.
870.5375	Cytogenetics; *in vitro* mammalian cytogenetics assay	No increases in aberrant metaphases were observed up to the limit dose.
870.5395	bone marrow micronucleus assay	There was no significant increase in the frequency of micronucleated polychromatic erythrocytes in bone marrow at 2,000 mg/kg.

TABLE 1.—SUBCHRONIC, CHRONIC AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.5550	Other Genotoxicity; Unscheduled DNA synthesis in primary rat hepatocytes	There was no evidence of unscheduled DNA synthesis up to cytotoxic levels.
870.6200a	Acute neurotoxicity screening battery in rats	NOAEL = 500 mg/kg/day for males and females LOAEL = 2,000 mg/kg/day based on increased incidence of perianal staining in males, decreased motor activity and locomotor activity in both sexes and increase in the incidence of animals exhibiting low levels of activity in open field in both sexes.
870.6200b	Subchronic neurotoxicity screening battery in rats	NOAEL = 147 mg/kg/day in males and 1,736 mg/kg/day in females LOAEL = 1,482 mg/kg/day based on decreased body weight, decreased body weight gain, and decreased food consumption in males. LOAEL > 1,736 mg/kg/day in females.
870.6300	Developmental neurotoxicity in rats	NA
870.7800	Antibody Plaque-forming cell assay in male rats	NOAEL = > 1,000 mg/kg/day LOAEL > 1,000 mg/kg/day
870.7800	Antibody Plaque-forming cell assay in female rats	NOAEL = > 1,000 mg/kg/day LOAEL > 1,000 mg/kg/day
870.7800	Splenic T-cells, B-cells, and NK-cell assay in male rats	NOAEL = > 1,000 mg/kg/day LOAEL > 1,000 mg/kg/day
870.7800	Splenic T-cells, B-cells, and NK-cell assay in female rats	NOAEL = > 1,000 mg/kg/day LOAEL > 1,000 mg/kg/day
870.7800	Plaque-Forming cell assay in rats	NOAEL = 2,205 mg/kg/day in males and 2,556 mg/kg/day in females LOAEL > 2,205 mg/kg/day in males and 2,556 mg/kg/day in females
870.7485	Metabolism in rats	There were no sex-related differences in the absorption, distribution, metabolism or excretion. Based on urinary excretion, absorption was 15–30% and maximum plasma concentrations were achieved within 30 minutes. At sacrifice, tissues and carcass contained less than 1% of radioactivity. The highest residue in the tissues was in the liver. Greater than 90% of the administered dose was eliminated within 24 hours. The major component in urine and feces was unchanged parent which represented 90–95% of the administered dose.
870.7485	Metabolism in rats	Major component in urine and feces was unchanged parent which represented 94% of the administered dose. Less than 1% of the administered dose was recovered in the carcass, tissues, expired air, or cage wash. Highest residue was in the liver.
870.7485	Metabolism in rats: M: 5.13 mg/kg of phenyl- UL-C^{14} MKH 6562 sulfonamide lactate (plant metabolite of MKH 6562)	Metabolized via two pathways. One pathway involved the oxidative decarboxylation of sulfonamide lactate to form sulfonamide acetate. The other pathway involved the hydrolysis of sulfonamide lactate and sulfonamide acetate to give sulfonamide.
870.7485	Metabolism in rats: M: 5 mg/kg of phenyl-C^{14} MKH 6562 sulfonamide alanine (a plant metabolite of MKH 6562)	Approximately 70% absorption and elimination with 98% recovery in urine and feces. Several metabolites in addition to parent (17%). Less than 1% of the administered dose was recovered in the carcass, tissues, expired air, or cage wash. Highest residue was in the liver.
870.7600	Dermal penetration	NA

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the

variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a "point of departure" is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for flucarbazone-sodium used for human risk assessment is shown in the following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR FLUCARBAZONE-SODIUM] FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute Dietary females 13–50 years of age	NOAEL = 300 mg/kg/day; UF = 100; Acute RfD = 3.0 mg/kg/day	FQPA SF = 1X; aPAD = acute RfD ÷ FQPA SF = 3.0 mg/kg/day	Developmental Toxicity Study - rabbit; Developmental LOAEL = 500 mg/kg/day based on decreased fetal body weight and delayed ossification.
Chronic Dietary all populations	NOAEL = 35.9 mg/kg/day; UF = 100; Chronic RfD = 0.36 mg/kg/day;	FQPA SF = 1X; cPAD = chronic RfD ÷ FQPA SF = 0.36 mg/kg/day	One year dog feeding study LOAEL = 183 mg/kg/day based on decreased body weight gain, decreased thyroxine, increased *N*-demethylase, and increased liver weight

* The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* No tolerances have previously been established for flucarbazone-sodium. Risk assessments were conducted by EPA to assess dietary exposures from flucarbazone-sodium in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure. An appropriate endpoint attributable to a single exposure was not identified for the general population, including infants and children. The decreased motor and locomotor activity observed at 2,000 mg/kg on the day of dosing only in the acute neurotoxicity study in rats was reversible within 18 minutes. The NOAEL of 500 mg/kg for these findings was not considered appropriate for selection as an acute dietary endpoint for the general population. An acute dietary risk assessment was performed for flucarbazone-sodium for the population subgroup, females 13 to 50 years old, based on the results of the rabbit developmental toxicity study. The Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA [1989–1992] nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessment: For all commodities, 100% crop treated was assumed. In order to account for the metabolites of concern in wheat and livestock commodities, the anticipated residue levels (parent and metabolites of concern) to be used in the dietary exposure assessment were determined. Using the ratio of the sulfonamide metabolites to the sum of the parent and *N*-desmethyl metabolite observed in the wheat metabolism study and the Highest Average Field Trial (HAFT) value from the crop field trial studies, the anticipated total residues (parent and metabolites of concern) expected to be in wheat were determined. A processed wheat food/feed study was not submitted in support of this petition. Therefore, in order to represent the worse case scenario, the wheat maximum theoretical concentration factor of 8x (Table 1, Residue Chemistry Test Guidelines OPPTS 860.1520) was used for all wheat commodities. Default concentration factors were used for all other commodities in DEEM®.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide CSFII and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: For all commodities, 100% crop treated was assumed. In order to account for the metabolites of concern in wheat and livestock commodities, the anticipated residue levels (parent and metabolites of concern) to be used in the dietary exposure assessment were determined. Using the ratio of the sulfonamide metabolites to the sum of the parent and *N*-desmethyl metabolite observed in the wheat metabolism study, and the Highest Average Field Trial (HAFT)

value from the crop field trial study, the anticipated total residues (parent and metabolites of concern) expected to be in wheat were determined. A processed wheat food/feed study was not submitted in support of this petition. Therefore, in order to represent the worse case scenario, the wheat maximum theoretical concentration factor of 8x (Table 1, Residue Chemistry Test Guidelines OPPTS 860.1520) was used for all wheat commodities. Default concentration factors were used for all other commodities in DEEM®.

iii. *Cancer.* The Agency concluded that flucarbazone-sodium was negative for carcinogenic potential in mice and rats and classified flucarbazone-sodium as "not likely" to be a human carcinogen according to EPA Draft Guidelines for Carcinogen Risk Assessment. Therefore, a cancer dietary exposure analysis was not performed.

Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance. EPA used anticipated residues in this case to estimate exposure to the sulfonamide metabolites of flucarbazone-sodium in wheat that are not included in the time-limited tolerance expression. As a condition of registration, EPA will require Bayer Corporation to submit revised analytical methodology and wheat residue data that measure all residues of concern, including the sulfonamide metabolites. These data must be submitted within 3 years of registration, well within the 5 year time frame specified in the regulations, and should allow the Agency to set tolerances for wheat that include these metabolites and eliminate the need for sulfonamide anticipated residue calculations in future risk assessments for flucarbazone-sodium.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for flucarbazone-sodium in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of flucarbazone-sodium.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/ Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and the Screening Concentration in Ground Water model (SCI-GROW), which predicts pesticide concentrations in groundwater. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models includes consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or PAD. Instead, drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to flucarbazone-sodium they are further discussed in the aggregate risk sections below.

Based on the GENEEC and SCI-GROW models the EECs of flucarbazone-sodium (parent only) in surface water and ground water for acute exposures are estimated to be 1.42 parts per billion (ppb) for surface water and 0.2 ppb for ground water. The EECs for chronic exposures are estimated to be 1.25 ppb for surface water and 0.2 ppb for ground water.

Based on the GENEEC model, total flucarbazone-sodium EECs (parent plus metabolites) in surface water are not likely to exceed 1.45 ppb for acute exposures and 1.44 ppb for chronic (60-day) exposures. Agency interim policy recommends that the 60–day GENEEC value to be divided by an adjustment factor of 3 to obtain a value for chronic risk assessment calculations. Therefore, a surface water value of 0.48 ppb was used for chronic risk assessment.

Because the degradates of flucarbazone-sodium are so resistant to aerobic metabolism in soil, they lie outside the range of environmental characteristics from which SCI-GROW was developed. It was therefore not appropriate in this case to use the model to estimate total flucarbazone-sodium EECs in ground water. Instead, the concentration of total flucarbazone residues in soil porewater of the top 1-foot of soil immediately postapplication was estimated to be approximately 50 ppb. This number would be an upper limit on the amount of chemical that could be found in the soil porewater and was used by the Agency as an estimate of expected residues of flucarbazone-sodium and its metabolites in ground water for risk assessment purposes.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Flucarbazone-sodium is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether flucarbazone-sodium has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, flucarbazone-

sodium does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that flucarbazone-sodium has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children*—i. *In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity.* No increased quantitative or qualitative susceptibility was seen following prenatal and/or postnatal exposures. There were no developmental findings in rats up to the limit dose of 1,000 mg/kg/day. In the rabbit developmental toxicity study, the effects seen in fetuses (decreased fetal body weight and delayed ossification) are at dose levels equal to or greater than doses where maternal toxicity (increased clinical signs and decreased food consumption) were observed. In a 2-generation reproductive toxicity study in rats, the effects seen in offspring were at dose levels equal to or greater than doses where parental toxicity were seen.

iii. *Conclusion.* There is a complete toxicity data base for flucarbazone-sodium and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be removed. The FQPA factor is removed because there is no indication of quantitative or qualitative increased susceptibility of rats or rabbits to *in utero* and/or postnatal exposure; a developmental neurotoxicity study is not required; the dietary (food and drinking water) exposure assessments will not underestimate the potential exposures for infants and children; and there are no registered residential uses at the current time.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water (e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure)). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to flucarbazone-sodium will occupy < 1% of the aPAD for females 13 to 50 years old. Since an appropriate endpoint attributable to a single exposure was not identified for the general population, including infants and children, an acute exposure assessment was not performed for these population subgroups. In addition, there is potential for acute dietary exposure to flucarbazone-sodium in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD for the population of concern (females 13 to 50 years old), as shown in the following Table 3:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO FLUCARBAZONE-SODIUM

Population Subgroup	aPAD (mg/kg)	%aPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Acute DWLOC (ppb)
Females, 13 to 50 years old	3	<1	1.45	50	90,000

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to flucarbazone-sodium from food will utilize 1% of the cPAD for the U.S. population, <1% of the cPAD for all infants less than 1 year old and 2% of the cPAD for children 1 to 6 years old, the population subgroup with the highest estimated exposure to flucarbazone-sodium. There are no residential uses for flucarbazone-sodium that result in chronic residential exposure to flucarbazone-sodium. In addition, there is potential for chronic dietary exposure to flucarbazone-sodium in drinking water. After calculating the DWLOCs and comparing

them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 4:

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO FLUCARBAZONE-SODIUM

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. Population	0.36	1	0.48	50	12,000
Infants less than 1 year old	0.36	<1	0.48	50	3,600
Children 1 to 6 years old	0.36	2	0.48	50	3,500

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Flucarbazone-sodium is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Flucarbazone-sodium is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

5. *Aggregate cancer risk for U.S. population.* The Agency concluded that flucarbazone-sodium was negative for carcinogenic potential in mice and rats and classified flucarbazone-sodium as "not likely" to be a human carcinogen according to EPA Draft Guidelines for Carcinogen Risk Assessment. Therefore, a cancer dietary exposure analysis was not performed.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to flucarbazone-sodium residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

The petitioner has proposed residue analytical methods for tolerance enforcement in wheat and livestock commodities. The analytical enforcement method for wheat employs accelerated solvent extraction, clean-up using solid phase extraction columns followed by detection and quantitation by liquid chromatography/tandem mass spectroscopy (LC/MS/MS). The analytical method for livestock commodities is a common moiety method which measures residues of flucarbazone-sodium (MKH6562) in animal tissues and milk by extracting and hydrolysing MKH 6562 and MKH 6562-related residues to MKH 6562 sulfonamide. Detection is achieved using negative ion electrospray mass spectrometry using deuterated MKH 6562 sulfonamide as an internal standard. Both methods have undergone successful validations by independent laboratories. They are currently being validated by the Analytical Chemistry Branch laboratories, BEAD (7503C), Office of Pesticide Programs. Upon successful completion of the EPA validation and the granting of this registration these methods will be forwarded to FDA for publication in a future revision of the Pesticide Analytical Manual, Vol-II (PAM-II). Prior to publication in PAM-II and upon request, the methods will be available from the Analytical Chemistry Branch (ACB), BEAD (7503C), Environmental Science Center, 701 Mapes Road, Ft George G. Meade, MD 20755–5350; contact Francis D. Griffith, Jr, telephone (410) 305–2905, e-mail griffith.francis@epa.gov. The analytical standards for these methods are also available from the EPA National Pesticide Standard Repository at the same location.

B. International Residue Limits

A default Maximum Residue Limit (MRL) of 0.01 ppm has been established in Canada for residues of flucarbazone-sodium and its *N*-desmethyl metabolite on wheat grain. This value is consistent with the tolerance being established in the United States on wheat grain. There are no Codex MRLs for this compound on wheat. Therefore, no compatibility issues exist with Codex in regard to the U.S. tolerances discussed in this review.

C. Conditions

The registration of flucarbazone-sodium will be time-limited and conditioned upon submission of a revised method and additional residue data for wheat commodities that measure all of the metabolites of concern. In addition, the registrant must submit a 28–day rat inhalation study and additional storage stability data.

V. Conclusion

Therefore, time-limited tolerances are established for combined residues of flucarbazone-sodium, 4,5-dihydro-3-methoxy-4-methyl-5-oxo-*N*-[[2(trifluoromethoxy)phenyl] sulfonyl]-1H-1,2,4-triazole 1-carboxamide, sodium salt) and its *N*-desmethyl metabolite in or on wheat, forage at 0.30 ppm; wheat, grain at 0.01 ppm; wheat, hay at 0.10 ppm; and wheat, straw at 0.05 ppm; and combined residues of flucarbazone-sodium and its metabolites converted to 2-(trifluoromethoxy)benzene sulfonamide and calculated as flucarbazone-sodium in or on milk at 0.005 ppm; meat and meat byproducts (excluding liver) of cattle, goats, hogs, horses and sheep at 0.01 ppm; and liver of cattle, goats, hogs, horses and sheep at 1.5 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301052 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 28, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301052, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator etermines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have" substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 21, 2000.

Susan B. Hazen,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180— [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. Section 180.562 is added to read as follows:

§ 180.562 Flucarbazone-sodium; tolerances for residues.

(a) *General.* (1) Time-limited tolerances are established for combined residues of the herbicide flucarbazone-sodium, 4,5-dihydro-3-methoxy-4-methyl-5-oxo-*N*-[[2(trifluoromethoxy)phenyl] sulfonyl]-1H-1,2,4-triazole 1-carboxamide, sodium salt) and its *N*-desmethyl metabolite in or on the following food commodities:

Commodity	Parts per million	Expiration/ Revocation Date
Wheat, forage	0.30	11/01/05
Wheat, grain	0.01	11/01/05
Wheat, hay	0.10	11/01/05
Wheat, straw	0.05	11/01/05

(2) Time-limited tolerances are established for combined residues of the herbicide flucarbazone-sodium, 4,5-dihydro-3-methoxy-4-methyl-5-oxo-*N*-[[2(trifluoromethoxy)phenyl] sulfonyl]-1H-1,2,4-triazole 1-carboxamide, sodium salt) and its metabolites converted to 2-(trifluoromethoxy)benzene sulfonamide and calculated as flucarbazone-sodium in or on the following food commodities:

Commodity	Parts per million	Expiration/ Revocation Date
Cattle, liver	1.50	11/01/05
Cattle, mbyp except liver	0.01	11/01/05
Cattle, meat	0.01	11/01/05
Goats, liver	1.50	11/01/05
Goats, mbyp except liver	0.01	11/01/05
Goats, meat	0.01	11/01/05
Hogs, liver	1.50	11/01/05
Hogs, mbyp except liver	0.01	11/01/05
Hogs, meat	0.01	11/01/05
Horses, liver	1.50	11/01/05
Horses, mbyp except liver	0.01	11/01/05
Horses, meat	0.01	11/01/05
Milk	0.005	11/01/05
Sheep, liver	1.50	11/01/05
Sheep, mbyp except liver	0.01	11/01/05
Sheep, meat	0.01	11/01/05

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301063; FRL–6744–8]

RIN 2070–AB78

Triallate,(S-2,3,3-trichloroallyl diisopropylthiocarbamate); Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for the combined residues of the herbicide triallate (*S*-2,3,3, trichloroallyl diisopropylthiocarbamate) and its metabolite, TCPSA (2,3,3-trichloroprop-2-ene sulfonic acid) in or on sugar beet, root; sugar beet, top; and sugar beet, pulp. Monsanto requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 29, 2000.Objections and requests for hearings, identified by docket control number OPP–301063, must be received by EPA on or before November 28, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301063 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Tompkins (PM 25), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703 305–5697; and e-mail address: Tompkins.Jim @epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically* .You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations, " "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register** —Environmental Documents." You can also go directly to the **Federal Register**listings at http://www.epa.gov/fedrgstr/. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301063. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of May 16, 1997 (62 FR 27027) (FRL–5717–6), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP 8F2128) for tolerance by Monsanto, 600 13th St., NW., Suite 660, Washington, DC 20005. This notice included a summary of the petition prepared by Monsanto, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.314 be amended by establishing a tolerance for residues of the herbicide triallate, and its metabolite, TCPSA in or on sugar beet root at 0.01 part per million (ppm), sugar beet top at 0.5 ppm, and sugar beet pulp at 0.2 ppm

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is " safe." Section 408(b)(2)(A)(ii) defines "safe " to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue.... "

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For

further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of the herbicide triallate and its metabolite, TCPSA in or on sugar beet root at 0.01 ppm, sugar beet top at 0.5 ppm, and sugar beet pulp at 0.2 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by triallate (*S*-2,3,3, trichloroallyl diisopropylthiocarbamate) are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	90-Day oral toxicity in rodents Rat	NOAEL = 5 mg/kg/day LOAEL = 25 mg/kg/day based on decreased body weight in males and females, slight anemia in females (decreased red blood cells, hematocrit and hemoglobin) and histopathology of the kidney in males (tubular epithelial regeneration and nephropathy).
870.3200	21-Day dermal toxicity in rodents Rat	NOAEL = 500 mg/kg/day LOAEL = 3,000 mg/kg/day based on body weight gain decreases, relative kidney and liver weight increases, increased presence of basophillic tubules of the renal cortex, and alpha 2 -globulin inclusions in the proximal convoluted renal tubules in rats.
870.3465	Subchronic inhalation toxicity Rat	NOAEL = less than 2.62 mg/kg/day, not established LOAEL = 2.62 mg/kg/day based on histological changes in kidney (nephropathy and tubular epithelial regeneration).
870.3700	Prenatal developmental toxicity in rodents Rat	Maternal NOAEL = 10 mg/kg/day LOAEL = 30 mg/kg/day based on decreases in body weight gain and food consumption. Developmental NOAEL = 30 mg/kg/day LOAEL = 90 mg/kg/day based on decreased fetal body weight, external malformations (protruding tongue) and skeletal variations.
870.3700	Prenatal developmental toxicity in nonrodents Rabbit	Maternal NOAEL = 15 mg/kg/day LOAEL = 45 mg/kg/day based on clinical signs and decreases in body weight gain. Developmental NOAEL = 5 mg/kg/day LOAEL = 15 mg/kg/day based on decreased fetal body weight and increased skeletal variations.
870.3800	Reproduction and fertility effects Rat	Parental/Systemic NOAEL = 7.5 mg/kg/day LOAEL = 30 mg/kg/day based on maternal mortality, increased incidences of chronic nephritis, head bobbing, circling movements and reduced body weight. Reproductive NOAEL = 7.5 mg/kg/day LOAEL = 30 mg/kg/day based on based on increased neonatal mortality during the F2b litter interval, reduced pup weights at birth during the F2b litter interval, reduced pup weights in late lactation for all litters, reduced pregnancy rate and shortened gestation length.
870.4100	Chronic toxicity Dog	NOAEL = 2.5 mg/kg/day LOAEL = 15.0 mg/kg/day based on increased alkaline phosphatase levels at all time intervals in male and female dogs.
870.4100	Chronic toxicity Dog	NOAEL = 1.5 mg/kg/day LOAEL = 5.0 mg/kg/day based on increased hemosiderin deposition in the spleen, increased serum alkaline phosphatase and increased liver weight in females.
870.4200	Combined chronic toxicity/carcinogenicity Rat	NOAEL = 2.5 mg/kg/day LOAEL = 12.5 mg/kg/day based on decreased survival (males and females), decreased body weight (males) and increased adrenal weight (males).

TABLE 1.—SUBCHRONIC, CHRONIC AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
		Evidence of carcinogenicity: Renal tubular adenomas in male rats.
870.4200	Combined chronic toxicity/carcinogenicity Mouse	NOAEL = (males) 3 mg/kg/day LOAEL = (males) 9 mg/kg/day based on increased absolute liver weight, increased incidence of altered foci of the liver and hematopoiesis in the spleen. NOAEL (females) = 37.5 mg/kg/day LOAEL (females) >37.5 mg/kg/day, not established
		Evidence of carcinogenicity: Increased incidence of hepatocellular carcinomas and hepatocellular adenomas (males).
870.4200	Combined chronic toxicity/carcinogenicity Hamster	NOAEL = (males) 50 ppm LOAEL = (males) 300 ppm based on decreased triglyceride levels (males and females)
870.5100	Gene Mutation in *Salmonella typhimurium.*	Positive. Triallate induced a mutagenic response in *Salmonella typhimurium*strains TA1535 and TA100 at noncytotoxic doses of 0.1 µg/plate and above -S9 activation and TA1535, TA98 and TA100 at 0.001 µg/plate and above +S9. In tester strains TA1537 and TA1538, there were no appreciable increases in revertant colonies of evidence of cytotoxicity at any dose. Mutagenesis was confirmed in a repeat test with Salmonella typhimurium strainTA1535 at dose levels of 1, 5, and 10 µg/plate +/- S9 activation.
870.5300	Gene Mutation/*In vitro* mammalian cell assay in mouse lymphoma cells Negative.	Negative. Triallate did not induce forward gene mutations at the thymidine kinase (TK+-) locus in L51784 mouse lymphoma cells at concentration of 0.005 to 0.04 µl/ml in the absence or presence of metabolic activation.
870.5300	Gene Mutation/*In vitro* mammalian cell assay in mouse lymphoma cells	Positive. Triallate induced forward gene mutations at the thymidine kinase (TK+/-) locus in L51784 mouse lymphoma cells. The frequency of gene mutations was greater than or equal to a two-fold increase and occurred at noncytotoxic concentrations of 60 µg/ml -S9 activation and 21 and 24 7mu;g/ml +S9 activation.
870.5385	Cytogenetics/*In vivo* hamster micronucleus assay	Negative. There was no evidence of either a clastogenic or aneugenic effect in male and female hamsters fed dietary concentrations of 0, 600, 2,000 or 6,000 ppm Triallate at any sacrifice time.
870.5395	Cytogenetics/*In vivo* mouse micronucleus assay	Negative. There was no evidence of either a clastogenic or aneugenic effect in male and female mice administered 70, 350, or 700 mg/kg Triallate at any sacrifice time.
870.5550	Other Mutagenic Mechanisms/*In vitro* unscheduled DNA synthesis in primary rat hepatocytes	Negative. Triallate did not induce a genotoxic effect in primary rat hepatocytes at concentrations of 5, 10, 50, 100, 500 and 1,000 µg/mL.
870.5550	Other Mutagenic Mechanisms/*In vivo In vitro* unscheduled DNA synthesis in primary rat hepatocytes	Negative. There was no evidence that Triallate induce either a cytotoxic or genotoxic response a any dose (50, 250 or 500 mg/kg) or sacrifice time (92 or 16 hours).
870.5900	Other Mutagenic Mechanisms/*In vitro* sister chromatid exchange in Chinese hamster ovary cells	Positive. Triallate induced significant increases in the number of sister chromatid exchanges per cell at concentrations of 1.6 x 10^{-5}M to 8.1 x 10^{-5}M -S9 activation and 0.8 x 10^{-5}M to 4.0 x 10^{-5}M +S9 activation after either a two or four hour exposure period, respectively. Repeat assays conducted for 30 hours at concentrations up to 40.4 x 10^{-5}M -S9 activation and for 2 hours at concentrations up to 12.1 x 10^{-5}M +S9 activation confirmed these findings.
870.6100	Acute delayed neurotoxicity Hen	Systemic NOAEL less than 312.5 mg/kg, not established LOAEL = 312.5 mg/kg based on acute, reversible clinical signs (muscle weakness/paralysis, salivation and involuntary neck movement). Triallate did not induce delayed peripheral neuropathy.
870.6200	Acute neurotoxicity screening battery Rat	NOAEL = 60 mg/kg

TABLE 1.—SUBCHRONIC, CHRONIC AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
		LOAEL = 300 mg/kg based on decreased body weight gain and alterations in motor activity.
870.6200	Subchronic neurotoxicity screening battery Rat	NOAEL = 6.38/8.14 mg/kg/day for male/female rats LOAEL = 32.9/38.9 mg/kg/day for male/female rats based on decreased body weights, body weight gains, food consumption and lesions (nerve fiber degeneration) in the central and peripheral nervous systems.
870.6200	Subchronic neurotoxicity screening battery Rat	Neurotoxic NOAEL = 134.32 mg/kg/day LOAEL = 223.79 mg/kg/day based on behavioral effects (histopathology for axonal degeneration was not conducted at this dose level). At 295 mg/kg/day, nuerohistopathological lesions occurred in both the central and peripheral nerves. Systemic NOAEL = 34.64 mg/kg/day LOAEL = 134.32 mg/kg/day based on decreased body weight and food consumption and food efficiency.
870.6300	Developmental neurotoxicity Rat	Maternal NOAEL = 30 mg/kg/day LOAEL = 60 mg/kg/day based on reductions in body weight gains and food consumption. Developmental Neurotoxicity NOAEL = 30 mg/kg/day LOAEL = 60 mg/kg/day based [on increased motor activity.
870.7485	Metabolism and pharmacokinetics Rat	General metabolism Analysis of whole body elimination in male and female rats indicated that 85% of the radiolabeled triallate was excreted within 24 hours of dosing. Most radioactivity was excreted in approximately equal amounts (42%) in the urine and feces of male rats after 10 days. Females excreted 51% in urine and 32% in feces after 10 days. Males and females retained about 0.4% of the dose in organs and tissues and approximately 2% in the remaining carcass. The distribution of radioactivity in both sexes indicated that the greatest amount of activity was found in the red blood cells followed by whole blood, spleen, kidney, liver and lung.
870.7485	Metabolism and pharmacokinetics Rat	General metabolism Seven metabolites, in concentrations of greater than one percent, were identified in rat urine; 2,3,3-trichloro-2-propenesulfinic acid (20-27%), *N*-acetyl-*S*-(2,2-dichloro-1-[methyl-sufonyl) methyl]ethenyl)-*L*-cysteine (6–11%), (E)-S-(2carboxy-2-chloroethenyl)-L-cysteine (4–5%), carbon dioxide (4%), 2,3,3-trichloro-propene sulfonic acid (3–5%), (E)-3-((carboxymethyl)thio)-2-chloro-2-propenoic acid (1–3%), and 1-((3,3,2-trichloro-2-propenyl)thio)-beta-*D*-glucuronic acid. The remaining metabolites were found at less than 1% of the administered dose.
Special studies	Assessment of the kidney for alpha 2μ globulins in the rat subchronic and chronic feeding studies	Data from this study is considered a preliminary indication that triallate may be classified as an alpha 2μ globulin type nephrotoxin. Additional data and analysis considered necessary for a more conclusive decision.

Several acute toxicology studies place technical triallate in acute toxicity category III for acute oral toxicity and primary eye irritation and in toxicity category IV for acute dermal toxicity, acute inhalation toxicity, and primary dermal irritation. Triallate is a skin sensitizer.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a "point of departure " is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for triallate (*S*-2,3,3-trichloroallyl diisopropylthiocarbamate) used for human risk assessment is shown in the following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR TRIALLATE (S-2,3,3-TRICHLOROALLYL DIISOPROPYLTHIOCARBAMATE) FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute Dietary females 13–50 years of age	NOAEL = 5 mg/kg/day, UF = 100, Acute RfD = 0.05 mg/kg/day	FQPA SF = 3, aPAD = acute RfD÷FQPA SF = 0.017 mg/kg/day	Developmental toxicity study -Rabbits Developmental LOAEL = 15 mg/kg/day based on decreased fetal body weight and increased skeletal variations.
Acute Dietary general population including infants and children	NOAEL = 60 mg/kg/day, UF = 100, Acute RfD = 0.60 mg/kg/day	FQPA SF = 1 aPAD = acute RfD÷ FQPA SF = 0.60 mg/kg/day	Acute Neurotoxicity-Rat LOAEL = 300 mg/kg/day based on decreased body weight and alterations in motor activity
Chronic Dietary all populations	NOAEL = 2.5 mg/kg/day, UF = 100, Chronic RfD = 0.025 mg/kg/day	FQPA SF = 1, cPAD = chronic RfD÷ FQPA SF = 0.025 mg/kg/day	Chronic Toxicity/Carcinogenicity-Rat LOAEL = 12.5 mg/kg/day based on decreased survival in males and females, decreased body weight in males, increased adrenal weight in males
Short- Term Dermal (1 to 7 days) (Residential)	oral study NOAEL= 5 mg/kg/day (dermal absorption rate = 1%)	LOC for MOE = 100 (Residential)	Developmental Toxicity - Rabbit LOAEL = 15 mg/kg/day based on Increased skeletal malformations/variations
Intermediate-Term Dermal (1 week to several months) (Residential)	(oral) study NOAEL = 5 mg/kg/day (dermal absorption rate = 1%	LOC for MOE = 100 (Residential)	Developmental Toxicity-Rabbit LOAEL = 15 mg/kg/day based on Increased skeletal malformations/variations
Long-Term Dermal (several months to lifetime) (Residential)	Dermal (or oral) study NOAEL= none mg/kg/day (dermal absorption rate = none% when appropriate)	LOC for MOE = none (Residential)	none LOAEL = none mg/kg/day based on none Not identified, continuous exposure greater than 180 days not expected
Short-Term Inhalation (1 to 7 days) (Residential)	inhalation (or oral) study NOAEL= 5 mg/kg/day (inhalation absorption rate = 100%	LOC for MOE = 100 (Residential)	Developmental toxicity-Rabbit LOAEL = 15 mg/kg/day based on Increased skeletal malformations/variations
Intermediate-Term Inhalation (1 week to several months) (Residential)	inhalation (or oral) study NOAEL = 5 mg/kg/day (inhalation absorption rate = 100%	LOC for MOE = 100 (Residential)	Developmental toxicity-Rabbit LOAEL = 15 mg/kg/day based on Increased skeletal malformations/variations

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR TRIALLATE (S-2,3,3-TRICHLOROALLYL DIISOPROPYLTHIOCARBAMATE) FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Long-Term Inhalation (several months to lifetime)(Residential)	inhalation (or oral) study NOAEL= none mg/kg/day (inhalation absorption rate = 100%	LOC for MOE = none (Residential)	none LOAEL = none mg/kg/day based on none Not identified, continuous exposure greater than 180 days not expected
Cancer (oral, dermal, inhalation)	.....	.....	Q^*7.17 x 10^{-2}(mg/kg/day)$^{-1}$
	.....	.....	Group C chemical-likely to be a human carcinogen

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.314(a)) for residues of the herbicide triallate (*S*-2,3,3, trichloroallyl diisopropylthiocarbamate), per se (parent only) in or on a variety of raw agricultural commodities; Barley, grain; Barley, straw; Lentils; Lentils, forage; Lentils, hay; Peas, forage; Peas, hay; Wheat, grain; and Wheat, straw. Under reregistration, the triallate tolerance expression will be revised in order to reflect the Agency's determination that triallate and its TCPSA metabolite should be regulated and assessed for dietary exposure in plant commodities. The Agency decided to regulate on the TCPSA metabolite because it is present at more than 10% of the total radioactive residue (TRR) in the plant metabolism studies. Tolerances are to be expressed as triallate for the combined residues of the herbicide triallate (*S*-2,3,3-*S*-2,3,3-trichloroallyl diisopropylthiocarbamate) and its metabolite TCPSA (2,3,3-trichloroprop-2-ene sulfonic acid) in or on the following commodities: Sugar Beet, root; Sugar Beet, top; and Sugar Beet, pulp. No tolerances have been established for processed food/feed or animal commodities. Risk assessments were conducted by EPA to assess dietary exposures from triallate (*S*-2,3,3-trichloroallyl diisopropylthiocarbamate) and its metabolite TCPSA in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. A probalistic (Monte Carlo) acute dietary analysis was conducted for triallate residues in food. This analysis is highly refined (Tier 3), and represents a realistic estimate of acute dietary exposure in food possible with current data, based on all uses supported through reregistration and the proposed used of triallate on sugar beets. The percent acute population adjusted doses (PADs) are significantly below the Agency's level of concern at the 99.9th percentile of exposure for the females 13+ subgroup (<2% aPAD) and for the general population (<1% aPAD). For acute dietary analyses, anticipated residues and percent of crop treated data were used. For the purposes of this assessment, residue field trial data were used for the acute anticipated residues calculations.

ii. *Chronic exposure* . In conducting the chronic dietary risk assessment the DEEM® analysis evaluated the individual food consumption as reported by respondents in the USDA 1989-1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The chronic (non-cancer) dietary risk from exposure through food is <1% of the Agency's level of concern (<100% of the chronic PAD) for the general U.S. population and all subgroups. For chronic dietary analyses, anticipated residues and percent of crop treated data were used. For the purposes of this assessment, residue field trial data were used for the chronic anticipated residue calculations.

iii. *Cancer.* Triallate is classified as a Group C chemical (possible human carcinogen), based on hepatocellular carcinomas in male mice, with a positive trend and borderline significance in female mice, and increased incidence of renal tubular cell adenomas in rats. A linear low-dose (Q_1^*) approach was used to characterize human health risk. The unit risk, Q_1^*based on the hepatocellular carcinomas in male mice, is 7.17 x 10^{-2}(mg/kg/day)$^{-1}$in human equivalents. The Agency generally considers risks in the range of 1 x 10^{-6}(1 in 1 million) or less as negligible risk for cancer dietary exposure. The results of this analysis indicate that the cancer dietary risk of 7.1 x $10^{-8}$from exposure through food, associated with the uses supported through reregistration and the proposed use of triallate on sugar beets, is below the Agency's level of concern for food alone.

iv. *Anticipated residue and percent crop treated information.* Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the Agency can make the following findings: Condition 1, that the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue;

Condition 2, that the exposure estimate does not underestimate exposure for any significant subpopulation group; and Condition 3, if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of percent crop treated (PCT) as required by section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

A routine chronic dietary exposure analysis for triallate and its metabolite (TCPSA) was based on percent crop treated (PCT) information as follows:

Acute Estimated Maximum	Chronic Weighted Average
Barley 13%	Barley 9%
Barley bran 13%	Barley bran 9%
Barley flour 13%	Barley flour 9%
Dry pea 30%	Dry pea 13%
Sugar beet dried pulp 21%.	Sugar beet dried pulp 21%
Sugar beet molasses 21%.	Sugar beet molasses 21%
Sugar beet root 21%	Sugar beet root 21%
Sugar beet tops 21%	Sugar beet tops 21%
Sugar beet sugar 21%	Sugar beet sugar 21%
Wheat bran 8%	Wheat bran 6%
Wheat flour 8%	Wheat flour 6%
Wheat grain 8%	Wheat grain 6%
Wheat mill by-products 8%.	Wheat mill by-products 6%
Wheat shorts 8%	Wheat shorts 6%

The Agency believes that the three conditions listed above have been met. With respect to Condition 1, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. EPA uses a weighted average PCT for chronic dietary exposure estimates. This weighted average PCT figure is derived by averaging State-level data for a period of up to 10 years, and weighting for the more robust and recent data. A weighted average of the PCT reasonably represents a person's dietary exposure over a lifetime, and is unlikely to underestimate exposure to an individual because of the fact that pesticide use patterns (both regionally and nationally) tend to change continuously over time, such that an individual is unlikely to be exposed to more than the average PCT over a lifetime. For acute dietary exposure estimates, EPA uses an estimated maximum PCT. The exposure estimates resulting from this approach reasonably represent the highest levels to which an individual could be exposed, and are unlikely to underestimate an individual's acute dietary exposure. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions 2 and 3, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which triallate *S*-2,3,3-trichloroallyl diisopropylthiocarbamate may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient exposure data to complete a comprehensive dietary exposure analysis and risk assessment for triallate and its metabolite TCPSA in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the environmental fate and transport and physical characteristics of triallate and TCPSA.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) and the Pesticide Root Zone/EXposure Analysis Modeling System (PRZM/EXAMS) to produce estimates of pesticides in surface source drinking water. The Screening-concentration in ground water (SCI-GROW) model was used to estimate concentrations in shallow groundwater. The primary use of the models by the Agency is to screen out pesticides with low potential of reaching concentrations in drinking water exceeding human health levels of concern. EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model). The GENEEC model was designed to simulate runoff from a 10 hectare (ha) field into a static 1 ha small water body. It was originally designed to assess pesticide concentrations in aquatic environments for ecological risk assessments. The PRZM/EXAMS model scenario is designed as a refined screening model which incorporates a watershed scale assessment with a flow-through index reservoir. Additionally, the PRZM/EXAMS modeling incorporates a percent cropped area (PCA) to account for the extent of cropping area within a watershed. None of the models consider the impact of water treatment (mixing, dilution, or treatment) on pesticide concentrations in raw water. In cases where the screening model predictions exceed human health levels of concern, the Agency will require targeted monitoring studies to assess the actual pesticide concentrations in drinking water.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a Percent of Reference Dose (%RfD) or Percent of Population Adjusted Dose (%PAD). Instead, drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to triallate and its metabolite TCPSA, they are further discussed in the aggregate risk sections below.

Based on the PRZM-EXAMS and SCI-GROW models the estimated environmental concentrations (EECs) of triallate and its metabolite TCPSA in surface water and ground water for acute exposures are estimated to be 9.452 parts per billion (ppb) for surface water and 0.21 ppb for ground water. The EECs for chronic (non-cancer) exposures are estimated to be 1.26 ppb for surface water and 0.21 ppb for ground water.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Triallate is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 403(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's

residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether triallate has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, triallate does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that triallate has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children*— i. *In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity.* Quantitatively, there is evidence of increased susceptibility in the prenatal developmental toxicity study in rabbits; developmental effects (decreased fetal body weight and increased incidence of malaligned sternebrae) were observed in the absence of maternal toxicity.

iii. *Conclusion.* There is a complete toxicity data base for triallate and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures—EPA determined that some additional safety factor was needed to protect infants and children because the toxicity data indicated increased sensitivity to the young. The FQPA factor was reduced to 3x because the toxicology data base is complete; increased sensitivity was observed in only one species (rabbits); there is no quantitative or qualitative indication of increased susceptibility in the prenatal developmental toxicity study in rats, the 2-generation reproduction study in rats, or the developmental neurotoxicity in rats; adequate data are available or conservative modeling assumptions are used to assess dietary food and drinking water exposure; and there are currently no registered residential uses for triallate.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to triallate, and its metabolite, TCPSA will occupy <1% of the aPAD for the U.S. population, 1.8% of the aPAD for females 13 years and older, <1% of the aPAD for all infants (<1 year) and <1% of the aPAD for children (1-6 years). In addition, there is potential for acute dietary exposure to triallate and its metabolite TCPSA in drinking water.After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in the following Table 3:

TABLE 3.—AGGREGATE ACUTE RISK ASSESSMENT FOR TRIALLATE AND ITS METABOLITE TCPSA

Population Subgroup	aPAD (mg/kg)	%aPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Acute DWLOC (ppb)
U.S.Population	0.60	<1	9.4	0.21	21,000
Children (1-6 years)	0.60	<1	9.4	0.21	6,000
Females (13+ nursing)	0.017	1.8	9.4	0.21	500

2. *Chronic risk* . Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to triallate and its metabolite, TCPSA from food will utilize <1% of the cPAD for the U.S.

population, <1% of the cPAD for Non-nursing infants (<1 year old) and <1% of the cPAD for children (1-6 years old).

There are no residential uses for triallate and its metabolite TCPSA that result in chronic residential exposure to triallate and its metabolite TCPSA, as shown in the following Table 4:

TABLE 4.—AGGREGATE CHRONIC RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO TRIALLATE AND ITS METABOLITE, TCPSA

Population Subgroup	cPAD mg/kg/day	%cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. Population	0.025	<1	1.26	0.21	875
Females (13+, nursing)	0.025	<1	1.26	0.21	250
Children (1-6 years)	0.025	<1	1.26	0.21	750

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Triallate is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Triallate is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

5. *Aggregate cancer risk for U.S. population.* The Agency generally considers risks in the range of 1×10^{-6} (1 in 1 million) or less as negligible risk for cancer. The results of this analysis indicate that the cancer dietary (food) risk estimate of 7.1×10^{-8} associated with the uses supported through reregistration and the proposed use on sugar beets is not of concern. The cancer DWLOC is 0.45 ppb. The Tier II (PRZM-EXAMS) estimated average concentration of triallate + TCPSA in surface water is 0.566 ppb (mean annual with 2 incorporation) and 1.26 ppb (mean annual with no incorporation). Concentrations in ground water are not expected to be higher than 0.21 ppb. The 36-year annual mean estimated concentrations in surface water exceed the DWLOCs for triallate + TCPSA in drinking water as a contribution to cancer aggregate exposure. However, the drinking water component is based on model predictions, which are generally conservative in estimating chemical concentrations in drinking water. To address this concern, the registrant initiated a 3-year surface drinking water monitoring study in June 1999 to measure raw and finished triallate + TCPSA concentrations at five surface drinking water collection locations. Interim results of the surface water monitoring study indicated that peak and mean exposure to total parent triallate and TCPSA at all five sites are below the cancer DWLOC (0.45 ppb). Additional monitoring data will be provided on a quarterly basis, with a final report of the study expected in late 2002. Based on the interim results of the surface water monitoring study, which indicated that peak and mean exposure to total parent triallate and TCPSA are below the cancer DWLOC (0.45 ppb), the aggregate cancer risk for the U.S. Population is expected to be less than 1×10^{-6}.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to triallate and its metabolite (TCPSA) combined residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

In conjunction with the regional registration of triallate on sugar beets, the registrant has proposed a GC/ECD method (designated as Method RES-099-96, Version No. 2) for tolerance enforcement purposes. The method determines residues of triallate and its TCPSA metabolite. This method has been subjected to a successful independent laboratory validation. The method has also been validated in an Agency study at Beltsville, MD. The laboratory (Analytical Chemistry Branch, BEAD) verified the limits of quantitation (LOQs) to be 0.025 ppm triallate and 0.025 ppm TCPSA in/on sugar beet roots, and 0.05 ppm triallate and 0.20 ppm TCPSA in/on sugar beet foliage. The Beltsville report (7/28/98) also estimated the limits of detection (LODs) to be 0.001 ppm triallate and 0.004 ppm TCPSA in sugar beet root, and 0.005 ppm triallate and 0.04 ppm TCPSA in sugar beet top. The expected dietary burdens of triallate to beef/dairy cattle and poultry animals were recalculated following tolerance reassessment of livestock feed items. There is no reasonable expectation of finite residues (Category 3 of 40 CFR section 180.6); therefore, tolerances are not required for milk, eggs, and animal tissues.

Adequate enforcement methodology is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

There are no Codex MRLs for triallate; therefore, no questions of compatibility with U.S. tolerances exists.

C. Conditions

Completion of the 3-year surface drinking water study will be a condition of registration. Monitoring data will be provided on a quarterly basis, with a final report of the study expected in late 2002.

V. Conclusion

Therefore, the tolerance is established for the combined residues of the herbicide triallate (*S*-2,3,3, trichloroallyl diisopropylthiocarbamate) and its metabolite, TCPSA (2,3,3-Trichloroprop-2-ene sulfonic acid) in or on sugar beet, root, sugar beet, top, and sugar beet pulp.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a

hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301063 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 28, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim @epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301063, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket @epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the

Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications " is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule " as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 21, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. Section 180.314 is revised to read as follows:

§ 180.314 Triallate; tolerances for residues.

(a) *General.* Tolerances are established for residues of the herbicide (*S*-2,3,3-trichloroallyl diisopropylthiocarbamate) in or on the following raw agricultural commodities:

Commodity	Parts per million
Barley, grain	0.05
Barley, straw	0.05
Lentils	0.05
Lentils, hay	0.05
Peas	0.05
Peas, forage	0.05
Peas, hay	0.05
Wheat, grain	0.05
Wheat, straw	0.05

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* Tolerances are established for residues of the herbicide triallate (*S*-2,3,3-trichloroallyl diisopropylthiocarbamate) and its metabolite 2,3,3-trichloroprop-2-enesulfonic acid in or on the following food commodities:

Commodity	Parts per million
Sugar beet, pulp	0.2
Sugar beet, root	0.1
Sugar beet, top	0.5

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 00–24942 Filed 9–28–00; 8:45 a.m.]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301062; FRL–6747–9]

RIN 2070–AB78

Dimethomorph, (E,Z) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes permanent tolerances for residues of dimethomorph, (E,Z) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2- propenyl]morpholine in or on dried hops cones, grapes, raisins, tomato fruit, and tomato paste. American Cyanamid Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 29, 2000. Objections and requests for hearings, identified by docket control number OPP–301062, must be received by EPA on or before November 28, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301062 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT By mail: Mary Waller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (703) 308–9354; and e-mail address: waller.mary@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301062. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of March 26, 1997, 62 FR 14418 (FRL–5594–7) and March 8, 2000, 65 FR 12244 (FRL–6491–4), EPA issued notices pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of pesticide petitions (7F4816 and 8F4946) for tolerances by American Cyanamid Company, P.O. Box 400, Princeton, NJ 08543–0400. These notices included summaries of the petitions prepared by American Cyanamid Company, the registrant. There were no comments received in response to the notice of filing.

The petitions requested that 40 CFR 180.493 be amended by establishing tolerances for residues of the fungicide dimethomorph, (E,Z) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine, in or on dried hops cones at 60 ppm, grapes at 3.5 ppm, raisins at 6.0 ppm, tomato fruit at 0.5 ppm, and tomato paste at 1.0 part per million (ppm).

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that" there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of dimethomorph, (E,Z) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine on dried hops cones at 60 ppm, grapes at 3.5 ppm, raisins at 6.0 ppm, tomato fruit at 0.5 ppm, and tomato paste at 1.0 ppm. EPA's assessment of exposures and risks associated with establishing the tolerances are as follows.

A. Toxicological Profile

EPA has previously evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The toxicological profile for dimethomorph was addressed in the risk assessment published in the **Federal Register** final rule of October 13, 1998 (63 FR 54587) (FRL–6036–7).

B. Toxicological Endpoints

The toxicological endpoints for dimethomorph were addressed in the risk assessment published in the **Federal Register** final rule of October 13, 1998 (63 FR 54587) (FRL–6036–7).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.493) for the residues of dimethomorph, (E,Z) 4-[3-(4-chlorophenyl)- 3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine in or on potatoes at 0.05 ppm, potatoes, wet peel at 0.15 ppm and time-limited tolerances have been established for cantaloupe, cucumber, squash and watermelon at 1 ppm (expires September 30, 2001) and on the cereal grains group: fodder at 0.15 ppm, forage and grain at 0.05 ppm, hay at 0.10 ppm, and straw at 0.15 ppm. Risk assessments were conducted by EPA to assess dietary exposures from dimethomorph as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. EPA did not

select a dose and endpoint for an acute dietary risk assessment because of the lack of toxicological effects attributable to a single exposure (dose) in either the rat or the rabbit developmental toxicity studies.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM^{DM}) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following very conservative assumptions were made for the chronic exposure assessments: that all commodities having dimethomorph tolerances will contain residues of dimethomorph and those residues will be at the level of the tolerance. These assumptions result in an overestimate of human dietary exposure. All Section 18 tolerances (cantaloupes, watermelons, cucumbers, and squash) are included in this dietary risk assessment. Using the assumptions and data parameters described above, the DEEM–89 exposure analysis results in a theoretical maximum residue contribution (TMRC) that is equivalent to the following percentages of the PAD/RfD. The following Table 1 summarizes the estimated food exposures for the U.S. population, all infants (<1 year old), the population subgroups that include children, and the most highly exposed female and male subgroups.

TABLE 1.—SUMMARY OF FOOD EXPOSURE TO DIMETHOMORPH

Population Subgroup	Exposure (mg/kg body wt/day)	%PAD/RfD
U.S. Population (total)	0.002547	3
All Infants (<1 year	0.005947	6
Children 1–6 years	0.007407	7
Children 7–12 years	0.002939	3
Females 13–50 years	0.001936	2
Males (20+years)	0.001840	2

2. *From drinking water.* EPA used SCI–GROW (Screening Concentration In Ground Water) and GENEEC (Generic Estimated Environmental Concentration) models to determine the estimated environmental concentrations (EECs) of dimethomorph residues in ground and surface water. The EEC reported for dimethomorph residues in ground water is 0.26 parts per billion (ppb). The EEC for surface water is 28 ppb for acute and 24 ppb for chronic (56-day).

i. *Acute exposure and risk.* Because no acute dietary endpoint was determined, no acute risks are posed by exposure to dimethomorph.

ii. *Chronic exposure and risk.* EPA conducts the drinking water risk assessment by using the worst case scenario of estimated environmental concentration (EEC) found from either ground or surface water. The EEC reported for dimethomorph residues in ground water using SCI–GROW is 0.26 ppb. This is much less than the surface water EEC (24 ppb for 56 days) generated using GENEEC. Therefore, only the surface water EEC will be used in conducting the aggregate dietary (food + water) risk assessment. Based on the chronic food exposure and using default body weights and water consumption figures, chronic drinking water levels of comparison (DWLOCs) for drinking water were calculated. To calculate the chronic DWLOC, the chronic food exposure (from DEEM analysis) is subtracted from the chronic PAD/RfD. DWLOCs are then calculated using the default body weights and drinking water consumption figures. EPA's surface drinking water levels of comparison from chronic exposure to dimethomorph using modeling data are 3,400 ppb for U.S. population and for males (20+ years), 2,900 ppb for females 13–50, 970 ppb for children 7–12 years, 940 ppb for infants <1 year and 930 ppb for children 1–6 years. These levels are all greater than the GENEEC concentration level (24 ppb for 56 days). Therefore, EPA does not expect exposure to dimethomorph in drinking water to be above the level of concern.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Dimethomorph is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether dimethomorph has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, dimethomorph does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that dimethomorph has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Prenatal and postnatal sensitivity.* EPA assessed the potential for additional sensitivity of infants and children to residues of dimethomorph in the **Federal Register** final rule of

October 13, 1998 (63 FR 54587)(FRL–6036–7).

3. *Conclusion.* There is a complete toxicity database for dimethomorph and exposure data are complete or are estimated based on data that reasonably account for potential exposures. EPA determined that the 10x factor to protect infants and children be removed.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day)= cPAD – (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* No acute dietary endpoint was identified; therefore, EPA concludes that dimethomorph poses no appreciable acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to dimethomorph from food will utilize 3% of the cPAD for the U.S. population, 6 % of the cPAD for infants (<1 year) and 7% of the cPAD for children (16 years). There are no residential uses for dimethomorph that result in chronic residential exposure to dimethomorph. The aggregate risk assessment for chronic (non-cancer) exposure to dimethomorph is shown in the following Table 2:

TABLE 2.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO DIMETHOMORPH

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. Population	0.1	3	8	3,400
All infants (<1 year)	0.1	6	8	940
Children 16 years	0.1	7	8	930
Children 7–12 years	0.1	3	8	970
Females 13–50 years	0.1	2	8	2,900

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Dimethomorph is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Dimethomorph is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

5. *Aggregate cancer risk for U.S. population.* Dimethomorph was classified as "not likely" to be a human carcinogen.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to dimethomorph residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Method FAMS 002–04 high performance liquid chromatography using ultra-violet detection (HPLC, UV detection) is adequate for determining residues of dimethomorph in tomatoes, grapes or hops. Confirmatory methods are available for tomatoes, raisins, and hops. Cyanamid Method 2577 can be used for tomatoes, FAMS 076–01 can be used for raisins, and FAMS 073–03 can be used for hops. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

There are no Canadian, Mexican, or Codex MRLs established for dimethomorph for the commodities associated with this request; consequently, a discussion of international harmonization is not relevant.

V. Conclusion

Therefore, tolerances are established for residues of dimethomorph, (E,Z) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine on dried hops cones at 60 ppm, grapes at 3.5 ppm, raisins at 6.0 ppm, tomato fruit at 0.5 ppm, and tomato paste at 1.0 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301062 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 28, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by email at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301062, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and LowIncome Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory

Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 21, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. Section 180.493 is amended by alphabetically adding commodities to the table in paragraph (a) to read as follows:

§ 180.493 Dimethomorph, tolerances for residues.

(a) * * *

Commodity	Parts per million
Grapes[1]	3.5
Hops, cones, dried[1]	60
* * * *	*
Raisins[1]	6.0
Tomatoes, fruit	0.5
Tomatoes, paste	1.0

[1] There are no U.S. registrations as of August 25, 2000, for the use of dimethomorph on the growing crops, grapes, hops, and raisins.

* * * * *

[FR Doc. 00–25053 Filed 9–28–00; 8:45 am]
BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301057; FRL–6745–8]

RIN 2070–AB78

Propamocarb hydrochloride; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of propyl[3-(dimethylamino)propyl]carbamate monohydrochloride known as propamocarb hydrochloride in or on potatoes. Aventis CropScience USA LP requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 29, 2000. Objections and requests for hearings, identified by docket control number OPP–301057, must be received by EPA on or before November 28, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301057 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT By mail: Mary L. Waller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (703) 308–9354; and e-mail address: Waller.Mary@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of Potentially Affected Entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental

Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301057. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of March 12, 1997 (62 FR 11433) (FRL–5589–7), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP) for tolerance by Aventis CropScience USA LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. This notice included a summary of the petition prepared by Aventis CropScience, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.499 be amended by establishing a tolerance for residues of the fungicide propyl[3-(dimethylamino)propyl]carbamate monohydrochloride, known as propamocarb hydrochloride, in or on potatoes, and the following livestock commodities: meat, meat byproducts, fat and milk of cattle, goats, hogs, horses and sheep at 0.05 part per million (ppm).

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that" there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of propyl[3-(dimethylamino)propyl]carbamate monohydrochloride on potatoes at 0.06 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by propyl[3-(dimethylamino)propyl]carbamate monohydrochloride are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—TOXICITY PROFILE OF PROPAMOCARB HYDROCHLORIDE

Guideline No.	Study type	Results
870.3100	90–Day oral toxicity in rodents	NOAEL = 363 mg/kg/day in females and 646 mg/kg/day in males. LOAEL = 716 mg/kg/day in females, based on decreased body weight and body weight gain and decreased food efficiency. LOAEL in males is 1363 mg/kg/day based on decreased food efficiency
870.3150	90–Day oral toxicity in nonrodents	NOAEL was not achieved. LOAEL = 22.75 mg/kg/day based upon body weight gain depression, decreased food efficiency and focal or multi-focal chronic erosive gastritis
870.3200	21/28–Day dermal toxicity in rabbits	NOAEL ≥ 150 mg/kg/day for both sexes. LOAEL = 525 mg/kg/day based on dose-related skin irritation and depressed body weight gain
870.3250	90–Day dermal toxicity in rats	NA
870.3465	90–Day inhalation toxicity in rats	NA

TABLE 1.—TOXICITY PROFILE OF PROPAMOCARB HYDROCHLORIDE—Continued

Guideline No.	Study type	Results
870.3700a	Prenatal developmental toxicity in rats	Maternal NOAEL = 221 mg/kg/day. LOAEL = 740 mg/kg/day based on mortality. Developmental NOAEL = 221 mg/kg/day. LOAEL = 740 mg/kg/day based on GD 20 fetal death and a possible increase in minor skeletal anomalies.
870.3700b	Prenatal developmental toxicity in rabbits	Maternal NOAEL = 150 mg/kg/day. LOAEL = 300 mg /kg/day based on decreased body weight gains for GD 6–18 and possible increased abortions. Developmental NOAEL = 150 mg/kg/day. LOAEL = 300 mg/kg/day based on increased post-implantation loss.
870.3800	Reproduction and fertility effects in rats	Parental/Systemic NOAEL = 65.41 mg/kg/day for males and 76.78 mg/kg/day for females. LOAEL = 406.69 mg/kg/day for males and 467.13 mg/kg/day for females based on decreased body weights. Reproductive/Offspring NOAEL = 65.41 mg/kg/day for males and 76.78 mg/kg/day for females. LOAEL = 406.69 mg/kg/day for males and 467.13 mg/kg/day for females based on reduced pup weights
870.4100a	Chronic toxicity in rodents	NOAEL = ≥25.6 mg/kg/day. LOAEL = >25.6 mg/kg/day. There were no signs of toxicity attributable to treatment at any dose level
870.4100b	Chronic toxicity in dogs	NOAEL was not achieved. LOAEL = 22.75 mg/kg/day based upon body weight gain depression, decreased food efficiency and focal or multi-focal chronic erosive gastritis
870.4200a	Carcinogenicity in rats	NOAEL = 84 mg/kg/day in males, 112 mg/kg/day in females. LOAEL = 682 mg/kg/day in males, 871 mg/kg/day in females based on decreased body weight and body weight gain, decreased food consumption, and an increased incidence of vacuolation of choroid plexus ependymal cells in the brain in both sexes and decreased water consumption in the females. No evidence of carcinogenicity
870.4200b	Carcinogenicity in mice	NOAEL = 12 mg/kg/day in females and ≥ 690.0 mg/kg/day in males. LOAEL = 95 mg/kg/day in females based on decreased body weight and body weight gains. No evidence of carcinogenicity
870.5100	Gene Mutation: reverse gene mutation assay in bacteria	There was no evidence of induced mutant colonies over background
870.5375	Cytogenetics: *in vitro* mammalian cytogenetics assay	Increases in aberrant metaphases were within the historical control range
870.5395	Bone marrow micronucleus assay	There was no significant increase in the frequency of micronucleated polychromatic erythrocytes in bone marrow at any dose tested.
870.5395	Bone marrow micronucleus assay	There was no significant increase in the frequency of micronucleated polychromatic erythrocytes in bone marrow after any treatment time.
870.5575	Other Genotoxicity: Saccharomyces cerevisiae, mitotic recombination, gene conversion assay	There was no evidence of gene conversion in the tested strains with activation.
870.5575	Saccharomyces cerevisiae, mitotic recombination, gene conversion assay	There was no evidence of gene conversion in the tested strains without activation.
870.5575	Saccharomyces cerevisiae, mitotic recombination, gene conversion assay	Under the conditions of the study there was no evidence of gene conversion.

TABLE 1.—TOXICITY PROFILE OF PROPAMOCARB HYDROCHLORIDE—Continued

Guideline No.	Study type	Results
870.6200a	Acute neurotoxicity screening battery in rats	NOAEL = 200 mg/kg/day. LOAEL = 2000 mg/kg/day based on soiled fur coat (both sexes) and decreased motor activity 8 hours post-dosing (females only)
870.6200b	Subchronic neurotoxicity screening battery in rats	NOAEL = 1320.8 mg/kg/day in males and 1485.6 mg/kg/day in females. LOAEL = not observed
870.6300	Developmental neurotoxicity in rats	NA
870.7485	Metabolism in rats	A higher dose (at least equivalent to levels of human exposure) should have been tested, and the metabolites should have been identified.
870.7600	Dermal penetration	NA
NA	Special studies	The cholinesterase inhibition studies were of questionable quality. The chemical does not cause any appreciable inhibition of cholinesterase.

B. Toxicological Endpoints

The dose at which the NOAEL from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the dose at which the LOAEL of concern are identified is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a "point of departure" is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for propyl[3-(dimethylamino)propyl]carbamate monohydrochloride used for human risk assessment is shown in the following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR PROPYL[3-(DIMETHYLAMINO)PROPYL]CARBAMATE MONOHYDROCHLORIDE FOR USE IN HUMAN RISK ASSESSMENT[1]

Exposure scenario	Dose used in risk assessment, UF	FQPA SF[2] and level of concern for risk assessment	Study and toxicological effects
Acute Dietary females 13–50 years of age	NOAEL = 150 mg ai/kg/day. UF = 100. Acute RfD = 1.5 mg ai/ kg/day.	FQPA SF = 1X. aPAD = acute RfD ÷ FQPA SF = 1.5 mg/kg/day	Developmental Toxicity Study—rabbit. Developmental LOAEL = 300 mg ai/kg/day based on increased post-implantation loss
Acute Dietary general population including infants and children	NOAEL = 200 mg ai/kg/day. UF = 100. Acute RfD = 2.0 mg/kg/day.	FQPA SF = 1X. aPAD = acute RfD ÷ FQPA SF = 2.0 mg/kg/day	Acute Neurotoxicity Screening Battery—rat. LOAEL = 2000 mg ai/kg/day based on decreased body weight gain and decreased motor activity

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR PROPYL[3-(DIMETHYLAMINO)PROPYL]CARBAMATE MONOHYDROCHLORIDE FOR USE IN HUMAN RISK ASSESSMENT[1]—Continued

Exposure scenario	Dose used in risk assessment, UF	FQPA SF[2] and level of concern for risk assessment	Study and toxicological effects
Chronic Dietary all populations	NOAEL = 12 mg ai/kg/day. UF = 100. Chronic RfD = 0.12 mg/kg/day.	FQPA SF = 1X. cPAD = chronic RfD ÷ FQPA SF = 0.12 mg/kg/day	Carcinogenicity Study—mouse. LOAEL = 95 mg ai/kg/day based on decreased body weight and body weight gain in females
Short-Term (1–7 days) and Intermediate-Term (1 week–several months) Dermal (Occupational/Residential)	dermal study NOAEL = 150 mg ai/kg/day.	LOC for MOE = 100 (Occupational). LOC for MOE = 100 (Residential)	21–Day Dermal Toxicity Study—rabbit. LOAEL = 525 mg/kg/day based on decreased body weight gain in females
Short-Term (1–7 days) and Intermediate-Term (1 week–several months) Inhalation (Occupational/Residential)	inhalation (or oral) study NOAEL = 150 mg ai/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100 (Occupational). LOC for MOE = 100. (Residential)	Developmental Toxicity Study—rabbit. Developmental LOAEL = 300 mg ai/ kg/day based on increased post-implantation loss. Maternal LOAEL = 300 mg ai/kg/day based on decreased body weight gain
Cancer (oral, dermal, inhalation)	"not likely"	not applicable	Acceptable oral rat and mouse carcinogenicity studies; no evidence of carcinogenic or mutagenic potential.

1 UF = uncertainty factor, FQPA SF = FQPA safety factor, NOAEL = no observed adverse effect level, LOAEL = lowest observed adverse effect level, PAD = population adjusted dose (a = acute, c = chronic) RfD = reference dose, MOE = margin of exposure, LOC = level of concern
2 The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In addition to the currently proposed tolerance for potatoes, tolerances have been established under the section 18 program (40 CFR 180.499) for the residues of propyl[3-(dimethylamino)propyl]carbamate monohydrochloride, in or on the raw agricultural commodity, potatoes and tomatoes. Risk assessments were conducted by EPA to assess dietary exposures from propyl[3-(dimethylamino)propyl]carbamate monohydrochloride in food as follows:

i. *Acute Exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: Tier 1 acute analyses were performed for females 13–50 years old and the general U.S. population (including infants and children); therefore, the acute risk was analyzed at the 95th percentile. The aPAD for females 13–50 years old and the general U.S. population (including infants and children) are 1.5 mg/kg/day and 2.0 mg/kg/day, respectively. For acute dietary risk estimates, EPA's level of concern is >100% aPAD. The results of the acute analysis indicate that the acute dietary risk estimates for the general U.S. population and all population subgroups (at the 95th percentile) associated with the proposed uses of propamocarb hydrochloride do not exceed EPA's level of concern.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the DEEM® analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: A Tier 1 chronic analysis was performed for the general U.S. population and all population subgroups. The cPAD for the general U.S. population and all subgroups is 0.12 mg/kg/day. For chronic dietary risk estimates, EPA's level of concern is >100% cPAD. The results of the chronic analysis indicate that the chronic dietary risk estimates for the general U.S. population and all population subgroups associated with the proposed uses of propamocarb hydrochloride do not exceed EPA's level of concern.

iii. *Cancer.* There is no concern for mutagenic potential, and there is no evidence of carcinogenic potential in either the rat or mouse. Propamocarb hydrochloride has been classified as "not likely to be carcinogenic in humans." Therefore, a cancer dietary exposure analysis was not performed.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for propyl[3-(dimethylamino)propyl]carbamate monohydrochloride in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of propyl[3-(dimethylamino)propyl]carbamate monohydrochloride.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and SCI–GROW, which predicts pesticide concentrations in ground water. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that

drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to propyl[3-(dimethylamino)propyl]carbamate monohydrochloride they are further discussed in the aggregate risk sections below.

Based on the GENEEC and SCI–GROW models the EECs of propyl[3-(dimethylamino)propyl]carbamate monohydrochloride in surface water and ground water for acute exposures are estimated to be 1030 parts per billion (ppb) for surface water and 2.08 ppb for ground water. The EECs for chronic exposures are estimated to be 340 ppb for surface water and 2.08 ppb for ground water.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Propyl[3-(dimethylamino)propyl]carbamate monohydrochloride is currently registered for use on the following residential non-dietary sites: turfgrass and ornamentals at residential, recreational and golf course sites. However, the usage information in the 1995 Reregistration Eligibility Decision (RED) for propamocarb hydrochloride and the label statement that only protected handlers may be present in the treated area during application, indicate that only commercial applicators will apply the registered end-use product Banol (EPA Registration Number 432–942, contains 66.5% propamocarb hydrochloride) mainly on golf courses and there will be no use on residential or recreational turf. The risk assessment was conducted using the following residential exposure assumptions: An MOE of 100 is adequate to ensure protection from propamocarb hydrochloride via the dermal and inhalation routes for residential exposures. The high-end scenario for residential post-application exposure is the golf course use. The post-application risk assessment is based on generic assumptions as specified by the newly proposed Residential Standard Operating Procedures (SOPs) and recommended approaches by Health Effects Division's (HED's) Exposure Science Advisory Committee. Short-term post-application exposures are expected for the adult and adolescent golfer. Golfer exposure is expected through minimal hand contact with the golf ball and dermal contact to the lower legs from treated plant surfaces. Since it is assumed that the adolescent golfer would have a proportionally similar exposure to adults, a dermal post-application assessment was performed for the adult golfer only. The calculated MOE for the golfer is 980 and, therefore, does not exceed EPA's level of concern. Since the short- and intermediate-term toxicological endpoints are the same, the golfer post-application exposure assessment is expected to provide adequate exposure estimates for both the short- and intermediate-term. In the event of intermediate-term exposure, propamocarb hydrochloride residues are expected to dissipate over time. Therefore, this assessment is expected to present a high-end conservative estimate of actual exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether propyl[3-(dimethylamino)propyl]carbamate monohydrochloride has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, propyl[3-(dimethylamino)propyl]carbamate monohydrochloride does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that propyl[3-(dimethylamino)propyl]carbamate monohydrochloride has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children—*i. *In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity.* There is no evidence of quantitative or qualitative enhanced susceptibility to infants and children. In the rat, developmental effects occur only at doses that cause mortality in the dams. The Maternal LOAEL of 740 mg ai/kg/day is based on mortality. The Maternal NOAEL is 221 mg ai/kg/day. The Developmental LOAEL of 740 mg ai/kg/day is based on increased gestation day (GD) 20 fetal death and a possible increase in minor skeletal anomalies. The Developmental NOAEL is 221 mg ai/kg/day.

In the rabbit, developmental effects occur only at doses where there is maternal toxicity. It was felt by the Hazard Identification Assessment Review Committee (HIARC) that the post implantation loss is actually due to the increased abortions in the does. The Maternal LOAEL of 300 mg ai/kg/day is based on decreased body weight gains for GD 6–18 and possible increased abortions. The Maternal NOAEL is 150 mg ai/kg/day. The Developmental LOAEL of 300 mg ai/kg/day is based on increased post-implantation loss. The Developmental NOAEL is 150 mg ai/kg/day.

In the reproduction toxicity study, offspring effects only occurred at levels resulting in maternal toxicity. The LOAEL for systemic/parental toxicity is 8000 ppm based on decreased body weights of F_0 and F_1 adults. The systemic/parental toxicity NOAEL is 1250 ppm.

iii. *Conclusion.* There is a complete toxicity data base for propyl[3-(dimethylamino)propyl]carbamate

monohydrochloride and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be removed. The FQPA factor is removed because the prenatal and postnatal toxicology database is complete and there is no indication of increased susceptibility. A developmental neurotoxicity study is not required. The dietary (food and drinking water) exposure assessments will not underestimate the potential exposures for infants and children from the use of propamocarb hydrochloride.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD—(average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and ground water are less than the calculated DWLOCs, the Office of Pesticide Programs (OPP) concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to propyl[3-(dimethylamino)propyl]carbamate monohydrochloride will occupy 1 % of the aPAD for the U.S. population, 1 % of the aPAD for females 13 years and older, 3% of the aPAD for all infants (< 1 year old) and 3 % of the aPAD for children 1–6 years old. In addition, there is potential for acute dietary exposure to propyl[3-(dimethylamino)propyl]carbamate monohydrochloride in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in the following Table 3:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO PROPYL[3-(DIMETHYLAMINO)PROPYL]CARBAMATE MONOHYDROCHLORIDE

Population Subgroup	a PAD (mg/kg)	% aPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Acute DWLOC (ppb)
All infants < 1year old	2.0	3	1030	2.08	19000
Children 1–6 years old	2.0	3	1030	2.08	19000
Females 13–50 years old	1.5	1	1030	2.08	45000
General U.S. population	2.0	1	1030	2.08	69000

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to propyl[3-(dimethylamino)propyl]carbamate monohydrochloride from food will utilize 7% of the cPAD for the U.S. population, 9% of the cPAD for all infants < 1 year old and 23 % of the cPAD for children 1–6 years old. It has been assumed that there are no residential uses for propyl[3-(dimethylamino)propyl]carbamate monohydrochloride that result in chronic residential exposure to propyl[3-(dimethylamino)propyl]carbamate monohydrochloride, as shown in the following Table 4:

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO PROPYL[3-(DIMETHYLAMINO)PROPYL]CARBAMATE MONOHYDROCHLORIDE

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
Infants < 1 year old	0.12	9	340	2.08	1100
Children 1–6 years old	0.12	23	340	2.08	920
Females 13–50 years old	0.12	5	340	2.08	3400
U.S. Population	0.12	7	340	2.08	3900

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Propyl[3-(dimethylamino)propyl]carbamate monohydrochloride is currently registered for use that could result in short-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and short-term exposures for propyl[3-(dimethylamino)propyl]carbamate monohydrochloride.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded that food and residential exposures aggregated result in aggregate MOEs of 950, 1100 and 1100 for females 13–50 years old, males 13–19 years old and the general U.S. population, respectively. The short-term aggregate risk assessment estimates risks likely to result from 1–7 day exposure to propamocarb hydrochloride residues in food, drinking water, and residential pesticide uses. High-end estimates of the residential exposure are used in the short-term assessment. Average values are used for food and drinking water exposure.

For short-term aggregate exposure risk, the oral and dermal exposures can be combined since both are based on the same toxicity endpoint (decreased body weight). An MOE of 100 is adequate to ensure protection from propamocarb hydrochloride via the dermal route for residential exposures.

According to the 1995 RED for propamocarb hydrochloride (Estimated Usage of Pesticide, p. 3), "almost all usage of propamocarb hydrochloride in the United States is concentrated on golf courses with approximately 100,000 to 200,000 lbs ai applied per year". The label for Banol states that only protected handlers may be present in the treated area during application. For these reasons, it is assumed that this product will be used by commercial applicators, mainly on golf courses. The high-end scenario for residential post-application exposure is the golf course use of Banol. Therefore, in aggregating short-term risk, the Agency considered background chronic dietary exposure (food and drinking water) and short-term golfer dermal exposure. These aggregate MOEs do not exceed the Agency's level of concern for aggregate exposure to food and residential uses. In addition, short-term DWLOCs were calculated and compared to the EECs for chronic exposure of propyl[3-(dimethylamino)propyl]carbamate monohydrochloride in ground and surface water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect short-term aggregate exposure to exceed the Agency's level of concern, as shown in the following Table 5:

TABLE 5.—AGGREGATE RISK ASSESSMENT FOR SHORT-TERM EXPOSURE TO PROPYL[3-(DIMETHYLAMINO)PROPYL]CARBAMATE MONOHYDROCHLORIDE

Population Subgroup	Aggregate MOE (Food + Residential)	Aggregate Level of Concern (LOC)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Short-Term DWLOC (ppb)
Females 13–50 years old	950	100	1030	2.08	40000
Males 13–19 years old	1100	100	1030	2.08	63000
General U.S. Population	1100	100	1030	2.08	63000

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). The short-term aggregate assessment adequately addresses both the short- and intermediate-term golfer dermal exposures. The short and intermediate-term dermal endpoints were chosen from the 21–day dermal rabbit toxicity study. The short-term golfer exposure was calculated assuming 1–7 day exposure to propamocarb hydrochloride. The intermediate-term aggregate risk assessment estimates risks likely to result from 7 days to 3 months exposure. In the event of intermediate-term exposure, propamocarb hydrochloride residues are expected to dissipate over time. Therefore, the short-term aggregate assessment is expected to present a high-end conservative estimate of intermediate-term risk. As the short-term aggregate risk assessment represents the high-end scenario, an intermediate-term assessment was not performed.

5. *Aggregate cancer risk for U.S. population.* An aggregate cancer risk analysis was not performed since there is no concern for mutagenic potential and there is no evidence of carcinogenic potential in either the rat or mouse. Propamocarb has been classified as "not likely to be carcinogenic in humans".

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to propyl[3-(dimethylamino)propyl]carbamate monohydrochloride residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

The petitioner utilized a gas chromatography method for the determination of propamocarb hydrochloride residues in/on raw agricultural commodity samples collected from the potato field study and field rotational crop study. The reported limit of quantitation was 0.05 ppm. The method validation and concurrent method recovery data indicate that this method is adequate for data collection.

An identical method is proposed for tolerance assessment. The proposed method has undergone a successful independent lab validation and petition validation method. EPA concludes that the requirements for a plant enforcement method have been fulfilled for the purpose of this petition.

A ruminant feeding study is required. Conclusions about the need for livestock tolerances and appropriate enforcement analytical method are deferred until receipt of the ruminant feeding study and determination of the residues of concern in livestock.

B. International Residue Limits

No Codex limit has been established for propamocarb hydrochloride in/on the raw agricultural commodity (RAC) potato or its processed commodities, or animal (except poultry) commodities of meat, meat byproducts, or milk. Canadian and Mexican maximum residue limits (MRLs) have been established for the use on the RAC potato at 0.5 ppm. Harmonization is not possible because the submitted crop

field data support the establishment of a tolerance on potatoes at 0.06 ppm. Canadian tolerances were established based, in part, on field studies from Europe where, in at least one test, dosages higher than those proposed in the U.S. were applied more frequently and closer to harvest.

C. Conditions

The conditions of registration will include submission of a livestock feeding study (which determines the metabolites N-oxide propamocarb, 2-hydroxy propamocarb and oxazolidine) and storage stability data from the livestock feeding study. The need for a livestock analytical enforcement method and livestock tolerances will be determined after receipt of the ruminant feeding study and determination of the residues of concern in livestock. A corrosion characteristics study must be submitted as soon as completed.

V. Conclusion

Therefore, the tolerance is established for residues of propyl[3-(dimethylamino)propyl]carbamate monohydrochloride, known as propamocarb hydrochloride, in or on potatoes at 0.06 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301057 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 28, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301057, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have " substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 21, 2000.

Susan B. Hazen,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180— [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. Section 180.499 is amended by adding text to paragraph (a) to read as follows:

§ 180.499 Propamocarb hydrochloride; tolerances for residues.

(a) *General.* Tolerances are established for the residues of propyl[3-(dimethylamino)propyl]carbamate monohydrochloride also known as propamocarb hydrochloride in or on the following raw agricultural commodity:

Commodity	Parts per million
Potato	0.06

* * * * *

[FR Doc. 00–25049 Filed 9–28–00; 8:45 am]
BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301055; FRL–6745–1]

RIN 2070–AB78

Dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; hexamethyldisilizane, reaction product with silica; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an amendment to the exemptions from the requirement of a tolerance for residues of dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica; when used as inert ingredients on growing crops, when applied to raw agricultural commodities after harvest, or to animals. Cabot Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996 requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica.

DATES: This regulation is effective September 29, 2000. Objections and requests for hearings, identified by docket control number OPP–301055, must be received by EPA on or before November 28, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VIII. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301055 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Vera Soltero, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–9359 and e-mail address: soltero.vera@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301055. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of June 30, 2000 (65 FR 40632) (FRL–6592–6), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act (FQPA) (Public Law 104–170) announcing the filing of pesticide petitions (PP 9E6017, PP 9E6018 and PP 9E6018) by Cabot Corporation, 75 State Street, Boston, MA, 02109. This notice included a summary of the petitions prepared by the petitioner. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.1001 (c) and (e) be amended by revising the existing exemptions from the requirement of a tolerance for residues of dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica; CAS No. 67762–90–7, CAS No. 68611–44–8, and CAS No. 68909–20–6, respectively.

Section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(c)(2)(A)(ii) defines "safe " to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue..." and specifies factors EPA is to consider in establishing an exemption.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene ploymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify

categories of polymers that should present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b). The following exclusion criteria for identifying these low risk polymers are described in 40 CFR 723.250(d).

1. The polymers, dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica, are not cationic polymers nor are they reasonably anticipated to become cationic polymers in a natural aquatic environment.

2. The polymers do contain as an integral part of their compostion the atomic elements carbon, hydrogen, and oxygen.

3. The polymers do not contain as an integral part of their composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymers are neither designed nor can they be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymers are manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymers are not water absorbing polymers with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

Additionally, the polymers, dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica, also meet as required the following exemption criteria specified in 40 CFR 723.250(e).

7. The polymers' number average MW of 1,100,000 daltons; 3,340,000 daltons; and 645,000 daltons, respectively is greater than or equal to 10,000 daltons. The polymer contains less than 2% oligomeric material below MW 500 and less than 5% oligomeric material below MW 1,000.

Thus, dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica meet all the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on their conformance to the above criteria, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica.

V. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica are 1,100,000 daltons; 3,340,000 daltons; and 645,000 daltons, respectively. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Additionally, since the polymer are not water-absorbing, it is expected that respirable fractions would be cleared from the lungs. Since dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica conform to the criteria that identify a low risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

VI. Cumulative Effects

Section 408 (b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance or tolerance exemption, the Agency consider "available information " concerning the cumulative effects of a particular chemical's residues and "other substances that have a common mechanism of toxicity." The Agency has not made any conclusions as to whether or not dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica share a common mechanism of toxicity with any other chemicals. However, dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica conform to the criteria that identify a low risk polymer. Due to the expected lack of toxicity based on the above conformance, the Agency has determined that a cumulative risk assessment is not necessary.

VII. Determination of Safety for U.S. Population

Based on the conformance to the criteria used to identify a low risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population from aggregate exposure to residues of dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica.

VIII. Determination of Safety for Infants and Children

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin safety will be safe for infants and children. Due to the expected low toxicity of dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

IX. Other Considerations

A. Endocrine Disruptors

There is no available evidence that dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica are endocrine disruptors.

B. Existing Exemptions from a Tolerance

An exemption from tolerance under 40 CFR 180.1001(c) and (e) was established for dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica published in the **Federal Register** of March 1, 2000, (65 FR 10946) (FRL–6490–9). The following uses were exempted for both dimethyl silicone polymer with silica and hexamethyldisilizane, reaction product with silica: moisture barrier, anti-caking agent, anti-settling agent. This amendment to the existing exemption adds thickening agent to the uses for dimethyl silicone polymer with silica and hexamethyldisilizane, reaction product with silica under 40 CFR 180.1001(c) and (e).

The uses exempted for silane, dichloromethyl-, reaction product with silica were: moisture barrier, anti-caking agent, anti-settling agent, anti-

thickening agent. This final rule establishes that anti-thickening be revised by deleting anti, so that the uses for silane, dichloromethyl-, reaction product with silica under 40 CFR 180.1001(c) and (e) will read as follows: moisture barrier, anti-caking agent, anti-settling agent, thickening agent.

C. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

D. International Tolerances

The Agency is not aware of any country requiring a tolerance for dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica nor have any CODEX Maximum Residue Levels (MRLs) been established for any food crops at this time.

X. Conclusion

Accordingly, EPA finds that exempting residues of dimethyl silicone polymer with silica; silane, dichloromethyl-, reaction product with silica; and hexamethyldisilizane, reaction product with silica from the requirement of a tolerance will be safe.

XI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301055 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 28, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. M3708, Waterside Mall, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VIII.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301055, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

XII. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and*

Review (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104 –113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications " is defined in the Executive Order to include regulations that have " substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

XIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule " as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 19, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180— [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. In §180.1001 the tables in paragraphs (c) and (e) are amended by revising the following entries to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * * * * *		
Dimethyl silicone polymer with silica, Minimum number average molecular weight (in amu) 1,100,000 daltons, CAS Reg. No. 67762–90–7	.....	Moisture barrier, anti-caking agent, anti-settling agent, thickening agent
* * * * * * *		
Hexamethyldisilizane, reaction product with silica, minimum number average molecular weight (in amu) 645,000 daltons, CAS Reg. No. 68909–20–6	.....	Moisture barrier, anti-caking agent, anti-settling agent, thickening agent
* * * * * * *		
Silane, dichloromethyl-, reaction product with silica minimum number average molecular weight (in amu) 3,340,000 daltons, CAS Reg. No. 68611–44–9	.....	Moisture barrier, anti-caking agent, anti-settling agent, thickening agent
* * * * * * *		

(e) * * *

Inert ingredients	Limits	Uses
* * * * * * *		
Dimethyl silicone polymer with silica, Minimum number average molecular weight (in amu) 1,100,000 daltons, CAS Reg. No. 67762–90–7	.....	Moisture barrier, anti-caking agent, anti-settling agent, thickening agent
* * * * * * *		
Hexamethyldisilizane, reaction product with silica, Minimum number average molecular weight (in amu) 645,000 daltons, CAS Reg. No. 68909–20–6	.....	Moisture barrier, anti-caking agent, anti-settling agent, thickening agent
* * * * * * *		
Silane, dichloromethyl-, reaction product with silica, Minimum number average molecular weight (in amu) 3,340,000 daltons, CAS Reg. No. 68611–44–9	.....	Moisture barrier, anti-caking agent, anti-settling agent, thickening agent
* * * * * * *		

[FR Doc. 00–25050 Filed 9–28–00]
BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301069; FRL–6749–1]

RIN 2070–AB78

Azoxystrobin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for the combined residues of azoxystrobin (methyl (E)-2-(2-(6-(2-cyanophenoxy)pyrimidin-4-yloxy)phenyl)-3-methoxyacrylate) and its Z isomer (methyl (Z)-2-(2-(6-(2-cyanophenoxy)pyrimidin-4-yloxy)phenyl)-3-methoxyacrylate) in or on barley, bran at 0.2 parts per million (ppm); barley, grain at 0.1 ppm; barley, hay at 15.0 ppm; barley, straw at 4.0 ppm; citrus, dried pulp at 2.0 ppm; citrus, oil at 4.0 ppm; coriander, leaves at 30.0 ppm; corn, field, forage at 12.0 ppm; corn, field, grain at 0.05 ppm; corn, field, refined oil at 0.3 ppm; corn, field, stover at 25.0 ppm; corn, pop, grain at 0.05 ppm; corn, pop, stover at 25.0 ppm; corn, sweet, forage at 12.0 ppm; corn, sweet (kernels plus cob with husks removed) at 0.05 ppm; corn, sweet, stover at 25.0 ppm; cotton, gin byproducts at 0.02 ppm; cotton, undelinted seed at 0.02 ppm; fruit, citrus, group at 1.0 ppm; grain, aspirated grain fractions at 30.0 ppm; onion, dry bulb at 1.0 ppm; onion, green at 7.5 ppm; peanut at 0.2 ppm; peanut, refined oil at 0.6 ppm; peanut, hay at 15.0 ppm; soybean, forage at 25.0 ppm; soybean, hay at 55.0 ppm; soybean, hulls at 1.0 ppm; soybean, seed at 0.5 ppm; vegetable, leafy, except Brassica, group at 30.0 ppm; vegetable, leaves of root and tuber, group at 50.0 ppm; vegetable, root, subgroup at 0.5 ppm; and vegetable, tuberous and corm, subgroup at 0.03 ppm; and increases the tolerance for azoxystrobin (only) in or on cattle, fat to 0.03 ppm; cattle, meat byproducts to 0.07 ppm; goat, fat to 0.03 ppm; goat, meat byproducts to 0.07 ppm; horse, fat to 0.03 ppm; horse, meat byproducts to 0.07 ppm; sheep, fat to 0.03 ppm; and sheep, meat byproducts to 0.07 ppm. Zeneca Ag Products requested these tolerances in pesticide petition number (PP#) 9F6058 under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 29, 2000. Objections and requests for hearings, identified by docket control number OPP–301069, must be received by EPA on or before November 28, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301069 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT By mail: Dan Kenny, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (703)305–7546; and e-mail address: kenny.dan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.*You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the **Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access the OPPTS Harmonized Guidelines referenced in this document, go directly

to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301069. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of August 2, 2000 (65 FR 47498) (FRL–6592–1), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP) for tolerance by Zeneca Ag Products, 1800 Concord Pike, P.O. Box 15458, Wilmington, DE 19850—5458. This notice included a summary of the petition prepared by Zeneca Ag Products, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.507 be amended by establishing a tolerance for combined residues of the fungicide azoxystrobin (methyl (E)-2-(2-(6-(2-cyanophenoxy)pyrimidin-4-yloxy)phenyl)-3-methoxyacrylate) and its Z isomer (methyl (Z)-2-(2-(6-(2-cyanophenoxy)pyrimidin-4-yloxy)phenyl)-3-methoxyacrylate), in or on barley, bran at 0.2 ppm; barley, grain at 0.1 ppm; barley, hay at 15 ppm; barley, straw at 4 ppm; citrus, dried pulp at 2.0 ppm; citrus, oil at 4.0 ppm; coriander, leaves at 30 ppm; corn, field, forage at 12 ppm; corn, field, grain at 0.05 ppm; corn, field, refined oil at 0.3 ppm; corn, field, stover at 25 ppm; corn, pop, grain at 0.05 ppm; corn, pop, stover at 25 ppm; corn, sweet, forage at 12 ppm; corn, sweet, kernel plus cob with husks removed at 0.05 ppm; corn, sweet, stover at 25 ppm; cotton, gin byproducts at 0.02 ppm; cotton, undelinted seed at 0.02 ppm; fruit, citrus, group at 1.0 ppm; onion, dry bulb at 1.0 ppm; onion, green at 7.5 ppm; peanut at 0.2 ppm; peanut, hay at 15.0 ppm; peanut, refined oil at 0.6 ppm; soybean, forage at 25 ppm; soybean, hay at 55 ppm; soybean, hulls at 1.0 ppm; soybean, seed at 0.5 ppm; vegetable, leafy, except Brassica, group at 30 ppm; vegetable, leaves of root and tuber, group at 50 ppm; and vegetable, root, subgroup at 0.5 ppm; and vegetable, tuberous and corm, subgroup at 0.03 ppm; and increase the tolerances for residues of azoxystrobin (only) in or on cattle, fat to 0.03 ppm; cattle, meat byproducts to 0.07 ppm; goat, fat to 0.03 ppm; goat, meat byproducts to 0.07 ppm; horse, fat to 0.03 ppm; horse, meat byproducts to 0.07 ppm; sheep, fat to 0.03 ppm; and sheep, meat byproducts to 0.07 (ppm).

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for the combined residues of azoxystrobin (methyl (E)-2-(2-(6-(2-cyanophenoxy)pyrimidin-4-yloxy)phenyl)-3-methoxyacrylate) and its Z isomer (methyl (Z)-2-(2-(6-(2-cyanophenoxy)pyrimidin-4-yloxy)phenyl)-3-methoxyacrylate) on barley, bran at 0.2 ppm; barley, grain at 0.1 ppm; barley, hay at 15.0 ppm; barley, straw at 4.0 ppm; citrus, dried pulp at 2.0 ppm; citrus, oil at 4.0 ppm; coriander, leaves at 30.0 ppm; corn, field, forage at 12.0 ppm; corn, field, grain at 0.05 ppm; corn, field, refined oil at 0.3 ppm; corn, field, stover at 25.0 ppm; corn, pop, grain at 0.05 ppm; corn, pop, stover at 25.0 ppm; corn, sweet, forage at 12.0 ppm; corn, sweet (kernels plus cob with husks removed) at 0.05 ppm; corn, sweet, stover at 25.0 ppm; cotton, gin byproducts at 0.02 ppm; cotton, undelinted seed at 0.02 ppm; fruit, citrus, group at 1.0 ppm; grain, aspirated grain fractions at 30.0 ppm; onion, dry bulb at 1.0 ppm; onion, green at 7.5 ppm; peanut at 0.2 ppm; peanut, refined oil at 0.6 ppm; peanut, hay at 15.0 ppm; soybean, forage at 25.0 ppm; soybean, hay at 55.0 ppm; soybean, hulls at 1.0 ppm; soybean, seed at 0.5 ppm; vegetable, leafy, except Brassica, group at 30.0 ppm; vegetable, leaves of root and tuber, group at 50.0 ppm; vegetable, root, subgroup at 0.5 ppm; and vegetable, tuberous and corm, subgroup at 0.03 ppm; and to increase the tolerances for residues of azoxystrobin (only) in or on cattle, fat to 0.03 ppm; cattle, meat byproducts to 0.07 ppm; goat, fat to 0.03 ppm; goat, meat byproducts to 0.07 ppm; horse, fat to 0.03 ppm; horse, meat byproducts to 0.07 ppm; sheep, fat to 0.03 ppm; and sheep, meat byproducts to 0.07 ppm. EPA's assessment of exposures and risks associated with establishing or increasing the tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by azoxystrobin, as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed, are discussed in the following Table 1.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	90-Day oral toxicity in rodents	NOAEL = 20.4 mg/kg/day for both males and females LOAEL = 211.0 mg/kg/day based on decreased body weight gain in both sexes, clinical observations of distended abdomens, reduced body size, and clinical pathology findings atributable to reduced nutritional status.
870.3150	90-Day oral toxicity in nonrodents	NOAEL = 50 mg/kg/day LOAEL = 250 mg/kg/day based on treatment-related clinical observations and clinical chemistry alterations .
870.3250	21-Day dermal toxicity	NOAEL = greater than or equal to 1,000 mg/kg/day (the highest dosing regimen) LOAEL = was not determined.
870.3700a	Prenatal developmental in rodents	Maternal NOAEL = not established Maternal LOAEL = 25 mg/kg/day based on increased salivation. Developmental NOAEL = greater than or equal to 100 mg/kg/day Developmental LOAEL = greater than 100 mg/kg/day because no adverse effects were observed.
870.3700b	Prenatal developmental in non-rodents	Maternal NOAEL = 150 mg/kg/day Maternal LOAEL = 500 mg/kg/day based on decreased body weightgain. Developmental NOAEL = 500 mg/kg/day Developmental LOAEL = greater than 500 mg/kg/day because no treatment-related adverse effects on development were seen.
870.3800	Reproduction and fertility effects	Reproductive NOAEL = 32.2 mg/kg/day Reproductive LOAEL = 165.4 mg/kg/day based on treatment-related reductions in adjusted pup body weights that were observed in the F1a and F2a pups.
870.4100a	Chronic toxicity rodents	NOAEL = 18.2 mg/kg/day for males and 22.3 mg/kg/day for females LOAEL = 34 mg/kg/day for males based on reduced body weights, food consumption and food efficiency, and bile duct lesions and 117.1 mg/kg/day for females based on reduced body weights.
870.4100b	Chronic toxicity dogs	NOAEL = 25 mg/kg/day LOAEL = 200 mg/kg/day based on clinical observations, clinical chemistry changes, and liver weight increases in both sexes.
870.4200	Carcinogenicity in rats	Systemic toxicity NOAEL = 18.2 mg/kg/day for males and 22.3 mg/kg/day for females Systemic toxicity LOAEL = 34 mg/kg/day for males based on reduced body weights, food consumption and food efficiency, and bile duct lesions and 117.1 mg/kg/day for females based on reduced body weights. There was no evidence of carcinogenicity.
870.4300	Carcinogenicity in mice	Systemic toxicity NOAEL = 37.5 mg/kg/day Systemic toxicity LOAEL = 272.4 mg/kg/day based on reduced body weights in both males and females. There was no evidence of carcinogenicity.
870.5100	Gene Mutation	Azoxystrobin was positive for forward gene mutation in mouse lymphoma cells, but was not mutagenic in the salmonella/mammalian activation gene mutation assay, showed some evidence of concentration-related induction of chromosomal aberrations over background in the presence of moderate to severe toxicity in the *in vitro* mammalian cytogenetics assay in human lymphocytes, caused no increase in the induction of micronuclei in the mouse bone marrow micronucleus assay, and did not increase the incidence of unscheduled DNA synthesis in rat hepatocytes/mammalian cells.
870.6200a	Acute neurotoxicity screening battery	Systemic toxicity NOAEL = less than 200 mg/kg/day Systemic toxicity Systemic toxicity LOAEL = 200 mg/kg/day based on transient diarrhea in both sexes. There was no indication of neurotoxicity at the doses tested.
870.6200b	Subchronic neurotoxicity screening battery	Systemic toxicity NOAEL = 38.5 mg/kg/day Systemic toxicity LOAEL = 161 mg/kg/day based on decreased body weight and weight gain in both sexes. There were no consistent indications of treatment-related neurotoxicity.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.7485	Metabolism and pharma-cokinetics	Metabolism studies were conducted with azoxystrobin that was either unlabeled or was labeled on the pyrimidinyl, phenylacrylate, or cyanophenyl part of the molecule. Dosing was single or for a period of 14 days. Overall recovery of label was 92–104%. Absorption was widely distributed but less than 0.5% of the dose was detected in the tissues and carcass up to 7 days postdosing. Most absorbed azoxystrobin was in excretion-related organs, especially the liver and kidneys. There was no evidence of potential for bioaccumulation. Excretion via expired air was minimal. Most excretion, in both sexes, was via the feces (73–89%) and urine (9–18%). Absorbed azoxystrobin seemed to be metabolized. Except for metabolite V (a glucuronide conjugate), which represented 27.4–29.3% of the administered dose, individual biliary metabolites represented less than 10% of the administered dose. A metabolic pathway was proposed showing hydrolysis and subsequent glucuronide conjugation as the major biotransformation process. This study was considered supplementary but can be upgraded upon acceptable additional explanations of fecal excretion data and how they pertain to assessing absorption in the two low-dose studies.
870.7600	Dermal penetration	Doses of 0.01 to 13.3 mg/kg were used. No animals died as a result of the treatment. Percutaneous absorption was minimal and did not appear to exhibit a dose-response relationship. Limited absorption precluded accurate assessment of distribution and metabolite characterization. Both fecal and urinary excretion were quantified, the former representing ca. 6% or less of total absorption and the latter accounting for less than 0.1% of the absorbed dose over a 24-hour period.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences. No additional uncertainty factors were used in this assessment.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD), where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk, which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). In certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment instead. In this non-linear approach, a "point of departure" is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for azoxystrobin used for human risk assessment is shown in the following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR AZOXYSTROBIN FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute Dietary general population including infants and children	NOAEL = less than 200 mg/kg/day; UF = 300; Acute RfD = 0.67 mg/kg/day	FQPA SF = 1; aPAD = acute RfD FQPA SF = 0.67 mg/kg/day	Acute Neurotoxicity in the Rat LOAEL = 200 mg/kg/day based on transient diarrhea in both sexes

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR AZOXYSTROBIN FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Chronic Dietary all populations	NOAEL = 18.2 mg/kg/day; UF = 100; Chronic RfD = 0.18 mg/kg/day	FQPA SF = 1; cPAD = 0.18 mg/kg/day chronic RfD x FQPA SF = 0.18 mg/kg/day	Chronic/Carcinogenicity Feeding Study in Rats LOAEL = 34 mg/kg/day for males based on reduced body weights, reduced food consumption and food efficiency, and bile duct lesions and 117.1 mg/kg/day for females based on reduced body weights
Short-Term Incidental Oral	NOAEL = 25 mg/kg/day; UF = 100	FQPA SF = 1	Prenatal Developmental Oral Toxicity in the Rat LOAEL = 100 mg/kg/day based on increased maternal diarrhea, urinary incontinence, and salivation
Intermediate-Term Incidental Oral	NOAEL = 20 mg/kg/day; UF = 100	FQPA SF = 1	90-Day Feeding Study in the Rat LOAEL = 211 mg/kg/day based on decreased body weight gain and clinical signs indicative of malnutrition in both sexes
Short-Term Dermal	NOAEL= not applicable	.....	21-Day Repeated-Dose Dermal in the Rat LOAEL = not applicable based on no dermal or systemic effects seen at the limit dermal dose of 1000 mg/kg/day. This risk assessment is thus not required.
Intermediate-Term Dermal	NOAEL = not applicable	.....	21-Day Repeated Dose Dermal in the Rat LOAEL = not applicable based on no dermal or systemic effects seen at the limit dermal dose of 1000 mg/kg/day.This risk assessment is thus not required.
Long-Term Dermal	NOAEL = not applicable	.....	This risk assessment is not required, based on the use pattern.
Short-Term Inhalation	NOAEL = 25 mg/kg/day (route-to-route extrapolation and 100% absorption rate (default value) used)	LOC for MOE = 100	Prenatal Development Oral Toxicity in the Rat LOAEL = 100 mg/kg/day based on increased maternal diarrhea, urinary incontinence, and salivation
Intermediate-Term Inhalation	NOAEL = 20 mg/kg/day (route-to-route extrapolation and 100% absorption rate (default value) used)	LOC for MOE = 100	90-Day Feeding Study in the Rat LOAEL = 211 mg/kg/day based on decreased body weight gain and clinical signs indicative of reduced nutrition in both sexes
Long-Term Inhalation	NOAEL = not applicable	.....	This risk assessment is not applicable to the use scenario of azoxystrobin.
Cancer	....	....	Chronic/Carcinogenicity Feeding Study in Rats; Carcinogenicity Feeding Study in Mice. There was no evidence of carcinogenic activity in either study. This assessment is thus not applicable and azoxystrobin is considered not likely to be a human carcinogen.

* The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.507) for the combined residues of azoxystrobin (methyl (E)-2-(2-(6-(2-cyanophenoxy)pyrimidin-4-yloxy)phenyl)-3-methoxyacrylate) and its Z isomer (methyl (Z)-2-(2-(6-(2-cyanophenoxy)pyrimidin-4-yloxy)phenyl)-3-methoxyacrylate), in or on a variety of raw agricultural commodities. Tolerances for azoxystrobin (only) have also been established for the animal commodities fat (0.010 ppm), meat byproducts (0.010 ppm), and meat (0.01 ppm) of cattle, goats, hogs, horses, and sheep; and for milk (0.006 ppm). Time-limited, emergency exemption tolerances have been established for azoxystrobin in/on several raw agriculutural commodities and animal commodities. Additional time-limited, emergency exemption azoxystrobin tolerances have also recently been recommended for carrots, roots (0.50 ppm); fruit, citrus, group (3.0 ppm); cotton, seed (0.10 ppm); beets, garden, roots (0.50 ppm); beets, garden, tops (50 ppm); and ginseng (0.50 ppm). Several of the time-limited tolerances will be replaced with permanent tolerances by this rule. Where both a time-limited and a permanent tolerance are proposed or established and where the tolerance values are not the same, the higher of the values was used in the dietary risk analysis. For the animal commodities whose azoxystrobin tolerances are proposed to be increased in PP#9F6058, the increased tolerance value was used in the dietary risk analysis. Risk assessments were conducted by EPA to assess dietary exposures from azoxystrobin in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: tolerance level residues were assumed and it was also assumed that 100% of the crops and other commodities with proposed or established azoxystrobin tolerances contained those residues. Anticipated residues, and percent crop treated (PCT) values of less than 100%, were not used.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the DEEM® analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: tolerance level residues were assumed and it was also assumed that 100% of the crops and other commodities with proposed or established azoxystrobin tolerances contained those residues. Anticipated residues, and percent crop treated (PCT) values of less than 100%, were not used.

iii. *Cancer.* Since carcinogenicity studies produced no evidence that azoxystrobin is a carcinogen, the Agency concluded that azoxystrobin is unlikely to be a human carcinogen. There is also, as a consequence, no carcinogenicity endpoint, and this analysis was not performed.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for azoxystrobin in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of azoxystrobin.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and Screening Concentration in Ground Water (SCI-GROW) to predict pesticide concentrations in ground water. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporates an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact of the processing (mixing, dilution, or treatment) of raw water for distribution that drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead, drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to azoxystrobin they are further discussed in the aggregate risk sections below.

Based on the GENEEC and SCI-GROW models the estimated environmental concentrations (EECs) of azoxystrobin for acute exposures are estimated to be 141 parts per billion (ppb) for surface water and 0.064 ppb for ground water. The EECs for chronic exposures are estimated to be 0.064 ppb for surface water and 127 ppb for ground water. Agency policy allows the estimated chronic surface water concentrations to be divided by 3 to obtain the value that is used in chronic risk assessment calculations. Therefore, the value that will be used in this type of assessment for azoxystrobin is 42 ppb.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Azoxystrobin is currently registered for use on the following residential non-dietary sites: turf and ornamentals. The risk assessment was conducted using the following residential exposure assumptions:

Products containing azoxystrobin may be applied 1–5 times per year at rates up to 0.95 lb. of active ingredient per acre. The current registered labels permit homeowners to mix/load/apply both flowable (i.e., liquid) and water-dispersable granule formulations. Residential handlers may be exposed to azoxystrobin for both short-term and

intermediate-term durations. Toddlers may also receive short-term and intermediate-term oral exposure from hand-to-mouth ingestion during post-application activities. The Agency's Draft Standard Operating Procedures (SOPs) for Residential Exposure Assessments were used as the basis for all residential handler exposure calculations. The post-application risk assessment is based on generic assumptions as specified by the newly proposed Residential SOPs and recommended approaches by the Agency's Exposure Science Advisory Committee. Changes to the Residential SOPs have been proposed that alter the residential post-application scenario assumptions. The proposed assumptions are expected to better represent residential exposure and are still considered to be high-end, screening level assumptions. Agency management has authorized the use of the revised residential SOPs that were presented to the FIFRA Science Advisory Panel in September 1999. Therefore, the current Residential SOP assumptions have been deviated from and the proposed assumptions have been used to calculate exposure estimates.

The short-term and intermediate-term NOAELs of 25 mg/kg/day and 20 mg/kg/day, derived from the Short-Term Inhalation and Intermediate-Term Inhalation scenarios (see above), respectively, were used in the inhalation and hand-to-mouth risk assessment of residential exposure. As no dermal endpoint was selected, a dermal risk assessment was not required for residential exposure. For residential inhalation and oral risk assessments, the target margin of exposure (MOE) was 100, which incorporates the FQPA Safety Factor of 1x.

MOEs calculated for residential handlers' inhalation exposure and children's oral exposure were well above the target of 100.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether azoxystrobin has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, azoxystrobin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that azoxystrobin has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children—*i. *In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity.* The developmental and reproductive toxicity data, from a Prenatal Development Study in Rats, a Prenatal Development Study in Rabbits, and a Two-Generation Reproductive Toxicity Study in Rats, did not indicate increased susceptibility of young rats or rabbits to in utero and/or postnatal exposure.

iii. *Conclusion.* There is a complete toxicity data base for azoxystrobin and exposure data are complete or are estimated based on data that reasonably account for potential exposures. The Agency has determined that the 10X FQPA safety factor to protect infants and children should be removed (that is, set to 1) because, in addition to the completeness of the toxicological database and the lack of increased susceptibility of young rats and rabbits to pre- and postnatal exposure to azoxystrobin, the unrefined chronic dietary exposure estimates will overestimate dietary exposure, and ground and surface water modeling data produce upper-bound concentration estimates.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water EECs. DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint value, drinking water consumption, and body weights. The following default body weights and consumption values are used by the U.S. EPA Office of Water to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to azoxystrobin will occupy 11% of the aPAD for the U.S. population, 12% of the aPAD for females 13 years old and older and 19%

of the aPAD for infants and children. In addition, there is potential for acute dietary exposure to azoxystrobin in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in the following Table 3:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO AZOXYSTROBIN

Population Subgroup	a PAD (mg/kg)	% aPAD (Food)	Surface Water EEC (µg/L)	Ground Water EEC (µg/L)	Acute DWLOC (µg/L)
U.S. population (total)	0.67	11	141	0.064	21,000
Infants/children	0.67	19	141	0.064	5,400
Females 13+	0.67	12	141	0.064	18,000

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to azoxystrobin from food will utilize 12% of the cPAD for the U.S. population, 12% of the cPAD for females 13 years old and older, and 18% of the cPAD for children 1–6 years old. Based the use pattern, chronic residential exposure to residues of azoxystrobin is not expected. In addition, there is potential for chronic dietary exposure to azoxystrobin in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 4:

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO AZOXYSTROBIN

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (µg/L)	Ground Water EEC (µg/L)	Chronic DWLOC (µg/L)
U.S. Population (total)	0.18	12	42	0.064	5,600
Infants/children	0.18	18	42	0.064	1,500
Females 13+	0.18	12	42	0.064	4,800

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Azoxystrobin is currently registered for uses that could result in short-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and short-term exposures for azoxystrobin.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded that food and residential exposures aggregated result in aggregate MOEs of 1,200 for the U.S. population and 520 for the subgroup children 1–6 years old. These aggregate MOEs do not exceed the Agency's level of concern for aggregate exposure to food and residential uses. In addition, short-term DWLOCs were calculated and compared to the EECs for chronic exposure to azoxystrobin in ground and surface water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect short-term aggregate exposure to exceed the Agency's level of concern, as shown in the following Table 5:

TABLE 5.—AGGREGATE RISK ASSESSMENT FOR SHORT-TERM EXPOSURE TO AZOXYSTROBIN

Population Subgroup	Aggregate MOE (Food + Residential)	Aggregate Level of Concern (LOC)	Surface Water EEC (µg/L)	Ground Water EEC (µg/L)	Short-Term DWLOC (µg/L)
U.S. population	1,200	100	42	0.064	6,900
Children 1–6 years old	520	100	42	0.064	2,000

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Azoxystrobin is currently registered for uses that could result in intermediate-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and intermediate-term exposures for azoxystrobin.

Using the exposure assumptions described in this unit for intermediate-term exposures, EPA has concluded that food and residential exposures aggregated result in an aggregate MOE of 420 for the subgroup children 1–6 years old. These aggregate MOEs do not exceed the Agency's level of concern for aggregate exposure to food and residential uses. In addition, intermediate-term DWLOCs were calculated and compared to the EECs for chronic exposure of azoxystrobin in ground and surface water. After calculating DWLOCs and comparing them to the EECs for surface and ground

water, EPA does not expect intermediate-term aggregate exposure to exceed the Agency's level of concern, as shown in the following Table 6:

TABLE 6.—AGGREGATE RISK ASSESSMENT FOR INTERMEDIATE-TERM EXPOSURE TO AZOXYSTROBIN

Population Subgroup	Aggregate MOE (Food + Residential)	Aggregate Level of Concern (LOC)	Surface Water EEC (µg/L)	Ground Water EEC (µg/L)	Intermediate-Term DWLOC (µg/L)
Children 1–6 years old	420	100	42	0.064	1,500

5. *Aggregate cancer risk for U.S. population.* Because of the lack of evidence of any carcinogenic potential of azoxystrobin in long-term rat and mouse feeding studies, the Agency has classified it as not likely to be a human carcinogen and there are no endpoints or other values against which to assess carcinogenic risk. Therefore, this risk analysis is not applicable.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to azoxystrobin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate methodology is available for enforcement of the proposed tolerances. The registrant has previously submitted three analytical methods for the analysis of commodities for which azoxystrobin tolerances exist.

1. The first method, RAM 243, is a gas chromatography with nitrogen-phosphorus detection (GC/NDP) method previously submitted by the registrant which can be used for the analysis of the tolerances in or on non-oily commodities such as barley, bran; barley, grain; barley, hay; barley, straw; citrus, dried pulp; coriander, leaves; corn, field, forage; corn, field, grain; corn, field, refined oil; corn, field, stover; corn, pop, grain; corn, pop, stover; corn, sweet, forage; corn, sweet (kernels plus cob with husks removed); corn, sweet, stover; fruit, citrus, group; onion, dry bulb; onion, green; peanut, hay; vegetable, leafy, except Brassica, group; vegetable, leaves of root and tuber, group; vegetable, root, subgroup; vegetable, tuberous and corm, subgroup; and non-oily processed commodities. This method has been reviewed and validated by the Agency, and will be submitted to the Food and Drug Administration (FDA) for inclusion in Pesticide Analytical Manual (PAM) II.

2. The second method, RAM 260, is a GC/NPD method previously submitted by the registrant for the analysis of azoxystrobin and its Z isomer in or on crops of high lipid content. It is adequate for the enforcement of tolerances such as cotton, undelinted seed; peanut; soybean, seed; and oily processed commodities. This method has also been validated by the Agency and will be submitted to FDA for inclusion in PAM II.

3. The third method, RAM 255/01, also previously submitted by the registrant, uses gas chromatography with thermionic protection, nitrogen mode, for analysis of animal commodities, including the fat and meat byproducts of cattle, goat, horse, and sheep. This method, as well, has been validated by the Agency for analysis of milk and animal tissues. This method, which will be accompanied by a written laboratory report and an Agency addendum, are to be submitted to FDA for inclusion in PAM II.

The above methods may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

No Codex, Canadian, or Mexican Maximum Residue Levels (MRLs) have been established for residues of azoxystrobin. Therefore, no tolerance discrepencies exist between countries for this chemical.

C. Conditions

As conditions of registration of the use of azoxystrobin on the sites for which tolerances are being established in this rule, the registrant must submit the following:

(1) In order to retain the use of the flowable concentrate formulation for late season uses the registrant must either submit separate crop field trials for the flowable concentrate or bridging data (side-by-side field trials) on representative crops for both the flowable concentrate and the water dispersible granule formulations of azoxystrobin.

(2) The registrant must submit additional data on the frozen storage stability of azoxystrobin and its Z isomer in or on one representative crop each in the leafy vegetable group, the root and tuber vegetable group, and the processed commodities of a root and tuber vegetable group member.

(3) Two additional spinach field trial studies that reflect the maximum proposed seasonal use pattern in each of two Regions must be submitted.

(4) Additional rotational field crop studies using a higher application rate must also be submitted.

V. Conclusion

Therefore, tolerances are established for the combined residues of azoxystrobin (methyl (E)-2-(2-(6-(2-cyanophenoxy)pyrimidin-4-yloxy)phenyl)-3-methoxyacrylate) and its Z isomer (methyl (Z)-2-(2-(6-(2-cyanophenoxy)pyrimidin-4-yloxy)phenyl)-3-methoxyacrylate), , in or on barley, bran at 0.2 ppm; barley, grain at 0.1 ppm; barley, hay at 15.0 ppm; barley, straw at 4.0 ppm; citrus, dried pulp at 2.0 ppm; citrus, oil at 4.0 ppm; coriander, leaves at 30.0 ppm; corn, field, forage at 12.0 ppm; corn, field, grain at 0.05 ppm; corn, field, refined oil at 0.3 ppm; corn, field, stover at 25.0 ppm; corn, pop, grain at 0.05 ppm; corn, pop, stover at 25.0 ppm; corn, sweet, forage at 12.0 ppm; corn, sweet (kernels plus cob with husks removed) at 0.05 ppm; corn, sweet, stover at 25.0 ppm; cotton, gin byproducts at 0.02 ppm; cotton, undelinted seed at 0.02 ppm; fruit, citrus, group at 1.0 ppm; grain, aspirated grain fractions at 30.0 ppm; onion, dry bulb at 1.0 ppm; onion, green at 7.5 ppm; peanut at 0.2 ppm; peanut, refined oil at 0.6 ppm; peanut, hay at 15.0 ppm; soybean, forage at 25.0 ppm; soybean, hay at 55.0 ppm; soybean, hulls at 1.0 ppm; soybean, seed at 0.5 ppm; vegetable, leafy, except Brassica, group at 30.0 ppm; vegetable; leaves of root and tuber, group at 50.0 ppm; vegetable, root, subgroup at 0.5 ppm; and vegetable, tuberous and corm, subgroup at 0.03 ppm; and tolerances are increased for residues of azoxystrobin

(only) in or on cattle, fat to 0.03 ppm; cattle, meat byproducts to 0.07 ppm; goat, fat to 0.03 ppm; goat, meat byproducts to 0.07 ppm; horse, fat to 0.03 ppm; horse, meat byproducts to 0.07 ppm; sheep, fat to 0.03 ppm; and sheep, meat byproducts to 0.07 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301069 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 28, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301069, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995

(NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 21, 2000.

James Jones,,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—AMENDED

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. In Section 180.507, the table to paragraph (a)(1) is amended by revising the entries for "peanut, hay", and "peanuts", by adding new entries to read as set forth below, and by removing the entry for "peanut oil"; the table in paragraph (a)(2) is amended by revising the entries for "cattle, fat"; "cattle, meat byproducts"; "goat, fat"; "goat, meat byproducts"; "horse, fat"; "horse, meat byproducts"; "sheep, fat"; and "sheep, meat byproducts", and in the table to paragraph (b) the entries for "soybean hay"; "soybean forage"; "soybean hulls"; and "soybean seed" are removed.

§ 180.507 Azoxystrobin; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Barley, bran	0.2
Barley, grain	0.1
Barley, hay	15.0
Barley, straw	4.0
* * * * *	
Citrus, dried pulp	2.0
Citrus, oil	4.0
Coriander, leaves	30.0
Corn, field, forage	12.0
Corn, field, grain	0.05
Corn, field, refined oil	0.3
Corn, field, stover	25.0
Corn, pop, grain	0.05
Corn, pop, stover	25.0
Corn, sweet, forage	12.0
Corn, sweet (K+CWHR)	0.05
Corn, sweet, stover	25.0
Cotton, gin byproducts	0.02
Cotton, undelinted seed	0.02
* * * * *	
Fruit, citrus, group	1.0
Grain, aspirated grain fractions	30.0
* * * * *	
Onion, dry bulb	1.0
Onion, green	7.5
Peanut	0.2
Peanut, refined oil	0.6
Peanut, hay	15.0
* * * * *	
Soybean, forage	25.0
Soybean, hay	55.0
Soybean, hulls	1.0
Soybean, seed	0.5
* * * * *	
Vegetable, leafy, except Brassica, group	30.0
Vegetable, leaves of root and tuber, group	50.0
Vegetable, root, subgroup	0.5
Vegetable, tuberous and corm, subgroup	0.03
* * * * *	

(2) * * *

Commodity	Parts per million
Cattle, fat	0.03
* * * *	
Cattle, meat byproducts	0.07
Goat, fat	0.03
* * * * *	
Goat, meat byproducts	0.07
Horse, fat	0.03
* * * * *	
Horse, meat byproducts	0.07
* * * * *	
Sheep, fat	0.03
* * * * *	
Sheep, meat byproducts	0.07

* * * * *

[FR Doc. 00–25051 Filed 9–28–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301064; FRL–6747–8]

RIN 2070–AB78]

Indoxacarb; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes permanent tolerances for the combined residues of Indoxacarb, [(S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)phenyl] amino]carbonyl]indeno[1,2-e][1,3,4] oxadiazine-4a(3H)- carboxylate] and its R-enantiomer [(R)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy) phenyl]amino] carbonyl]indeno [1,2-e][1,3,4] oxadiazine-4a(3H)- carboxylate] in a 75:25 mixture (DPX–MP062), respectively, in or on the raw agricultural commodities as follows: apples, pears, *Brassica* (head and stem subgroup), cotton, leaf lettuce, head lettuce, fruiting vegetable group, sweet corn, milk, and the meat, meat byproducts and fat of cattle, goats, horses, hogs and sheep. E. I. du Pont de Nemours and Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 29, 2000. Objections and requests for hearings, identified by docket control number OPP–301064, must be received by EPA on or before November 28, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301064 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT By mail: Jane Smith, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: 703 305–7378; e-mail address: smith.jane-scott@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.*You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301064. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of April 16, 1998 (63 FR 18912–18919) (FRL–5782–8), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP) 8F4948, for tolerance by E. I. du Pont de Nemours and Company, P.O. Box 80038, Wilmington, DE 19880–0038. This notice included a summary of the petition prepared by DuPont, the registrant. There were three comments in response to the Notice of Filing from members of the cotton industry. They expressed concern for the use of terminology associated with cotton in the Notice of Filing. These cotton terminology comments were forwarded within the Agency to the evaluators of the cotton portion of the submission which ultimately did not impact the interpretation of the submission.

The petition (8F4948) requested that 40 CFR 180.564 be amended by establishing permanent tolerances for residues of the insecticide DPX–MP062 (75:25 enantiomeric mixture of indoxacarb and its R-enantiomer), [R,S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)phenyl] amino]carbonyl] indeno[1,2-e][1,3,4] oxadiazine-4a(3H)-carboxylate] in/on the raw agricultural commodities as follows: pome fruit at 2.0 parts per million (ppm), apple pomace at 6.0 ppm, *Brassicas*, head and stem at 10.0 ppm, cottonseed at 3.0 ppm, cotton gin trash at 15.0 ppm, leaf lettuce at 20.0 ppm, head lettuce at 7.0 ppm, fruiting vegetables at 0.70 ppm, sweet corn kernel at 0.02 ppm, sweet corn forage at 20.0 ppm, and sweet corn stover at 25.0 ppm, meat 0.02 ppm, milk at 0.10 ppm, cattle kidney at 0.05 ppm; and by establishing a tolerance for residues of the insecticide DPX–MP062, (R,S)-

methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl) [4-(trifluoromethoxy)phenyl] amino]carbonyl] indeno[1,2-e][1,3,4]oxadiazine-4a(3H)-carboxylate and its metabolite (IN-JT333), methyl 7-chloro-2,5-dihydro-2-[[[4-(trifluoromethoxy)phenyl] amino]carbonyl]indeno[1,2-e][1,3,4]oxadi azine- 4a(3H)-carboxylate, in/on milk fat at 0.75 ppm and cattle fat at 0.75 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that" there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to " ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue.."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for the combined residues of indoxacarb and its R-enantiomer in/on the following: apple at 1.0 ppm; apple, wet pomace at 3.0 ppm; Brassica, head and stem, subgroup at 5.0 ppm; cattle, goat, horse, sheep and hog fat at 0.75 ppm; cattle, goat, horse, sheep and hog meat at 0.03 ppm; cattle, goat, horse, sheep and hog meat byproducts at 0.02 ppm; corn, sweet, forage at 10 ppm; corn, sweet, kernel plus cob with husk removed at 0.02 ppm; corn, sweet, stover at 15 ppm; cotton gin byproducts at 15 ppm; cotton, undelinted seed at 2.0 ppm; lettuce, head at 4.0 ppm; lettuce, leaf at 10 ppm; milk at 0.10 ppm; milk fat at 3.0 ppm; pear at 0.20 ppm; vegetables, fruiting, group at 0.50 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by indoxacarb and its R-enantiomer are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed. DPX–MP062 is a 75:25 . mixture of the two enantiomers: indoxacarb which is insecticidally active, and its R-enantiomer, which is insecticidally inactive. DPX–JW062 is a mixture of these same two enantiomers; however, they are in a 50:50 ratio. Toxicology data submitted on DPX–JW062 were considered relevant and included in the evaluation.

The technical DPX–MP062 (75:25) is toxicity category I for acute oral (rat); IV for acute dermal (rat), inhalation (rats) and primary dermal irritation (rabbit); and III for primary eye irritation (rabbit). The technical is considered a dermal sensitizer (guinea pig).

TABLE 1. — SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	90–Day oral toxicity rodents — rats	DPX—MP062 (75% indoxacarb / 25% enantiomer) NOAEL = Male (M) 3.1 mg/kg/day, Female (F) 2.1 mg/kg/day LOAEL = M 6.0 mg/kg/day, F 3.8 mg/kg/day based on decreased body weight, body weight gain, food consumption and food efficiency.
870.3100	90–Day oral toxicity rodents—rats	DPX—JW062 (50% indoxacarb / 50% enantiomer) / NOAEL = M 8.0, F 4.6 mg/kg/day LOAEL = M 16, F 9.5 mg/kg/day based on mortality (F only), decreased. body weight, body weight gain, food consumption and food efficiency in rats.
870.3100	90–Day oral toxicity rodents— rats	DPX—JW062 / NOAEL = M 3.7, F 4.9 mg/kg/day LOAEL = M 7.5, F 12 mg/kg/day based on decreased in absolute body weight, body weight gain and food efficiency in rats.
870.3100	90–Day oral toxicity rodents— mice	DPX—JW062 / NOAEL = M23, F 16 mg/kg/day LOAEL = M 44, F 30 mg/kg/day based on mortality (M only); increased reticulocytes and Heinz bodies and decreased body weight, weight gain, food consumption, food efficiency; and increased clinical signs (leaning to one side and/or with abnormal gait or mobility) (F only) in mice.
870.3150	90–Day oral toxicity in nonrodents—dogs	DPX—JW062 / NOAEL = 5.0 mg/kg/day LOAEL = 19 mg/kg/day based on hemolytic anemia, as indicated by decreased in HGB, RBCs; increases in platelets, increased reticulocytes; and secondary histopathologic findings indicative of blood breakdown (pigment in Kupffer cells, renal tubular epithelium, and spleen and bone marrow macrophages); increased in splenic EMH; and RBC hyperplasia in bone marrow in dogs.

TABLE 1. — SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.3200	28–Day dermal toxicity — rats	DPX—MP062 / NOAEL = 2,000 mg/kg/day LOAEL = >2,000 mg/kg/day in rats.
870.3200	28–Day dermal toxicity — rats	DPX—MP062 / NOAEL = 50 mg/kg/day LOAEL = 500 mg/kg/day based on decreased body weights, body weight gains, food consumption, and food efficiency in F, and changes in hematology parameters (increased reticulocytes), the spleen (increased absolute and relative weight M only, gross discoloration), clinical signs of toxicity in both sexes in rats.
870.3700a	Prenatal developmental in rodents—rats	DPX—MP062 / Maternal NOAEL = 2.0 mg/kg/day, LOAEL = 4.0 mg/kg/day based on decreased mean body weights, body weight gains, food consumption. Developmental NOAEL = 2.0 mg/kg/day, LOAEL = 4.0 mg/kg/day based on decreased fetal weights.
870.3700a	Prenatal developmental in rodents—rats	DPX—JW062 / Maternal NOAEL = 10 mg/kg/day, LOAEL = 100 mg/kg/day based on mortality, clinical signs, and decreased mean body weights, body weight gains, and food consumption. Developmental NOAEL = 10 mg/kg/day, LOAEL = 100 mg/kg/day based on decreased numbers of live fetuses/litter.
870.3700a	Prenatal developmental in rodents—rats	DPX—JW062 / Maternal NOAEL = 1.1 mg/kg/day LOAEL = 2.2 mg/kg/day based on decreased mean body weights, body weight gains, food consumption, and food efficiency. Developmental NOAEL = 1.1 mg/kg/day LOAEL = 2.2 mg/kg/day based on decreased fetal body weights.
870.3700b	Prenatal developmental in nonrodents—rabbits	DPX—JW062 / Maternal NOAEL = 500 mg/kg/day LOAEL = 1,000 mg/kg/day based on slight decreases in maternal body weight gain and food consumption. Developmental NOAEL = 500 mg/kg/day LOAEL = 1,000 mg/kg/day based on decr. fetal body weights and reduced ossification of the sternebrae.
870.3800	Reproduction and fertility effects—rats	DPX—JW062 / Parental/Systemic NOAEL = 1.5 mg/kg/day LOAEL = 4.4 mg/kg/ day based on decreased. body weights, body weight gains, and food consumption of F_0 females, and increased spleen weights in the F_0 and F_1 females. Reproductive NOAEL = 6.4 mg/kg/day, LOAEL > 6.4 mg/kg/day. Offspring NOAEL = 1.5 mg/kg/day, LOAEL = 4.4 mg/kg/day based on decreased in the body weights of the F_1 pups during lactation.
870.4100a	Chronic toxicity rodents—rats	DPX—JW062 / NOAEL = M 5, F 2.1 mg/kg/day, LOAEL = M 10, F 3.6 mg/kg/day based on decreased body weight, body weight gain, and food consumption and food efficiency; decreased HCT, HGB and RBC at 6 months in F only. no evidence of carcinogenic potential
870.4100b	Chronic toxicity—dogs	DPX—JW062 / NOAEL = M 2.3, F 2.4 mg/kg/day LOAEL = M 18, F 19 mg/kg/day based on decreased. HCT, HGB and RBC; increased Heinz bodies and reticulocytes and associated secondary microscopic changes in the liver, kidneys, spleen, and bone marrow; increased absolute and relative liver weights.
870.4200	Carcinogenicity—rats	DPX—JW062 / see 870.4100a no evidence of carcinogenicity
870.4300	Carcinogenicity—mice	DPX—JW062 / NOAEL = M 2.6, F4.0 mg/kg/day, LOAEL = M 14, F 20 mg/kg/day based on decreased body weight, body weight gain, and food efficiency and clinical signs indicative of neurotoxicity. no evidence of carcinogenicity
870.5100	Gene mutation	DPX—MP062 / strains TA97a, TA98, TA100 and TA1535 of *S. typhimurium* and strain WP2(uvrA) of *E. coli* were negative for mutagenic activity both with and without S9 activation for the concentration range 10–5000 µg/plate
870.5100	Gene mutation	DPX—JW062 / strains TA97a, TA98, TA100 and TA1535 of *S. typhimurium* and strain WP2(uvrA) of *E. coli* were negative for mutagenic activity both with and without S9 activation for the concentration range 10–5000 µg/plate.

TABLE 1. — SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.5300	Gene mutation	DPX—MP062 / negative for mutagenic activity for the following concentration ranges: 3.1–250 µg/mL (–S9); 3.1–250 µg/mL (+S9)
870.5300	Gene mutation	DPX—JW062 / negative for mutagenic activity for the following concentration ranges: Negative;100–1,000 µg/mL (–S9); 100–1,000 µg/mL (+S9), precipitate ≥1,000 µg/mL
870.5375	Cytogenetics	DPX—MP062 / no evidence of chromosomal aberrations induced by the test article over background for the following concentration ranges: 15.7–1,000 µg/mL (+S9)
870.5375	Cytogenetics	DPX—JW062 / no evidence of chromosomal aberrations induced by the test article over background for the following concentration ranges: 19–300 µg/mL (–S9), 19–150 µg/mL (+S9); partial insoluble and cytotoxicity ≥150 µg/mL
870.5395	Cytogenetics	DPX—MP062 / no evidence of mutagenicity for the following dose ranges: 3,000–4,000 mg/kg—males; 1,000–2,000 mg/kg—females
870.5395	Cytogenetics	DPX—JW062 / no evidence of mutagenicity at 2,500 or 5,000 mg/kg
870.5550	Other effects	DPX—MP062/ no evidence of mutagenic activity at the following concentration range: 1.56–200 µg/mL; cytotoxicity was seen at concentrations of ≥100 µg/mL
870.5550	Other effects	DPX—JW062 / No evidence of mutagenic activity at the following concentration range: 0.1–50 µg/mL, cytotoxicity observed at ≥50 µg/mL
870.6200a	Acute neurotoxicity screening battery — rat	DPX—MP062 / NOAEL = M 100, F 12.5 mg/kg LOAEL = M 200 mg/kg based on decreased body weight gain, decreased food consumption, decreased forelimb grip strength, and decreased foot splay. F 50 mg/kg based on decreased body weight, body weight gain, and food consumption
870.6200a	Acute neurotoxicity screening battery —rats	DPX—JW062 / NOAEL >= M 2,000 mg/kg, F < 500 mg/kg LOAEL > M 2,000 mg/kg, F < 500 mg/kg based on clinical signs, decreased body weight gains and food consumption, and FOB effects
870.6200b	Subchronic neurotoxicity screening battery — rats	DPX—MP062 / NOAEL = M 0.57, F 0.68 mg/kg/day LOAEL = M 5.6, F 3.3 mg/kg/day based on decreased body weight and alopecia.
870.7485	Metabolism and pharmacokinetic — rats	Both DPX—MP062 and DPX—JW062 were extensively metabolized and the metabolites were eliminated in urine, feces, and bile. The metabolite profile for DPX—JW062 was dose dependent and varied quantitatively between males and females. Differences in metabolite profiles were also observed for the different label positions (indanone and trifluoromethoxyphenyl rings). All biliary metabolites undergo further biotransformation in the gut. The proposed metabolic pathway for both DPX—MP062 and DPX—JW062 has multiple metabolites bearing one of the two ring structures.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic

Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a "point of departure" is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for indoxacarb and its R-enantiomer used for human risk assessment is shown in the following Table 2:

TABLE 2. — SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR INDOXACARB AND ITS R-ENANTIOMER FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, Uncertainty Factor (UF)	FQPA Safety Factor (SF)* and Endpoint for Risk Assessment	Study and Toxicological Effects
Acute dietary females 13–50 years of age	NOAEL = 2.0 mg/kg/day UF = 100 Acute RfD = 0.02 mg/kg	FQPA SF = 1 aPAD = acute RfD ÷ FQPA SF = 0.02 mg/kg/day	Developmental rat toxicity study. developmental LOAEL = 4.0 mg/kg/day based on decreased fetal body weight.
Acute dietary general population including infants and children	NOAEL= 12.5 mg/kg UF = 100 Acute RfD = 0.12 mg/kg	FQPA SF = 1 aPAD = acute RfD ÷ FQPA SF = 0.12 mg/kg/day	Acute oral rat neurotoxicity study. LOAEL = 50 mg/kg based on decreased body weight and body weight gain in females.
Chronic dietary all populations	NOAEL= 2.0 mg/kg/day UF = 100 Chronic RfD = 0.02 mg/kg/day	FQPA SF = 1 cPAD = chr RfD ÷ FQPA SF = 0.02 mg/kg/day	90–Day rat subchronic toxicity study, 90–day rat neurotoxicity study, chronic/carcinogenicity rat study. LOAEL = 3.3 mg/kg/day based on decreased body weight, alopecia, body weight gain, food consumption and food efficiency; decreased hematocrit, hemoglobin and red blood cells only at 6 months. 3.3 mg/kg/day is the lowest NOAEL/LOAEL of the 3 studies.
Short-term oral (1–7 days) (Residential)	Oral study NOAEL= 2.0 mg/kg/day	LOC for MOE = 100 (Residential, includes the FQPA SF)	Developmental rat toxicity study. maternal LOAEL = 4.0 mg/kg/day based on decreased mean maternal body weights, body weight gains, and food consumption.
Intermediate- term oral (1 week - several months) (Residential)	Oral study NOAEL= 2.0 mg/kg/day	LOC for MOE = 100 (Residential, includes the FQPA SF)	90–day rat subchronic toxicity study. LOAEL = 3.8 mg/kg/day based on decreased body weight, body weight gain, food consumption and food efficiency.
Short- (1–7 days), intermediate- (1 week—several months), and long- (several months—lifetime) term dermal (Occupational/ Residential)	Dermal study NOAEL= 50 mg/kg/day	LOC for MOE = 100 (Occupational) LOC for MOE = 100 (Residential, includes the FQPA SF)	28–day rat dermal toxicity study. LOAEL = 500 mg/kg/day based on decreased body weights, body weight gains, food consumption, and food efficiency in females, and changes in hematology parameters (increased reticulocytes), the spleen (increased absolute and relative weight males only, gross discoloration), and clinical signs of toxicity in both sexes.
Short-term inhalation (1–7 days) (Occupational/ Residential)	Oral study NOAEL= 2.0 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100 (Occupational) LOC for MOE = 100 (Residential, includes the FQPA SF)	Rat developmental toxicity study. maternal LOAEL = 4.0 mg/kg/day based on decreased mean maternal body weights, body weight gains, and food consumption.
Intermediate- term inhalation (1 week—several months) (Occupational/ Residential)	Oral study NOAEL= 2.0 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100 (Occupational) LOC for MOE = 100 (Residential, includes the FQPA SF)	90–day rat subchronic toxicity study. LOAEL = 3.8 mg/kg/day based on decreased body weight, body weight gain, food consumption and food efficiency.

TABLE 2. — SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR INDOXACARB AND ITS R-ENANTIOMER FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure Scenario	Dose Used in Risk Assessment, Uncertainty Factor (UF)	FQPA Safety Factor (SF)* and Endpoint for Risk Assessment	Study and Toxicological Effects
Long-term inhalation (several months—lifetime) (Occupational/ Residential)	Oral study NOAEL= 2.0 mg/kg/day (inhalation absorption rate =100%)	LOC for MOE = 100 (Occupational) LOC for MOE = 100 (Residential, includes the FQPA SF)	90–day rat subchronic toxicity study, 90–day rat neurotoxicity study, chronic/carcinogenicity rat study. LOAEL = 3.3 mg/kg/day based on decreased body weight, body weight gain, food consumption and food efficiency; decreased hematocrit, hemoglobin and red blood cells only at 6 months.
Cancer (oral, dermal, inhalation)	"not likely" to be carcinogenic to humans	N/A	No evidence of carcinogenicity in either the rat or mouse in acceptable carcinogenicity studies and no evidence of mutagenicity.

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.564) for the combined residues or residues of indoxacarb and its R-enantiomer, in or on a variety of raw agricultural commodities including apples, pears, *Brassica* (head and stem subgroup), cotton, leaf lettuce, head lettuce, fruiting vegetable group, sweet corn, milk, and the meat, meat byproducts and fat of cattle, goats, horses, hogs and sheep. Risk assessments were conducted by EPA to assess dietary exposures from indoxacarb and its R-enantiomer in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The Dietary Exposure Evaluation Model (DEEM) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: acute Tier 1 analysis assuming tolerance level residues and 100% crop treated (CT) information was performed; however, dietary risk estimates from residues in food exceeded Agency's level of concern (> 100% aPAD). An acute Tier 2 (partially refined analysis) dietary assessment was performed with use of anticipated residues (ARs) from field trial data, processing factors (where applicable), and 100% CT. Note that the Tier 2 assessment is deterministic in that point estimates were used for all residues and the conservative assumption of 100% CT was made. Additional refinement using % CT data would result in even lower exposure estimates from residues in food.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment, the DEEM analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide CSFII and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: tolerance level residues and 100% CT (Tier 1). Additional refinement using less than 100% CT data would result in even lower exposure estimates from residues in food.

iii. *Anticipated residue and percent crop treated Information.* Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for indoxacarb and its R-enantiomer in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of indoxacarb and its R-enantiomer.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/ Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and the Screening Concentration in Ground Water Model (SCI–GROW), which predicts pesticide concentrations in ground water. In general, EPA will use GENEEC (a Tier 1 model) before using PRZM/EXAMS (a Tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated

and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to indoxacarb and its R-enantiomer they are further discussed in the aggregate risk sections below.

Based on the PRZM/EXAMS and SCI–GROW models the estimated environmental concentrations (EECs) of indoxacarb and its R-enantiomer for acute exposures are estimated to be 3.81 parts per billion (ppb) for surface water and 0.02 ppb for ground water. The EECs for chronic exposures are estimated to be 0.56 ppb for surface water and 0.02 ppb for ground water.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Indoxacarb and its R-enantiomer is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether indoxacarb and its R-enantiomer has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, indoxacarb and its R-enantiomer does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that indoxacarb and its R-enantiomer has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children*—i. *In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity.* There is no evidence of susceptibility from either *in utero* or neonatal exposure to both rat and rabbit young with either DPX—MP062 or DPX—JW062.

iii. *Conclusion.* There is a complete toxicity data base for indoxacarb and its R-enantiomer and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. The FQPA safety factor is 1X. EPA determined that the 10X safety factor to protect infants and children should be removed because, there is no indication of quantitative or qualitative increased susceptibility of rats or rabbits to *in utero* and/or postnatal exposure; the requirement of a developmental neurotoxicity study is not based on the criteria reflecting special concern for the developing fetuses or young which are generally used for requiring a DNT study—and a safety factor (e.g.: neuropathy in adult animals; CNS malformations following prenatal exposure; brain weight or sexual maturation changes in offspring; and/or functional changes in offspring)—and therefore does not warrant an FQPA SF; the dietary (food and drinking water) exposure assessments will not under estimate the potential exposures for infants and children; and there are no registered residential uses at the current time.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residentia' uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water [e.g., allowable chronic water exposure (mg/kg/day) = cPAD—(average food + residential exposure)]. This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the U S EPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and ground water are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food only to indoxacarb and its R-enantiomer will occupy < or = 10% of the aPAD for the U.S. population, 33% of the aPAD for females 13 years and older, 6% of the aPAD for infants < 1 year and 10% of the aPAD for children 1–6 years old. In addition, there is potential for acute dietary exposure to indoxacarb and its R-enantiomer in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD as shown in the following Table 3:

TABLE 3. — AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO INDOXACARB AND ITS R-ENANTIOMER.

Scenario / Population Subgroup	aPAD (mg/kg/day)	% aPAD	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Acute DWLOC (ppb)
Females 13–50 years old	0.02	33	3.81	0.02	3,400
General U.S. Population	0.12	6	3.81	0.02	4,000
All Infants < 1 year old	0.12	6	3.81	0.02	1,100
Children 1–6 years old	0.12	10	3.81	0.02	1,100
Children 7–12 years old	0.12	7	3.81	0.02	1,100

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to indoxacarb and its R-enantiomer from food will utilize 28% of the cPAD for the U.S. population, 37% of the cPAD for infants <1 year old, and 73% of the cPAD for children 1–6 years old. There are no residential uses for indoxacarb and its R-enantiomer that result in chronic residential exposure to indoxacarb and its R-enantiomer. In addition, there is potential for chronic dietary exposure to indoxacarb and its R-enantiomer in drinking water. After calculating the DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 4:

TABLE 4. — AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO INDOXACARB AND ITS R-ENANTIOMER

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. Population	0.12	28	0.56	0.02	500
All Infants <1 year old	0.12	37	0.56	0.02	130
Children 1–6 years old	0.12	73	0.56	0.02	53
Children 7–12 years old	0.12	40	0.56	0.02	120
Females 13–50 years old	0.12	22	0.56	0.02	540

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Indoxacarb and its r- enantiomer is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water do not exceed the Agency's level of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Indoxacarb and its R-enantiomer is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to indoxacarb and its R-enantiomer residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (example: gas chromotography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

No other international residue limits have been established at this time.

C. Conditions

The following toxicology studies are required as confirmatory: a developmental neurotoxicity study in the rat (Guideline #870.6300) and a 90–day inhalation toxicity study in the rat (Guideline #870.3465).

V. Conclusion

Therefore, the tolerance is established for combined residues of indoxacarb [(S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)phenyl] amino]carbonyl] indeno[1,2-e][1,3,4]oxadiazine-4a(3H)-carboxylate] and its R-enantiomer [(R)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)phenyl] amino]carbonyl] indeno[1,2-e][1,3,4]oxadiazine- 4a(3H)-carboxylate] in or on the following raw agricultural commodities: at 1.0 ppm; apple, wet pomace at 3.0 ppm; *Brassica*, head and stem, subgroup at 5.0 ppm; cattle, goat, horse, sheep and hog fat at 0.75 ppm; cattle, goat, horse, sheep and hog meat at 0.03 ppm; cattle, goat, horse, sheep and hog meat byproducts at 0.02 ppm; corn, sweet, forage at 10 ppm; corn, sweet, kernel plus cob with husk removed at 0.02 ppm; corn, sweet, stover at 15 ppm; cotton gin byproducts at 15 ppm; cotton, undelinted seed at 2.0 ppm; lettuce, head at 4.0 ppm;

lettuce, leaf at 10 ppm; milk at 0.10 ppm; milk fat at 3.0 ppm; pear at 0.20 ppm; and vegetables, fruiting, group at 0.50 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301064 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 28, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301064, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition

under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 21, 2000.

Susan B. Hazen,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. Section 180.564 is added to read as follows:

§ 180.564 Indoxacarb; tolerances for residues.

(a) *General.* Tolerances are established for the combined residues of the insecticide indoxacarb [(S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)phenyl] amino]carbonyl]indeno[1,2-e][1,3,4]oxadiazine-4a(3H)-carboxylate] and its R-enantimomer [(R)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)phenyl]amino] carbonyl]indeno[1,2-e][1,3,4]oxadiazine-4a(3H)-carboxylate] in or on the following raw agricultural commodities:

Commodity	Parts per million
Apple	1.0
Apple, wet pomace	3.0
Brassica, head and stem, subgroup	5.0
Cattle, goat, horse, sheep and hog fat	0.75
Cattle, goat, horse, sheep and hog meat	0.03
Cattle, goat, horse, sheep and hog meat byproducts	0.02
Corn, sweet, forage	10
Corn, sweet, kernel plus cob with husk removed	0.02
Corn, sweet, stover	15
Cotton gin byproducts	15
Cotton, undelinted seed	2.0
Lettuce, head	4.0
Lettuce, leaf	10
Milk	0.10
Milk fat	3.0
Pear	0.20
Vegetables, fruiting, group	0.50

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 00–25052 Filed 9–28–00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301058; FRL–6746–2]

RIN 2070–AB78

Halosulfuron–methyl; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of halosulfuron–methyl in or on the squash/cucumber subgroup. The Interregional Research Project 4 (IR–4) requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 29, 2000. Objections and requests for hearings,identified by docket control number OPP–301058, must be received by EPA on or before November 28, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301058 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT By mail: Sidney Jackson, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (703) 305–7610; and e-mail address: jackson.sidney@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311	Crop production Animal production Food manufacturing

Categories	NAICS codes	Examples of potentially affected entities
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access the OPPTS Harmonized Guidelines referenced in the document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301058. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of August 23, 2000 (65 FR 51314) (FRL–6738–9), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (0E6085) for tolerance by IR–4, 681 U.S. Highway 1 South, North Brunswick, New Jersey 08902–3390. This notice included a summary of the petition prepared by Monsanto Company, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.479 be amended by establishing a tolerance for residues of the herbicide halosulfuron-methyl, methyl 5-(4,6-dimethoxy-2-pyrimidinyl)amino carbonylaminosulfonyl-3-chloro-1-methyl-1H-pyrazole-4-carboxylate, and its metabolites determined as 3-chloro-1-methyl-5-sulfamoylpyrazole-4-carboxylic acid, in or on the squash/cucumber subgroup at 0.5 parts per million (ppm).

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe.". Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances November 26, 1997 (62 FR 62961) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of halosulfuron-methyl on squash/cucumber subgroup at 0.5 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by halosulfuron-methyl are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed. Acute toxicological studies placed the technical–grade halosulfuron-methyl in Toxicity Category III for acute dermal toxicity and in Category IV for all other types of acute toxicity.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study type	Results
870.3100	90–day oral toxicity rodents	NOAEL = 116 males/147 females milligrams/kilograms/day (mg/kg/day)

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study type	Results
		LOAEL = 497 males/640 females mg/kg/day based on decreased body weight gain, decreased absolute weights of adrenal, liver, thymus, heart, and kidneys, decreased cholesterol, bilirubin, total protein, albumin, and calcium; increases in MCH, ALT, and creatinine; and vacuolated livers and pigmented kidney tubules.
870.3200	21/28–day dermal toxicity (rats)	NOAEL = 100 (males), 1,000 (females) mg/kg/day LOAEL = 1,000/>1,000 mg/kg/day male/female (M/F) based on dose–related decrease in total body weight gain in males.
870.3700a	Prenatal developmental in rodents (rat)	Maternal NOAEL = 250 mg/kg/day Maternal LOAEL = 750 mg/kg/day (increased incidence of clinical observations; and reduced body weight gains, food consumption, and food efficiency) Developmental NOAEL= 250 mg/kg/day Developmental LOAEL = 750 mg/kg/day (decreased mean litter size, increased number of resorptions, decreased mean fetal body weight, increases in fetal and litter incidences of dilation of the lateral ventricles and other anomalies in the development of the fetal nervous system, and skeletal variations such as anomalies or delays in ossification in the thoracic vertebrae, sternebrae, and ribs)
870.3700b	Prenatal developmental in nonrodents (rabbit)	Maternal NOAEL = 50 mg/kg/day Maternal LOAEL = 150 mg/kg/day (decreased body weight gain, food consumption, and food efficiency) Developmental NOAEL= 50 mg/kg/day Developmental LOAEL = 150 mg/kg/day (decreased mean litter size, increased number of resorptions and increased post implantation loss)
870.3800	Reproduction and fertility effects	Parental/Systemic NOAEL = 50.5 / 58.7 mg/kg/day M/F Parental/Systemic LOAEL = 223.2 / 261.4 mg/kg/day M/F - reductions in body weight, body weight gains, and food consumption during the premating period in both sexes) Offspring NOAEL > 261.4 mg/kg/day highest dose tested (HDT).
870.4100b	Chronic toxicity dogs	NOAEL (systemic) = 10 mg/kg/day LOAEL (systemic) = 40 mg/kg/day (decreased body weight gains and changes in hematological and blood chemistry parameters in females)
870.4200	Carcinogenicity mice	NOAEL (systemic) = 410 / 1214.6 mg/kg/day M/F LOAEL (systemic) = 971.9 / 1214.6 mg/kg/day M/F - decreased mean body weight in males, increased incidence of microconcentration/mineralization in the testis and epididymides) No evidence of carcinogenicity
870.4300	Combined toxicity/carcinogenicity rats	NOAEL (systemic) = 108.3 / 56.4 mg/kg/day M/F LOAEL (systemic) = 225.2 / 138.6 mg/kg/day M/F - marginal decreases in body weight gains) No evidence of carcinogenicity

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study type	Results
870.7485	Metabolism and pharmacokinetics	Radiolabelled technical was administered to 5 rats/sex/group as a single low–dose (5 mg/kg), single high–dose (250 mg/kg), or repeated low–dose (5 mg/kg/day x 14 days). Absorption was rapid, incomplete sic, and similar in both sexes. Elimination was via urine and feces within 72 hours, and appeared to be independent of dose and sex. Desmethyl halosulfuron-methyl and its 5–hydroxy derivative were the major urinary and fecal metabolites.
	Genotoxicity	Bacterial/mammalian microsomal mutagenicity assays were performed and halosulfuron-methyl was found not to be mutagenic. Two mutagenicity studies were performed to test gene mutation and found to produce no chromosomal aberrations or gene mutations in cultured Chinese hamster ovary cells. An in vivo mouse micronucleus assay did not cause a significant increase in the frequency of micronucleated polychromatic erythrocytes in bone marrow cells. A mutagenicity study was performed on rats and found not to induce unscheduled DNA synthesis in primary rat hepatocytes.
	Endocrine disruption	No specific tests have been conducted with halosulfuron-methyl to determine whether the chemical may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effects. However, there were no significant findings in other relevant toxicity tests, i.e., teratology and multi- generation reproduction studies, which would suggest that halosulfuron-methyl produces effects characteristic of the disruption of the estrogenic hormone.

B. Toxicological Endpoints

The dose at which verved (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD=NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non–dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non–linear approach, a "point of departure" is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for halosulfuron-methyl used for human risk assessment is shown in the following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR HALOSULFURON-METHYL FOR USE IN HUMAN RISK ASSESSMENT

Exposure scenario	Dose used in risk assessment, UF	FQPA SF* and level of concern for risk assessment	Study and toxicological effects
Acute dietary females 13-50 years of age, infants and children.	NOAEL = 50 mg/kg/day, UF = 100 acute RfD = 0.5 mg/kg/day	FQPA SF = 1X, aPAD = acute RfD FQPA SF = 0.5 mg/kg/day	Developmental rabbit LOAEL = 150 mg/kg/day based on decreased mean litter size and increases in resorptions and post–implantation loss.
Chronic dietary all populations	NOAEL = 10 mg/kg/day UF = 100, Chronic RfD = 0.1 mg/kg/day	FQPA SF = 1X, cPAD = chronic RfD FQPA SF = 0.1 mg/kg/day	Chronic toxicity - dog LOAEL = 40 mg/kg/day based on decrease in bodyweight gain and alterations in hematology and clinical chemistry parameters.
Short–term dermal (1 to 7 days) (Residential)	oral NOAEL = 50 mg/kg/day, (dermal absorption rate = 75%)	LOC for MOE = 100 (Residential)	Developmental - rabbit LOAEL = 150 mg/kg/day based on decreased mean litter size and increases in resorptions, and post- implantation loss.
Interme diate–term dermal (1 week to several months) (Residential)	oral NOAEL = 10 mg/kg/day, (dermal absorption rate = 75%	LOC for MOE = 100 Residential	Chronic toxicity dog LOAEL = 40 mg/kg/day based on decrease in bodyweight gain and alterations in hematology and clinical chemistry parameters.
Long–term dermal (several months to lifetime) (Residential)	oral NOAEL= 10 mg/kg/day (dermal absorption rate = 75%	LOC for MOE = 100 (Residential)	Chronic toxicity - dog LOAEL = 40 mg/kg/day based on decreased body weight gain and alterations in hematology and clinical chemistry parameters.

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.479) for the residues of halosulfuron-methyl, in or on various raw agricultural commodities (RACs) with tolerances ranging from 0.05 to 0.8 ppm. Halosulfuron-methyl is currently registered on a variety of use sites, including agricultural crops and residential lawns. Tolerances have been established for plant and animal RACs including field corn at 0.05 ppm, grain sorghum (milo) at 0.05 ppm, sweet corn (kernel + cobs with husks removed) at 0.05 ppm, pop corn grain at 0.05 ppm, sugarcane cane at 0.05 ppm, tree nuts nutmeat at 0.05 ppm, pistachio nuts nutmeat at 0.05 ppm, cotton undelinted seed at 0.05 ppm, and rice grain at 0.05 ppm; and secondary tolerances in meat and meat by–products at 0.1 ppm (cattle, goats, hogs, horses, and sheep). Tolerances are established for indirect or inadvertent residues of halosulfuron-methyl ranging from 0.1 to 0.5 ppm in or on certain soybean and wheat RACs when present therein as a result of the application of halosulfuron-methyl to growing crops. Indirect or inadvertent tolerances including soybean forage at 0.5 ppm, soybean hay at 0.5 ppm, soybean seed at 0.5 ppm, wheat forage at 0.1, wheat grain at 0.1, and wheat straw at 0.2 have also been established for RACs. Tolerances for the fruiting vegetable crop group 8 have been proposed by Gowan Company at 0.05 ppm. An additional tolerance is herein being requested for the crop group 9B, squash/cucumber subgroup of the cucurbit vegetable group, at 0.5 ppm. Risk assessments were conducted by EPA to assess dietary exposures from halosulfuron-methyl in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food–use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The acute dietary endpoint for halosulfuron-methyl was based on developmental effects (decreased mean litter size, increased resorptions, and increased postimplantation loss). The endpoint applies only to subgroups consisting of females (aged 13–50 years), infants and children. The 10X FQPA factor was removed, therefore, the acute RfD of 0.5 mg/kg/day is equal to the aPAD. The Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: acute dietary exposure analysis was performed assuming tolerance level residues and 100% crop treated for all commodities for which halosulfuron-methyl is registered as well as for crops in the cucumber/squash subgroup (9B), which are being evaluated in this action. Further, standard processing factors were used for all processed commodities. The results of the DEEM analysis indicate that exposure for all applicable subgroups is less than 1% of the aPAD at the 95th percentile.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the DEEM® analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to

the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: chronic dietary analysis was performed assuming tolerance level residues and 100% crop treated for all commodities for which halosulfuron-methyl is registered as well as for crops in the cucumber/squash subgroup (9B), which are being evaluated in this action. The results of the DEEM analysis indicate that exposure for all applicable subgroups is less than 1% of the cPAD.

The chronic dietary endpoint for halosulfuron-methyl is based on decreased body weight gains, changes in hematological and blood chemistry parameters. Since the 10X FQPA factor was removed, the chronic RfD of 0.1 mg/kg/day is equal to the cPAD.

iii. *Cancer.* Halosulfuron-methyl is classified as a "not likely" human carcinogen based on a lack of evidence of carcinogenicity in male and female mice and rats. A cancer risk assessment is not required.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for halosulfuron-methyl in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of halosulfuron-methyl.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/ Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and SCI-GROW, which predicts pesticide concentrations in ground water. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening–level assessment for surface water. The GENEEC model is a subset of the PRZM/ EXAMS model that uses a specific high–end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to halosulfuron-methyl they are further discussed in the aggregate risk sections below.

Based on the PRZM/EXAMS and SCI–GROW models the estimated environmental concentrations (EECs) of halosulfuron-methyl in surface water and ground water for acute exposures are estimated to be 4.73 parts per billion (ppb) for surface water and 0.097 ppb for ground water. The EECs for chronic exposures are estimated to be 1.4 ppb for surface water and 0.097 ppb for ground water.

3. *From non–dietary exposure.* The term "residential exposure" is used in this document to refer to non–occupational, non–dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Halosulfuron-methyl is currently registered for use on the following residential non–dietary site: residential lawns. The risk assessment was conducted using the following residential exposure assumptions: Adults may be dermally exposed after treatments to lawns, and children may be exposed through dermal, hand–to–mouth and incidental oral sources.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether halosulfuron-methyl has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, halosulfuron-methyl does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that halosulfuron-methyl has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances November 26, 1997 (62 FR 62961).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children— In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Prenatal and postnatal sensitivity.* The available data provided no indication of increased susceptibility of rats or rabbits to in utero and/or postnatal exposure to halosulfuron-methyl.

3. *Conclusion.* A postnatal developmental neurotoxicity study in rats is required for confirmatory purposes because of evidence of fetal nervous system alterations in rats at 750 mg/kg/day. This requirement is a condition of registration.

Notwithstanding the above study requirement, there is an otherwise complete toxicity data base for halosulfuron-methyl and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X FQPA Safety Factor to protect infants and children should be removed because:

i. There was no indication of increased susceptibility of rats or rabbits to in utero and/or postnatal exposure to halosulfuron-methyl. In the prenatal developmental toxicity studies in rats

and rabbits and the two–generation reproduction study in rats, effects in the offspring were observed only at or above treatment levels which resulted in evidence of parental toxicity.

ii. The committee determined that the requirement of a developmental neurotoxicity study in rats did not warrant an application of additional safety factors because:

a. The alterations observed in the fetal nervous system occurred in only one species (in rats and not in rabbits)

b. The fetal effects which will be investigated in the required developmental neurotoxicity study were seen only at a dose of 750 mg/kg/day which is close to the limit–dose (LTD) (1,000 mg/kg/day).

c. There was no evidence of clinical signs of neurotoxicity, brain weight changes, or neuropathology in the subchronic or chronic studies in rats.

d. The developmental neurotoxicity study is required only as confirmatory data to understand what the effect is at a high exposure (dose) level.

e. Exposure assessments do not indicate a concern for potential risk to infants and children based on the results of the field trial studies and the very low application rate (0.06 lbs. active ingredient (a.i) per acre). Detectable residues are not expected in foods.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day)= cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening–level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short–term, intermediate–term, chronic, and cancer.

When EECs for surface water and ground water are less than the calculated DWLOCs, EPA concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which EPA has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because EPA considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, EPA will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to halosulfuron-methyl will occupy < 1.0 percent of the aPAD for the U.S. population, < 1.0 percent of the aPAD for females 13 years and older, < 1.0 percent of the aPAD for infant subpopulation and < 1.0 percent of the aPAD for children population. In addition, there is potential for acute dietary exposure to halosulfuron-methyl in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in following Table 3:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO HALOSULFURON-METHYL

Population Subgroup	aPAD (mg/kg)	%aPAD (Food)	Surface water EEC (ppb)	Ground water EEC (ppb)	Acute DWLOC (ppb)
(All Infants)	0.50	<1.0	4.73	0.097	5,000
Female (13–50 years)	0.50	<1.0	4.73	0.097	15,000
Children (1–6 years)	0.50	<1.0	4.73	0.097	5,000

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to halosulfuron-methyl from food will utilize <1.0% of the cPAD for the U.S. population, for infant subpopulations at greatest exposure and for children subpopulation at greatest exposure]. Based the use pattern, chronic residential exposure to halosulfuron-methyl is not expected. In addition, there is potential for chronic dietary exposure to halosulfuron-methyl in drinking water. After calculating the DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 4:

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON–CANCER) EXPOSURE TO HALOSULFURON-METHYL

Population subgroup	cPAD mg/kg/day	%cPAD (Food)	Surface water EEC (ppb)	Ground water EEC (ppb)	Chronic DWLOC (ppb)
U.S. population	0.10	<1.0	1.4	0.097	3,500

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON–CANCER) EXPOSURE TO HALOSULFURON-METHYL—Continued

Population subgroup	cPAD mg/kg/day	%cPAD (Food)	Surface water EEC (ppb)	Ground water EEC (ppb)	Chronic DWLOC (ppb)
(All Infants	0.10	<1.0	1.4	0.097	990
Children (1–6 years)	0.10	<1.0	1.4	0.097	1,000
Females (13–50 years)	0.10	<1.0	1.4	0.097	2,300
Males (13–19 years)	0.10	<1.0	1.4	0.097	3,500

3. *Short–term risk.* Short–term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Halosulfuron-methyl is currently registered for use that could result in short-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and short–term exposures for halosulfuron-methyl.

Using the exposure assumptions described in this unit for short–term exposures, EPA has concluded that food and residential exposures aggregated result in aggregate MOEs of 310 and 2,200 for all infants and females (13 to 50 years), respectively. Note that there is no oral residential exposure for adults. These aggregate MOEs do not exceed the Agency's level of concern for aggregate exposure to food and residential uses. In addition, short–term DWLOCs were calculated and compared to the EECs for chronic exposure of halosulfuron-methyl in ground and surface water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect short–term aggregate exposure to exceed the Agency's level of concern, as shown in the following Table 5:

TABLE 5.—AGGREGATE RISK ASSESSMENT FOR SHORT–TERM EXPOSURE TO HALOSULFURON-METHYL

Population subgroup	Aggregate MOE (Food + Residential)	Aggregate level of concern (LOC)	Surface water EEC (ppb)	Ground water EEC (ppb)	Short–term DWLOC (ppb)
(All Infants)	310	100	1.4	0.097	4,900
Females (13–50 years)	2,200	100	1.4	0.097	10,000

4. *Intermediate–term risk.* Intermediate–term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Halosulfuron-methyl is currently registered for use(s) that could result in intermediate–term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and intermediate–term exposures for halosulfuron-methyl.

Using the exposure assumptions described in this unit for intermediate–term exposures, EPA has concluded that food and residential exposures aggregated result in aggregate MOEs of 1,000, 1,700, and 2,000 for all infants, females (13 to 50 years) and males (13 to 19), respectively. It should be noted that there is no oral residential exposure for adults. These aggregate MOEs do not exceed the Agency's level of concern for aggregate exposure to food and residential uses. In addition, intermediate–term DWLOCs were calculated and compared to the EECs for chronic exposure of halosulfuron-methyl in ground and surface water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect intermediate–term aggregate exposure to exceed the Agency's level of concern, as shown in the following Table 6:

TABLE 6.—AGGREGATE RISK ASSESSMENT FOR INTERMEDIATE–TERM EXPOSURE TO HALOSULFURON-METHYL

Population subgroup	Aggregate MOE (Food + Residential)(oral)	Aggregate level of concern (LOC)	Surface water EEC (ppb)	Ground water EEC (ppb)	Intermediate–term DWLOC (ppb)
(All Infants)	1,000	100	1.4	0.097	920
Females (13–50 years	1,700	100	1.4	0.097	2,800
Males (13–19 years)	2,000	100	1.4	0.097	3,300

5. *Aggregate cancer risk for U.S. population.* Halosulfuron-methyl is classified as a "not likely" human carcinogen based on a lack of evidence of carcinogenicity in male and female mice and rats.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to halosulfuron-methyl residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

The analytical method for cucumber and squash is based on "Analytical Method for the Determination of MON 12000 and 3-Chlorosulfonamide Acid Producing residues in Field Corn", Monsanto Doc. No. RES–026–92. This method has been submitted to FDA for publication in the Pesticide Analytical Manual (PAM) II. The analytical method involves sample extraction, acid hydrolysis under reflux to convert halosulfuron-methyl to 3-chlorosulfonamide acid (CSA), and derivatization to convert the CSA to chlorosufonamide ester (CSE). Detection is by GC/ECD (gas chromatography using electron capture detection). Quantitation is expressed in terms of halosulfuron-methyl equivalents. Chrcmatograms, calibration curves and calculations were included in this submission. The Agency concludes that the GC/ECD method is adequate for enforcement of tolerances and data collection on residues of halosulfuron-methyl in or on squash/cucumber subgroup. Information regarding availability of the method may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

There are no Codex, Canadian, or Mexican maximum residue limits (MRL) for halosulfuron-methyl in or on squash/cucumber subgroup. Therefore, international harmonization is not an issue for this tolerance.

C. Conditions

The Agency requires a satisfactory postnatal developmental neurotoxicity study in rats for confirmatory purposes because of evidence of fetal nervous system alterations in rats at 750 mg/kg/day. The study requirement is a condition of this registration.

V. Conclusion

Therefore, the tolerance is established for residues of halosulfuron-methyl, methyl 5-(4,6-dimethoxy-2-pyrimidinyl)amino carbonylaminosulfonyl-3-chloro-1-methyl-1H-pyrazole-4-carboxylate, and its metabolites determined as 3-chloro-1-methyl-5-sulfamoylpyrazole-4-carboxylic acid, in or on the squash/cucumber subgroup at 0.5 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301058 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 28, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(I) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301058, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption.

Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* October 4, 1993 (58 FR 51735). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* May 19, 1998 (63 FR 27655); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low–Income Populations* February 16, 1994 (59 FR 7629); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* April 23, 1997 (62 FR 19885). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* August 10, 1999 (64 FR 43255). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 21, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. Section 180.479 is amended by alphabetically adding an entry to the table in paragraph (a)(2) for "squash/cucumber subgroup" to read as follows:

§ 180.479 Halosulfuron-methyl, tolerances for residues.

* * * * *

(a)* * *

Commodity	Parts per million
* * * * *	
Squash/cucumber subgroup	0.5
* * * * *	

* * * * *

[FR Doc. 00–25048 Filed 9–28–00; 8:45 am]
BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301067; FRL–6748–3]

RIN 2070–AB78

Yucca Extract; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the yucca extract on raw agricultural commodities when applied/used in accordance with good agricultural practices as an inert ingredient in pesticide formulations applied to growing crops. EDM Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996 requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of yucca extract.

DATES: This regulation is effective September 29, 2000. Objections and requests for hearings, identified by docket control number OPP–301067, must be received by EPA on or before November 28, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VIII. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301067 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Vera Soltero, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–9359; e-mail address: soltero.vera@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry ...	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301067. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of November 20, 1998 (63 FR 64494) (FRL–6027–7), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act (FQPA) (Public Law 104–170) announcing the filing of a pesticide tolerance petition by, EDM Corporation, 2278 S. Indiana St., Porterville, CA 93257. This notice included a summary of the petition prepared by the petitioner EDM Corporation. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.1001(d) be amended by establishing an exemption from the requirement of a tolerance for residues of yucca extract.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this

action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by are discussed in this unit.

An acute oral gavage toxicity study performed on Sprague–Dawley derived rats was performed on a 70% yucca extract syrup. The LD_{50} for males was found to be greater than 5,000 milligram/kilogram (mg/kg), and for females it was calculated to be greater than 500 mg/kg. Even though the use of a 70% extract is a minor deviation from accepted guidelines, the Agency concluded that yucca extract belonged in Toxicity Category III. Thus, there are no concerns for acute oral exposure.

Yucca extract has been historically used among the Native American population in Mexico and the United States for medicinal purposes. It was approved by the U.S. Food and Drug Administration (FDA) as a natural food additive under 21 CFR 172.510. Furthermore, it has been used as a dietary supplement without evidence of toxicity. For these reasons, the Agency has concluded there are no concerns for chronic oral exposure, and that chronic toxicity data were not necessary.

IV. Aggregate Exposures

In examining aggregate exposure, FFDCA section 408 directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non–occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

Yucca extract is derived from the species Yucca schidigera which is part of the lily family of plants and is native to the deserts of Southwestern United States and Northern Baja California, Mexico. The plant and its extracts have a long history of safe use as food material for both humans and livestock. It is used for human consumption in the soft drink industry, natural food supplement, cosmetics, etc. Other uses include: natural feed additive for livestock, poultry, swine, pets, and shrimp to reduce ammonia, hydrogen sulfide and offensive odors. The extract is approved by the FDA as a natural food additive under 21 CFR 172.510.

1. *Food.* Information supplied to the Agency indicates that approximately 350 tons of raw yucca material are used annually in the United States. It is expected that 150 tons of these materials would be used in making yucca extract for agricultural uses. A 70% yucca extract solution would be used in pesticide products in a concentration no greater than 6%. If yucca extract is approved as an inert ingredient in pesticide products to be applied to food crops, it can be assumed that exposure to yucca extract will increase. However, the amount of increase is necessarily limited by the availability of raw yucca. In addition, the main ingredient in yucca extract is sarsaponin which is naturally found in several types of food, such as legumes and asparagus at significant levels. The Agency concludes that the use of yucca extract as an inert ingredient would result in a negligible increase in exposure over those levels which would occur as the result of the use of yucca extract as an unrestricted food additive or naturally as the result of ingestion of various food items.

2. *Drinking water exposure.* Yucca extract has general history of safe use as a natural food additive approved by the FDA under 21 CFR 172.510 present in dietary supplements, herbal teas, soft drinks, among others. The main ingredient in yucca extract, sarsaponin, has been shown to degrade in 60°C water within 8 days. Because of this rapid degradation, the lack of toxicity and its history of safe use, the Agency is confident that the use of yucca extract as a food–use inert ingredient in pesticide products will not affect the water supply.

B. Other Non–Occupational Exposure

On October 6, 1998, the Agency approved the use of yucca extract as a non–food use inert ingredient in pesticide formulations applied to grasses grown for seeds and for sod. No data was required for this approval. The Agency has determined that due to the long history of safe use as a dietary supplement and food additive, there is no need for the petitioners to submit dermal and inhalation exposure data.

V. Cumulative Effects

Section 408 (b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify or revoke a tolerance or tolerance exemption, the Agency consider available information concerning the cumulative effects of a particular chemical's residues and other substances that have a common mechanism of toxicity. The Agency has not made any conclusions as to whether or not yucca extract shares a common mechanism of toxicity with other chemicals. However, yucca extract is expected to be practically non-toxic to mammals. Due to the expected lack of toxicity, a cumulative risk assessment is not necessary.

VI. Determination of Safety for U.S. Population, Infants and Children

Yucca extract has been approved for use in food and beverages by the FDA under 21 CFR 172.510 with no limits. As previously stated in sections A1 and A2, approval of yucca extract as an inert ingredient for use on food crops will not significantly increase dietary exposure to this chemical. Accordingly, there is reasonable certainty that no harm will result from aggregate exposure of the U.S. population, including infants and children, to yucca extract.

The Agency did not use the safety factor analysis in evaluating the risk posed by the compound. The lack of toxicity of yucca extract supported not applying an additional tenfold safety factor to protect infants and children. In conclusion, the Agency is reasonably certain that no harm will result to infants and children, or to the general population from aggregate exposure to residues of yucca extract. Accordingly, EPA finds that exempting yucca extract from the requirement of a tolerance will be safe.

VII. Other Considerations

A. Endocrine Disruptors

FQPA requires EPA to develop a screening program to determine whether certain substances, including pesticides and inert ingredients, may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect.... The Agency has been working with interested stakeholders to develop a screening and testing program as well as a priority–setting scheme. As the Agency proceeds with implementation of this program, further testing of products containing the inert ingredient yucca extract for endocrine effects may be required. At this moment, there is no evidence that yucca extract is an endocrine disruptor.

B. Analytical Method(s)

Since an exemption from the requirement of a tolerance is being established without restriction on residue level, the Agency has concluded that an analytical method is not required for enforcement purposes for yucca extract from Yucca schidigera.

C. Existing Tolerance Exemptions

There are no existing tolerance exemptions for yucca extract from Yucca schidigera.

D. International Tolerances

There are no international tolerances or tolerance exemptions for yucca extract from Yucca schidigera.

E. Conclusion

Therefore, based on the information and the data considered, EPA is establishing an exemption from the requirement of a tolerance for residues of yucca extract from Yucca schidigera.

VIII. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301067 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 28, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VIII.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301067, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp–docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

IX. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* October 4, 1993 (58 FR 51735). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* May 19, 1998 (63 FR 27655); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low–Income Populations* February 16, 1994 (59 FR 7629); or require OMB review or any Agency action under Executive Order

13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* April 23, 1997 (62 FR 19885). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* August 10, 1999 (64 FR 43255). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

X. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 21, 2000.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. In § 180.1001, the table in paragraph (d) is amended by adding alphabetically the following inert ingredient to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d)* * *

Inert ingredients	Limits	Uses
*	*	*
Yucca extract from Yucca schidigera.	.....	Wetting agent
*	*	*

* * * * *

[FR Doc. 00–24946 Filed 9–28–00; 8:45 am]
BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301061; FRL–6746–5]

RIN 2070–AB78

Hexythiazox; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of the ovicide/miticide hexythiazox (trans-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety (expressed as parent) in or on wet apple pomace, almonds, strawberries, stone fruit (excluding plums), milk, fat and meat byproducts in cattle, goats, horses, swine, and sheep. It also increases the tolerance in apples and establishes a tolerance with regional registration in cotton. Gowan Company requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 29, 2000. Objections and requests for hearings, identified by docket control number OPP–301061, must be received by EPA on or before November 28, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301061 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT By mail: William G. Sproat, Jr., Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (703) 308–8587; and e-mail address: sproat.william@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also

be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.gpo.gov/opptsfrs/home/guidelin.htm.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301061. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

Hexythiazox is the active ingredient in Savey Ovicide/Miticide 50 WP (EPA Reg. No. 10163–208). Permanent tolerances are established under 40 CFR 180.448(a) for residues of hexythiazox and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety (expressed as parent) in/on apples at 0.02 parts per million (ppm), hops at 2.0 ppm, and pears at 0.3 ppm. Time-limited tolerances established under 40 CFR 180.448(b) for residues in/on undelinted cotton seed and cotton gin byproducts at 0.1 and 2.0 ppm expired on October 10, 1999. Additional time-limited tolerances for residues in/on dates (0.1 ppm), hops (2.0 ppm), and strawberries (3.0 ppm) established under 40 CFR 180.448(b) are set to expire on September 15, 2000.

In the **Federal Register** of July 31, 1996, 61 FR 39971, (FRL–5384–6); April 30, 1997, 62 FR 23455, (FRL–5600–8); January 28, 1998, 63 FR 4252, (FRL–5763–6); and August 26, 1998, 63 FR 45487, (FRL–6023–5), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP 6F4738, 8F4985) for tolerance by Gowan Company, P.O. Box 5569, Yuma AZ 85366-5569. This notice included a summary of the petition prepared by Gowan Company, the registrant. There were no comments received in response to the notice of filing.

The petition(s) requested that 40 CFR 180.448 be amended by establishing a tolerance for residues of the insecticide hexythiazox, in or on various food commodities as follows: (1) On July 31, 1996 PP 6F4738 proposed the establishment of tolerances for stone fruits (except plums) at 1 ppm; almond nutmeat at 0.2 ppm and almond hulls at 10 ppm; milk, cattle meat, and cattle fat at 0.05 ppm, and cattle meat by products at 0.1 ppm. On April 30, 1997, the petitioner refiled the petition pursuant to the Food Quality Protection Act (FQPA). On January 28, 1998, the petitioner amended the tolerance petition by proposing to establish a tolerance for stone fruits including plums at 1 ppm; prunes at 5 ppm; and all tree nuts at 0.2 ppm. Based upon EPA's review of the field residue data, the tolerance for almonds was changed from 0.2 ppm to 0.3 ppm. Also, the commodity terms almonds, nutmeat and almond hulls was changed to almond and almond, hulls. EPA was unable to complete its review of the field residue data for tree nuts and plums (prunes) and therefore is limiting tolerances to stone fruits (except plums) and almond at this time. Also, the commodity term Stone Fruits (except plums) was corrected to read Fruit, stone group (except plums). Based upon data from a ruminant feeding study, the tolerances proposed in milk, cattle fat and meat byproducts are too high and are reduced to 0.02 ppm. Tolerances for meat are not required. The petition was amended to specify tolerances in cattle, goats, horses, swine, and sheep fat and meat byproducts and milk at 0.02 ppm. (2) On August 26, 1998, PP 8F4985 proposed the establishment of tolerances for strawberries at 3.0 ppm; the increase of tolerances in apples from 0.02 ppm to 0.40 ppm; wet apple pomace at 0.70 ppm; cotton, undelinted seed at 0.20 ppm; and cotton gin byproducts at 3.0 ppm, geographically limited to California only. Based upon apple processing studies, the pomace tolerance of 0.70 ppm is too low and is revised to 0.80 ppm. The use on cotton is limited to California based on the geographical representation of the residue data submitted. Additional residue data would be required to expand the area of usage.

Hexythiazox is currently proposed for use on stone fruits (except plums) to control European red mites, Twospotted spider mites, McDaniel spider mite, Strawberry spider mites, Pacific spider mites, Pecan leaf scorch mites, and Willamette mites; almonds to control European red mites, Twospotted spider mites, McDaniel spider mites, Strawberry spider mites, Pacific spider mites, Pecan leaf scorch mites, and Willamette mites; strawberries to control Twospotted spider mites; apples to control European red mites, Twospotted spider mites, McDaniel spider mite, Pacific spider mites, and Willamette mites; and in cotton to control Twospotted spider mites, Strawberry spider mites, Pacific spider mites, and Carmine spider mites.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that" there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate

exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of hexythiazox on stone fruits (except plums) at 1 ppm; almonds at 0.3 ppm and almond hulls at 10 ppm; milk at 0.02 ppm; fat of cattle, goats, horses, swine and sheep at 0.02 ppm; meat by-products of cattle, goats, horses, swine and sheep at 0.02 ppm; strawberries at 3.0 ppm; wet apple pomace at 0.80 ppm; cotton, undelinted seed (CA only), at 0.20 ppm; and cotton gin byproducts (CA only) at 3.0 ppm. This regulation also increases the tolerance on apples from 0.02 ppm to 0.50 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by hexythiazox are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	90–Day oral toxicity rodents	NOAEL = 8.1/5.4 mg/kg/day males, females LOAEL = 58.6/38.1 mg/kg/day, males, females based on increased absolute and relative liver weights in both sexes, increased relative ovarian and kidney weights, and fatty degeneration of the adrenal zona fasciculata.
870.3700a	Prenatal developmental in rodents	Maternal NOAEL = 240 mg/kg/day LOAEL = 720 mg/kg/day based on decreased maternal body weight gain and decreased food consumption. Developmental NOAEL = ≥ 2,160 mg/kg/day LOAEL > 2,160 mg/kg/day.
870.3700b	Prenatal developmental in nonrodents	Maternal NOAEL = ≥ 1080 mg/kg/day LOAEL = > 1,080 mg/kg/day. Developmental NOAEL = ≥ 1,080 mg/kg/day LOAEL = > 1,080 mg/kg/day.
870.3800	Reproduction and fertility effects	Parental/Systemic NOAEL = 29.73/34.77 mg/kg/day, males/females LOAEL = 180.67/207.67 mg/kg/day, males/females based on decreased body weight gain and increased absolute and relative liver, kidney, and adrenal weights. Reproductive NOAEL = > 180.67/207.67mg/kg/day, males/females LOAEL >180.67/207.67 mg/kg/day, males/females. Offspring NOAEL = 29.73/34.77 mg/kg/day, males/females LOAEL = 180.67/207.67 mg/kg/day, males/females based on decreased pup body weight during lactation, and delayed hair growth and/or eye opening.
870.4100b	Chronic toxicity dogs	NOAEL = 2.5 mg/kg/day LOAEL = 12.5 mg/kg/day based on increased absolute and relative adrenal weights and associated adrenal histopathology.
870.4300	Chronic Toxicity/Carcinogenicity rats	NOAEL = 23/29 mg/kg/day, males/females LOAEL = 163/207 mg/kg/day, males/females based on decreased body weight and body weight gain and increased absolute and relative liver weights. No evidence of carcinogenicity
870.4300	Carcinogenicity mice	NOAEL = 41.6/51.2 mg/kg/day, males/females LOAEL = 267/318 mg/kg/day, males/females based on decreased male body weight and body weight gain and increased absolute and relative liver weights in both sexes. Evidence of carcinogenicity (causes liver tumors in females)
870.5100	Gene Mutation (*Salmonella typhimurium* and *Escherichia coli* reverse gene mutation assay)	The test was negative up to the highest dose tested (6400 micrograms/plate +/- S9)

TABLE 1.—SUBCHRONIC, CHRONIC AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.5300	Gene Mutation (*In vitro* mammalian cell forward gene mutation assay in CHO cells)	Independently performed trials were negative up to precipitating doses (≥ micrograms/mL) and severely cytotoxic concentrations (200 micrograms/mL -S9; 400 micrograms/mL + S9)
870.5375	Cytogenetics (*In vitro* mammalian cell cytogenetic assay in CHO cells)	The test was negative up to precipitating doses accompanied by severe cytotoxicity (≥ 167 micrograms/mL +/-S9)
870.5395	Cytogenetics (*In vivo* mouse micronucleus assay)	The results were inconclusive because a positive response, which was within the wide range of historical background data, was recorded for female mice at the mid-and high- doses (500 and 10,000 mg/kg). The assay should be repeated to confirm or refute the equivocal results.
870.5550	Other Effects (*In vitro* UDS assay in primary rat hepatocytes	The test was negative up to a lethal dose (250 micrograms/mL).
870.7485	Metabolism and pharmacokinetics	Absorption and distribution of dosed radioactivity were rapid. The radioactive material was rapidly eliminated in the urine and feces; the majority of the radioactivity was eliminated within 24 hours. There were no observable differences in the total elimination of NA-73 between male and female rats. The major route of elimination in both the male and female rats was by fecal excretion. The major metabolite found, PT-1-8 (cis), accounted for 8-12% of the administered radioactivity in the low dose groups. Approximately 11-20% and 65-69% of the dosed radioactivity was identified as unchanged NA-73 in the low-dose and high-dose groups, respectively. All other metabolites were present at low concentrations (<2%). There was no apparent sex difference in metabolite formation. Significant levels of NA-73 equivalent ^{14}C- residues were detected in the fat, liver, and adrenals. A sex-related difference in the residue levels of all tissues was observed, with residues in female tissues being two-fold higher than those found in male tissues.
870.7485	Metabolism and pharmacokinetics	Total recovery of radioactivity 72 hours after treatment accounted for 101.9-103% of the dose. The distribution of radioactivity 72 hours after dosing was as follows: (1) 30% (male and female) was excreted in the urine, (2) 60% (female) to 67% (male) was excreted in the feces, and (3) about 4% (male) to 10% (female) of the administered radioactivity remained in the tissues, with the highest concentration in the fat (2.3 ppm, males; 5.4 ppm, females). Significant sex differences existed for the pharmacokinetics of NA-73 in these rats, with females exhibiting slower elimination rats and higher tissue residues (about double) than males. NA-73 was metabolized to a large number of metabolites that were excreted both in the urine and feces. Seven metabolites were structurally identified in addition to the parent compound in both excreta of both sexes, with the major fecal metabolite, PT-1-8 (cis) accounting for 10% of the dosed radioactivity. The others were all minor metabolites accounting for less than 1.4%. About 20% of the dose was excreted as unchanged NA-73 (97% of which was in the feces). No significant sex difference was apparent with respect to metabolite formation.
870.7600	Dermal penetration	The total percent of dose absorbed averaged 2%, 1%, and 1.1% for cannulated rats (10-hour sacrifice) and 0.8%, 0.2%, and 0.2% for non-cannulated rats (1-hour sacrifice) at the low, medium, and high dose levels, respectively. The amount of radioactivity in the blood, carcass, urine and other organs totaled <2% of the applied dose. The results of this study (2% dermal absorption) can be used for risk assessment purposes.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to

determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a "point of departure" is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for hexythiazox used for human risk assessment is shown in the following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR HEXYTHIAZOX FOR USE IN HUMAN RISK ASSESSMENT

Exposure scenario	Dose used in risk assessment, UF	FQPA SF and LOC for risk assessment	Study and toxicological effects
Acute Dietary (females 13–50 years of age)	Developmental NOAEL = 240 mg/kg/day UF = 100 Acute RfD = 2.4 mg/kg/day	FQPA SF = 1X aPAD = acute RfD/FQPA SF = 2.4 mg/kg/day	Developmental Toxicity Study—Rat Developmental LOAEL = 720 mg/kg/day based on delayed ossification
Acute Dietary (general population including infants and children)[2]			
Chronic Dietary (all populations)	NOAEL = 2.5 mg/kg/day UF = 100 Chronic RfD = 0.025 mg/kg/day	FQPA SF = 1X cPAD = chronic RfD/FQPA SF = 0.025 mg/kg/day	1–Year Toxicity Feeding Study—Dog LOAEL = 12.5 mg/kg/day based on increased absolute and relative adrenal weights and associated adrenal histopathology
Short-Term Dermal (1–7 days) (Occupational/Residential)	Oral maternal NOAEL = 240 mg/kg/day (dermal absorption rate = 2%)	LOC for MOE = 100 (Occupational) LOC for MOE = 100 (Residential, includes the FQPA SF)	Developmental Toxicity Study—Rat LOAEL = 720 mg/kg/day based on decreased maternal body weight gain during gestation days 7–17 and decreased food consumption on gestation days 9–12
Intermediate-Term .Dermal (1 week–several months) (Occupational/Residential)	Oral NOAEL = 5.4 mg/kg/day (dermal absorption rate = 2%)	LOC for MOE = 100 (Occupational) LOC for MOE = 100 (Residential, includes the FQPA SF)	13–Week Feeding Study—Rat LOAEL = 38.1 mg/kg/day based on increased absolute and relative liver weights in both sexes, increased relative ovarian and kidney weights, and fatty degeneration of the adrenal zone fasciculata
Long-Term Dermal (several months—lifetime) (Occupational/Residential)	Oral NOAEL = 2.5 mg/kg/day (dermal absorption rate = 2%)	LOC for MOE = 100 (Occupational) LOC for MOE = 100 (Residential, includes the FQPA SF)	1–Year Feeding Study—Dog LOAEL = 12.5 mg/kg/day based on increased absolute and relative adrenal weights and associated adrenal histopathology
Short-Term Inhalation (1–7 days) (Occupational/Residential)	Oral NOAEL = 240 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100 (Occupational)	Developmental Toxicity Study—Rat

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR HEXYTHIAZOX FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure scenario	Dose used in risk assessment, UF	FQPA SF and LOC for risk assessment	Study and toxicological effects
		LOC for MOE = 100 (Residential, includes the FQPA SF)	LOAEL = 720 mg/kg/day based on decreased maternal body weight gain during gestation days 7–17 and decreased food consumption on gestation days 9–12
Intermediate-Term Inhalation (1 week–several months) (Occupational/Residential)	Oral NOAEL = 5.4 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100 (Occupational) LOC for MOE = 100 (Residential, includes the FQPA SF)	13–Week Feeding Study—Rat LOAEL = 38.1 mg/kg/day based on increased absolute and relative liver weights in both sexes, increased relative ovarian and kidney weights, and fatty degeneration of the adrenal zone fasciculata
Long-Term Inhalation (several months—lifetime) (Occupational/Residential)	Oral NOAEL = 2.5 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100 (Occupational) LOC for MOE = 100 (Residential, includes the FQPA SF)	1–Year Feeding Study—Dog LOAEL = 12.5 mg/kg/day based on increased absolute and relative adrenal weights and associated adrenal histopathology
Cancer (oral, dermal, inhalation)	Category C (possible human carcinogen)	$Q_1^* = 2.22 \times 10^{-2}$	Increases in incidence of malignant and combined benign/malignant liver tumors in mice

[1] UF = uncertainty factor, FQPA SF = FQPA safety factor, NOAEL = no observed adverse effect level, LOAEL = lowest observed adverse effect level, PAD = population adjusted dose (a = acute, c = chronic) RfD = reference dose, MOE = margin of exposure, LOC = level of concern

[2] A dose and endpoint attributable to a single exposure were not identified from the available oral toxicity studies, including maternal toxicity in the developmental toxicity studies.

* The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.448) for the residues of hexythiazox, in or on a variety of raw agricultural commodities. Tolerances are established on plant commodities ranging from 0.02 ppm on apples to 2.0 ppm on hops. Hexythiazox is the common name for the active ingredient in Savey Ovicide/Miticide. When formulated as the product Savey 50 WP, the product is registered for agricultural use on outdoor terrestrial food crops. When sold under an alternate brand name, Hexygon, the product is also registered for commercial non-food use on outdoor ornamental and nursery stock. Savey 50 WP contains 50% hexythiazox by weight. For these petitions, Savey® will be applied to hops, stone fruit, pome fruit, strawberry, and cotton crops at a maximum of 0.1875 pounds of active ingredient per acre (ai/Acre) (1.6 lbs ai/Acre for cotton). Savey® is formulated as a wettable powder (packaged in open bags or water soluble paks) and is applied once per season or crop. Savey provides control against tetranychid mite species by direct or indirect contact with treated plant surfaces. According to label specifications the use of this product may include alternation of active classes of insecticides on succeeding generations and targeting the most susceptible life stage. Risk assessments were conducted by EPA to assess dietary exposures from hexythiazox in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: For acute dietary risk assessments, the entire distribution of single day food consumption events is combined with a single residue level (deterministic analysis) to obtain a distribution of exposure in mg/kg. A conservative analysis was performed using existing and recommended tolerance level residues and 100% crop treated (CT) information for all commodities. For acute dietary risk, EPA's level of concern is >100% aPAD. The acute dietary exposure estimate for the females 13-50 years old subgroup is presented in Table 3 at the 95th percentile. The results of the acute analysis indicate that the estimated acute dietary risk associated with the existing and recommended uses of hexythiazox is below EPA's current level of concern for the females 13-50 years old subgroup, as shown in the following Table 3:

TABLE 3.—ACUTE RESULT AT 95TH PERCENTILE FROM DEEM® ANALYSIS

Subgroup	Exposure (mg/kg/day)	% aPAD
Females 13-50 years old	0.002617	<1

For the acute dietary analysis, existing and recommended tolerance level residues and 100% CT information were used for all commodities (conservative, Tier 1 analysis). DEEM® default processing factors were used.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the DEEM® analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: For chronic dietary risk assessments, the 3–day average of consumption for each sub-population was combined with residues in commodities to determine average exposure in mg/kg/day. A refined, deterministic analysis was performed using AR levels for most crops and % CT or anticipated market share information for all crops. For chronic dietary risk, EPA's level of concern is >100% cPAD. Dietary exposure estimates for the U.S. population and other representative subgroups are presented in Table 4. The results of the chronic analysis indicate that the estimated chronic dietary risk associated with the existing and recommended uses of hexythiazox is below EPA's current level of concern for the U.S. population and all population subgroups, as shown in the following Table 4:

TABLE 4.—SUMMARY OF RESULTS FROM CHRONIC DEEM® ANALYSIS

Subgroups	Exposure (mg/kg/day)	% cPAD
U.S. Population	0.000011	<1
All infants (<1 year old)	0.000027	<1
Children (1-6 years old)	0.000028	<1
Children (7-12 years old)	0.000015	<1
Females (13-50 years old)	0.000008	<1
Males (13-19 years old)	0.000004	<1
Males (20 + years old)	0.000008	<1
Seniors (55 + years old)	0.000010	<1

For the chronic and cancer analyses, ARs from field trial data, the weighted average of %CT Quantitative Usage Analyses (QUA), and processing factors (where applicable) were used (see Table 5). DEEM® default processing factors were used unless otherwise noted in the following Table 5:

TABLE 5.—SUMMARY OF HEXYTHIAZOX ARS FOR CHRONIC AND CANCER DIETARY RISK ASSESSMENT BASED ON FIELD-TRIAL DATA

Commodity	Recommended Tolerance (ppm)	Processing Factor	AR (ppm)	CT/Anticipated Market Share (%)
Almond nutmeat	0.30	NA	0.046	2
Almond hulls	10	NA	2.7	2
Cherries	1.0	NA	0.20	<1
Peaches	1.0	NA	0.14	1
Nectarines	1.0	NA	0.054	2
Undelinted cottonseed	0.20	NA	0.059	1
Cottonseed meal	0.20	0.01 x	0.059	1
Refined cottonseed oil	0.20	0.13 x	0.059	1
Apples	0.50	NA	0.12	2

TABLE 5.—SUMMARY OF HEXYTHIAZOX ARS FOR CHRONIC AND CANCER DIETARY RISK ASSESSMENT BASED ON FIELD-TRIAL DATA—Continued

Commodity	Recommended Tolerance (ppm)	Processing Factor	AR (ppm)	CT/Anticipated Market Share (%)
Apple juice	0.50	0.5 x[c]	0.12	2
Wet apple pomace	0.80	2.4 x	0.12	2
Pears[b]	0.30	NA	0.30*	3
Hops[b]	2.0	NA	2.0*	45
Dates[b]	0.10	NA	0.10*	45
Strawberries	3.0	NA	0.75	14
Milk	0.02	NA	0.00019	
Liver[a]	0.02	NA	0.0016	
Meat by-products (except liver)[a]	0.02	NA	0.00066	
Fat[a]	0.02	NA	0.00021	
Hog Meat	0.02	NA	1.0×10^{-9}[d]	
Hog Liver	0.02	NA	4.8×10^{-8}[d]	
Hog Meat by-products (except liver)	0.02	NA	2.0×10^{-8}[d]	
Hog Fat	0.02	NA	6.3×10^{-9}[d]	

*Ars were not calculated for these crops
[a]These ARs were used for meat, fat and meat by-products of cattle, horses, goats and sheep in the chronic and cancer analyses.
[b]ARs were not calculated for commodities not included in the subject petitions.
[c]DEEM® default ratio kept constant for "apple-juice/cider" and "apple-juice-concentrate".
[d]These ARs were rounded up to 0.000001 ppm because DEEM® can not accomidate more than 6 place holders.

iii. *Cancer.* A refined, deterministic carcinogenic risk estimate analysis was performed using AR levels for most crops and % CT or anticipated market share information for all crops. The dietary exposure estimate for the U.S. population is presented in Table 6. The result of the carcinogenicity analysis indicates that the estimated dietary risk associated with the existing and recommended uses is below the level the Agency generally considers negligible for excess lifetime cancer risk (1×10^{-6}), as shown in the following Table 6:

TABLE 6.—SUMMARY OF RESULTS FROM CARCINOGENIC DEEM® ANALYSIS

Subgroup	Exposure (mg/kg/day)	Lifetime Risk
U.S. Population	0.000011	2.4×10^{-7}

For the cancer analyses, ARs from field trial data, the weighted average of %CT (QUA) and processing factors (where applicable) were used (see Table 5 above). DEEM® default processing factors were used unless otherwise noted in Table 5.

iv. *Anticipated residue and percent crop treated information.* Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the Agency can make the following findings: Condition 1, that the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; Condition 2, that the exposure estimate does not underestimate exposure for any significant subpopulation group; and Condition 3, if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of percent crop treated (PCT) as required by section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used percent crop treated (PCT) information specified above. The Agency believes that the three conditions listed above have been met. With respect to Condition 1, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. EPA uses a weighted average PCT for chronic dietary exposure estimates. This weighted average PCT figure is derived by averaging State-level data for a period of up to 10 years, and weighting

for the more robust and recent data. A weighted average of the PCT reasonably represents a person's dietary exposure over a lifetime, and is unlikely to underestimate exposure to an individual because of the fact that pesticide use patterns (both regionally and nationally) tend to change continuously over time, such that an individual is unlikely to be exposed to more than the average PCT over a lifetime. For acute dietary exposure estimates, EPA uses an estimated maximum PCT. The exposure estimates resulting from this approach reasonably represent the highest levels to which an individual could be exposed, and are unlikely to underestimate an individual's acute dietary exposure. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions 2 and 3, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which hexythiazox may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for hexythiazox in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of hexythiazox.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and SCI-GROW, which predicts pesticide concentrations in groundwater. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to hexythiazox they are further discussed in the aggregate risk sections below.

Based on the GENEEC and SCI-GROW models the estimated environmental concentrations (EECs) of hexythiazox in surface water and ground water for acute exposures are estimated to be 910.32 ng/L for surface water and 1.47 ng/L for ground water. The EECs for chronic exposures are estimated to be 280.88 ng/L for surface water and 1.47 ng/L for ground water.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Hexythiazox is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether hexythiazox has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, hexythiazox does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that hexythiazox has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children—i. In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity.* EPA has evaluated the toxicology data base of hexythiazox and re-assessed the cRfD, as well as the toxicological endpoints recommended for acute dietary and occupational/residential exposure risk assessments. The Agency also addressed the potential enhanced sensitivity of infants and children from exposure to hexythiazox as required by FQPA and concluded that the pre- and post-natal toxicology data base for hexythiazox is complete with respect to FQPA considerations. The results of these studies indicated no increased susceptibility of rats or rabbits to in utero and/or postnatal exposure to hexythiazox. In the developmental toxicity study in rabbits, no

developmental effects were seen at doses up to the limit dose. In the developmental toxicity study in rats, the developmental effects (delayed ossification) occurred at the same dose level (720 mg/kg/day) as the maternal effects (decreased maternal body weight gain and decreased food consumption). In the two generation reproduction study, the effects in the offspring (decreased pup body weight during lactation and delayed hair growth and/or eye opening) were observed only at treatment levels which resulted in evidence of parental toxicity (decreased body weight gain and increased absolute and relative liver, kidney, and adrenal weights).

A developmental neurotoxicity (DNT) study is not required at this time. However, EPA has requested an evaluation to determine the relationship between the adrenal effects (increased adrenal weights and/or adrenal pathology) seen in four studies (90-day feeding study in rats, chronic/carcinogenicity rat, chronic dog, and 2-generation reproduction study in rats) and the need for a DNT. It appears that the effects are more endocrine-related (not developmental) and will be addressed once the endocrine policy is in place. The possibility of the effects being endocrine related is also supported by reports of ovarian weight increases in several studies in rats. In addition, the results of the developmental toxicity studies in rats and rabbits and the 2-generation reproduction study do not support a DNT. No neuropathology or CNS malformations were seen in the developmental toxicity studies. In the 2-generation reproduction study in rats, there were no findings in pups that were suggestive of changes in neurological development, although no functional assessment was performed. Additionally, there was no evidence of neurotoxicity in other studies.

iii. *Conclusion.* There is a complete toxicity data base for hexythiazox and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be removed and reduced to 1x. The FQPA factor is removed because an additional safety factor is not needed to protect the safety of infants and children.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Acute aggregate risk estimates are below EPA's level of concern. A Tier 1 acute dietary exposure analysis for hexythiazox was performed using tolerance level residues and assuming 100% crop treated for all commodities. The acute analysis applied to the population subgroup Females 13-50 yrs old. The acute dietary exposure estimates (food only) for this population subgroup was <1% of the aPAD. Thus, the acute dietary risk associated with the proposed uses of hexythiazox does not exceed EPA's level of concern (>100% aPAD). The surface and ground water EECs were used to compare against back-calculated DWLOCs for aggregate risk assessments. For the acute scenario, the DWLOCs are 72,000 ppb for females 13-50 years old. For ground and surface water, the EECs for hexythiazox are less than EPA's DWLOCs for hexythiazox in drinking water as a contribution to acute aggregate exposure as shown in Table 7 below. Therefore, EPA concludes with reasonable certainty that residues of hexythiazox in drinking water do not contribute significantly to the acute aggregate human health risk at the present time, as shown in the following Table 7:

TABLE 7.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO HEXYTHIAZOX

Scenario/Population Subgroup	aPAD, mg/kg/day	Dietary Exposure, mg/kg/day	Allowable Drinking Water Exposure[1], mg/kg/day	DWLOC, ppb	Surface Water, ppb	Ground Water, ppb
Females 13-50 yrs old	2.4	0.002617	2.4	72,000	0.910	0.0015

[1]Allowable Drinking Water Exposure (mg/kg/day) = aPAD (mg/kg/day) - Dietary Exposure from DEEM (mg/kg/day)

2. *Chronic risk.* Chronic (non-cancer) aggregate risk estimates are below EPA's level of concern. A refined analysis was performed using AR levels for most crops and % CT or anticipated market share information for all crops. The chronic analysis applied to the U.S. population and all population subgroups. The chronic (non-cancer) dietary exposure estimates (food only) for the general U.S. population and all population subgroups were <1% of the

cPAD. Thus, the chronic (non-cancer) dietary risk associated with the proposed uses of hexythiazox does not exceed EPA's level of concern (>100% cPAD). The surface and ground water EECs were used to compare against back-calculated DWLOCs for aggregate risk assessments. For the chronic (non-cancer) scenario, the DWLOCs are 870 ppb for the U.S. population, 870 ppb for females 13-50 years old, and 250 ppb for all infants (<1 year old). For ground and surface water, the EECs for hexythiazox are less than EPA's DWLOCs for hexythiazox in drinking water as a contribution to chronic (non-cancer) aggregate exposure (Table 8). Therefore, EPA concludes with reasonable certainty that residues of hexythiazox in drinking water do not contribute significantly to the chronic (non-cancer) aggregate human health risk at the present time, as shown in the following Table 8:

TABLE 8.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO HEXYTHIAZOX

Scenario/Population Subgroup	cPAD, mg/kg/day	Dietary Exposure, mg/kg/day	Allowable Drinking Water Exposure[1], mg/kg/day	DWLOC, ppb	Surface Water EEC, ppb	Ground Water EEC, ppb
U.S. Population	0.025	0.000011	0.025	870	0.094	0.0015
All infants (<1 year old)	0.025	0.000027	0.025	250	0.094	0.0015
Children (1-6 years old)	0.025	0.000028	0.025	250	0.094	0.0015
Children (7-12 years old)	0.025	0.000015	0.025	250	0.094	0.0015
Females (13-50 years old)	0.025	0.000008	0.025	870	0.094	0.0015
Males (13-19 years old)	0.025	0.000004	0.025	870	0.094	0.0015
Males (20+ years old)	0.025	0.000008	0.025	870	0.094	0.0015
Seniors (55+ years old)	0.025	0.000010	0.025	870	0.094	0.0015

[1] Allowable Drinking Water Exposure (mg/kg/day) = cPAD (mg/kg/day) - Chronic Dietary Exposure from DEEM® (mg/kg/day)

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Hexythiazox is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Hexythiazox is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

5. *Aggregate cancer risk for U.S. population.* Chronic (cancer) aggregate risk estimates are below EPA's level of concern. A refined analysis was performed using AR levels for most crops and % CT or anticipated market share information for all crops. The chronic analysis applied to the U.S. population and all population subgroups. The carcinogenic risk estimate (food only) for the general U.S. was $<1 \times 10^{-6}$. Thus, the carcinogenic dietary risk associated with the proposed uses of hexythiazox does not exceed the level of concern that the Agency generally considers negligible for excess lifetime cancer risk (1×10^{-6}). The surface and ground water EECs were used to compare against back-calculated DWLOCs for aggregate risk assessments. For the carcinogenic risk scenario, the DWLOCs are 1.2 ppb for the U.S. population. For ground and surface water, the EECs for hexythiazox are less than EPA's DWLOCs for hexythiazox in drinking water as a contribution to carcinogenic aggregate exposure (Table 9). Therefore, EPA concludes with reasonable certainty that residues of hexythiazox in drinking water do not contribute significantly to the carcinogenic aggregate human health risk at the present time, as shown in the following Table 9:

TABLE 9.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (CANCER) EXPOSURE TO HEXYTHIAZOX

Scenario/Population Subgroup	Q_1^*	Dietary Exposure, mg/kg/day	Allowable Drinking Water Exposure[1], mg/kg/day	DWLOC, ppb[2]	Surface Water EEC, ppb	Ground Water EEC, ppb
U.S. Population	2.22×10^{-2}	0.000011	0.000034	1.2	0.094	0.0015

[1] Allowable Drinking Water Exposure (mg/kg/day) = negligible risk$(1 \times 10^{-6}/Q_1^*$ - (average food + residential exposure (ADD) (mg/kg/day)
[2] $DWLOC_{cancer}$ = chronic water exposure (mg/kg/day) × body weight (kg)/water consumption (L) × 10^{-3}(mg/µg)

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to hexythiazox residues.

IV. Other Considerations

A. Metabolism in Plants and Animals

Plants. Metabolism studies have been submitted and reviewed in conjunction with petitions for hexythiazox tolerances in/on apples, pears, grapes and citrus. The residues of concern in these crops are hexythiazox and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety.

No further plant metabolism data are necessary to support the proposed uses on apples, almonds, stone fruits and strawberries. However, as metabolism

data are only available for fruit, the nature of the residue is not understood in cotton. Given the limited metabolism of hexythiazox observed in apple, pear, grape and citrus leaves and that the use on cotton will be limited to California, EPA concludes that the nature of the residue is understood in cotton for the purposes of this petition only. For a national registration on cotton, additional plant metabolism data will be required.

Livestock. The Agency has previously concluded that the nature of the residues of hexythiazox in cattle and goats is adequately understood. The residues of concern in ruminants are hexythiazox and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety.

A poultry metabolism study was reviewed in conjunction with the original tolerance petition for apples and was deemed inadequate due to incomplete characterization of 14C-residues in liver, fat and eggs. However, as the available data indicate that the metabolism of hexythiazox in poultry is similar to that in plants and ruminants, EPA can recommend in favor of permanent tolerances for cotton RACs provided that the registration is conditional upon submission of an adequate poultry metabolism study.

B. Analytical Enforcement Methodology

The HPLC/UV analytical methods (EN-CAS Method Nos. ENC–4/96, –5/96, and –4/97, respectively) used for determining the combined residues of hexythiazox and its metabolites in apples, cotton, and rotational crops are adequate for data collection purposes. The submitted HPLC/UV analytical method (EN-CAS Method No. ENC-8/96) used for determining the combined residues of hexythiazox and its metabolites in/on almond and stone fruit commodities is also adequate for data collection purposes. Adequate method validation data were submitted. These methods are based on Method AMR–985–87, which has been deemed acceptable as a tolerance enforcement method in conjunction with a petition for use on apples. The method has been validated for use on various crop commodities, and has been forwarded to FDA for inclusion in PAM II. This earlier method is considered sufficient to enforce the proposed permanent tolerances for residues in/on apples, cotton, stone fruit, almonds, and strawberries. The PAM-II analytical enforcement method for residues of hexythiazox and its metabolites (AMR–985–87) is available to measure residues in meat, milk and eggs.

The petitioner has submitted data describing the testing of hexythiazox through FDA Multiresidue protocols C through E. This information has been forwarded to the FDA. In addition, hexythiazox and its metabolites have been tested according to the FDA Multiresidue protocols C through E by BASF Corporation in conjunction with a petition for use on hops. The information pertaining to the testing of hexythiazox *per se*, which indicated that hexythiazox was not recovered from hops, has been forwarded to the FDA. Multiresidue method testing data for the major metabolites of hexythiazox have been submitted to EPA and will be forwarded to FDA.

C. Magnitude of Residues

An adequate number of residue field trials reflecting the proposed use rules were submitted to EPA to demonstrate that tolerances for apples at 0.5 ppm; wet apple pomace at 0.80 ppm; stone fruits (except plums) at 1 ppm; almond at 0.3 ppm and almond hulls at 10 ppm; milk at 0.02 ppm; fat of cattle, goats, horses, swine and sheep at 0.02 ppm; meat by-products of cattle, goats, horses, swine and sheep at 0.02 ppm; cotton, undelinted seed (CA only), at 0.20 ppm; and cotton gin byproducts (CA only) at 3.0 ppm will not be exceeded when hexythiazox products labeled for these uses are used as directed. For strawberries, EPA is requiring submission of additional crop field studies from three other strawberry growing areas of the United States as confirmatory data in support of the proposed tolerances.

D. Rotational Crop Restrictions

A limited confined rotational crop study was submitted and needs to be repeated as a condition of registration. Although the study was limited in nature, the data indicated that residues of hexythiazox and its metabolites would not be present in crops planted 4 months after application of hexythiazox. The proposed label specifies a 120-day rotational crop restriction. Therefore, tolerances for residues in rotational crops will not be required.

E. International Residue Limits

The Codex Alimentarius Commission has established maximum residue limits (MRLs) for residues of hexythiazox per se in/on cherries and peaches at 1 mg/kg, plums (including prunes) at 0.2 mg/kg, apples at 0.5 mg/kg and strawberries at 0.5 mg/kg; no codex MRLs are established for residues in/on cotton commodities. The Codex MRLs and U.S. tolerances are not compatible because the U.S. tolerance expression currently includes parent hexythiazox and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety. Neither Canadian nor Mexican MRLs have been established for residues of hexythiazox in the subject crops.

F. Endocrine Disruption

The Food Quality Protection Act (FQPA; 1996) requires that EPA develop a screening program to determine whether certain substances (including all pesticides and inerts) may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect.... EPA has been working with interested stakeholders, including other government agencies, public interest groups, industry and research scientists to develop a screening and testing program as well as a priority setting scheme to implement this program. The Agency's proposed Endocrine Disrupter Screening Program was published in the **Federal Register** of December 28, 1998, 63 FR 71541 (FRL–XXXX–X). The Program uses a tiered approach and anticipates issuing a Priority List of chemicals and mixtures for Tier 1 screening in the year 2000. As the Agency proceeds with implementation of this program, further testing of hexythiazox and its end-use products for endocrine effects may be required.

V. Conclusion

Therefore, the tolerances are established for residues of the ovicide/miticide hexythiazox (trans-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety (expressed as parent), in or on almond at 0.3 ppm and almond hulls at 10 ppm; apple at 0.50 ppm; apple, wet pomace at 0.80 ppm; cotton, undelinted seed (CA only), at 0.20 ppm; and cotton gin byproducts (CA only) at 3.0 ppm; milk at 0.02 ppm; fruit, stone (except plums) at 1.0 ppm; strawberry at 3.0 ppm; fat of cattle, goats, horses, swine, and sheep at 0.02 ppm; and meat byproducts of cattle, goats, horses, swine, and sheep at 0.02 ppm.

Conditional registration for use of hexythiazox on these crops are being proposed to allow development and review of a 21-day dermal toxicity study (data gap); an acceptable *in vivo* mouse micronucleus assay; an acceptable poultry metabolism study; and three additional strawberry residue trials.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301061 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 28, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(l) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301061, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory

Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 21, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. Section 180.448 is amended by revising the table in paragraph (a), by removing from the table in paragraph (b) the entries for "cotton seed, undelinted"; "cotton gin byproducts"; "hops"; and "strawberries", and by adding text to paragraph (c) to read as follows:

§ 180.448 Hexythiazox; tolerances for residues.

(a) * * *

Commodity	Parts per million
Almond	0.30
Almond, hulls	10
Apple	0.50
Apple, wet pomace	0.80
Cattle, fat	0.02
Cattle, mbyp	0.02
Fruit, stone, group (except plums)	1.0
Goat, fat	0.02
Goat, mbyp	0.02
Hops	2.0
Horse, fat	0.02
Horse, mbyp	0.02
Milk	0.02
Pears	0.30
Sheep, fat	0.02
Sheep, mbyp	0.02
Strawberry	3.0
Swine, fat	0.02
Swine, mbyp	0.02

* * * * *

(c) *Tolerances with regional registrations.* Tolerances with regional registrations as defined 40 CFR 180.1(n), are established for the combined residues of the ovicide/miticide hexythiazox (trans-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety (expressed as parent) in or on the following commodities:

Commodity	Parts per million
Cotton, gin byproducts (CA only)	3.0
Cotton, undelinted seed (CA only)	0.20

* * * * *

[FR Doc. 00–24945 Filed 9–28–00; 8:45 am]
BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301059; FRL–6745–2]

RIN 2070–AB78

Methacrylic Acid-Methyl Methacrylate-Polyethylene Glycol Methyl Ether Methacrylate Copolymer; and Maleic Anhydride-α-Methylstyrene Copolymer Sodium Salt; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of two polymers methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt when used as an inert ingredient surfactant in or on growing crops or when applied to raw agricultural commodities after harvest. Huntsman Petrochemical Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996 requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt.

DATES: This regulation is effective September 29, 2000. Objections and requests for hearings, identified by docket control number OPP–301059, must be received by EPA on or before November 28, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit XI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301059 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Treva Alston, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-8373 and e-mail address: alston.treva@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301059. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of July 10, 2000 (65 FR 42356) (FRL–6594–5), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act (FQPA) (Public Law 104–170) . announcing the filing of a pesticide petition (PP 0E 6098 and PP 0E 6099) by Huntsman Petrochemical Corporation, 3040 Post Oak Blvd., Houston, Tx 77056. This notice included a summary of the petition prepared by the petitioner. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.1001(c) be amended by establishing an exemption from the requirement of a tolerance for residues of methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer, PP #OE 6098, CAS #100934–04–1; and maleic anhydride-α-methylstyrene copolymer sodium salt, PP#0E 6099, CAS Reg. No. 60092–15–1.

Section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(c)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue..." and specifies factors EPA is to consider in establishing an exemption.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply non toxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify

categories of polymers that should present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b). The following exclusion criteria for identifying these low risk polymers are described in 40 CFR 723.250(d).

1. The polymers, methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt, are not cationic polymers nor are they reasonably anticipated to become cationic polymers in a natural aquatic environment.

2. The polymers do contain as an integral part of their composition the atomic elements carbon, hydrogen, and oxygen.

3. The polymers do not contain as an integral part of their composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymers are neither designed nor can they be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymers are manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymers are not water absorbing polymers with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

Additionally, the polymers, methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt, also meet as required one of the following exemption criteria specified in 40 CFR 723.250(e).

1. The number average molecular weight (MW) of methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer is 3,700, is greater than 1,000 and less than 10,000 daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000, and the polymer does not contain any reactive functional groups.

2. The number average molecular weight (MW) of maleic anhydride-α-methylstyrene copolymer sodium salt is 15,000, and is greater than or equal to 10,000 daltons. The polymer contains less than 2% oligomeric material below MW 500 and less than 5% oligomeric material below MW 1,000.

Thus, methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt meet all the criteria for polymers to be considered low risk under 40 CFR 723.250. Based on their conformances to the above criteria, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt.

V. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average molecular weights of methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt are 3,700 and 15,000 daltons respectively. Generally, polymers of these sizes would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Additionally, since these polymers are not water-absorbing, it is expected that respirable fractions would be cleared from the lungs. Since methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt conform to the criteria that identify low risk polymers, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

VI. Cumulative Effects

Section 408 (b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance or tolerance exemption, the Agency consider "available information" concerning the cumulative effects of a particular chemical's residues and "other substances that have a common mechanism of toxicity." The Agency has not made any conclusions as to whether or not methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt share a common mechanism of toxicity with any other chemicals. However, methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt conform to the criteria that identify low risk polymers. Due to the expected lack of toxicity based on the above conformance, the Agency has determined that cumulative risk assessments are not necessary.

VII. Determination of Safety for U.S. Population

Based on the conformance to the criteria used to identify low risk polymers, EPA concludes that there is a reasonable certainty of no harm to the U.S. population from aggregate exposure to residues of methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt.

VIII. Determination of Safety for Infants and Children

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

IX. Other Considerations

A. Endocrine Disruptors

There is no available evidence that methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt are endocrine disruptors.

B. Existing Exemptions from a Tolerance

There are no existing exemptions from tolerances for methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt.

C. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

D. International Tolerances

The Agency is not aware of any country requiring tolerances for methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt nor have any CODEX Maximum Residue Levels (MRLs) been established for any food crops at this time.

X. Conclusion

Accordingly, EPA finds that exempting residues of methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer; and maleic anhydride-α-methylstyrene copolymer sodium salt from the requirement of a tolerance will be safe.

XI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301059 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 28, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. M3708, Waterside Mall, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit XI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301059, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

XII. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive

Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

XIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 19, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. In § 180.1001 the table in paragraph (c) is amended by adding alphabetically the following two inert ingredients to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * * * * *		
Maleic anhydride-α-methylstyrene copolymer sodium salt, minimum number average molecular weight (in amu) is 15,000 (CAS Reg. No. 60092–15–1)	--------	Surfactant
* * * * * * *		
Methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer, minimum number average molecular weight (in amu) is 3,700 (CAS Reg. No. 100934–04–1)	--------	Surfactant
* * * * * * *		

[FR Doc. 00–24944 Filed 9–28–00; 8:45 a.m.]

BILLING CODE 6560–50–S

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 1, 2, 4, 8, 9, 10, 12, 25, 26, 28, 30, 31, 32, 34, 35, 39, 42, 44, 50, 54, 56, 58, 62, 70, 76, 78, 90, 91, 95, 97, 105, 107, 108, 109, 110, 111, 114, 116, 118, 119, 121, 125, 128, 133, 151, 153, 154, 160, 161, 163, 167, 169, 170, 174, 175, 181, 182, 184, 188, 189, 193, and 199

[USCG–2000–7790]

Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule makes editorial and technical changes throughout title 46 of the Code of Federal Regulations (CFR) to update the title before it is recodified on October 1, 2000. It corrects addresses, updates cross-references, makes conforming amendments, and makes other technical corrections. This rule will have no substantive effect on the regulated public.

DATES: This final rule is effective September 30, 2000.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility [USCG–2000–7790], U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC, 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, contact Ms. Janet Walton, Project Manager, Standards Evaluation and Development Division (G–MSR–2), Coast Guard, telephone 202–267–0257. For questions on viewing, or submitting material to, the docket, contact Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Discussion of the Rule

Each year Title 46 of the Code of Federal Regulations is recodified on October 1. This rule makes editorial changes throughout the title, corrects addresses, updates cross-references, and makes other technical and editorial corrections to be included in the recodification. Some editorial changes are discussed individually in the following paragraphs. This rule does not change any substantive requirements of existing regulations.

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. This rule consists only of corrections and editorial and conforming amendments to title 46 of the Code of Federal Regulations. These changes will have no substantive effect on the public and publishing an NPRM and providing an opportunity for public comment is unnecessary. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that, for the same reasons, good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Sections 25.45–2, 121.240, and 184.240

Because the posting instructions for these sections are contained in the material incorporated by reference, and not "highlighted" in the CFR, we are adding a note at the end of each section to reflect that.

Sections 30.10–22, 30.10–59, 32.20–10, 34.10–15, 35.10–3, 35.25–10, 39.20–9, 54.05–5, 54.05–20, 54.25–10, 54.25–20, 56.07–10, 56.10–5, 56.25–20, 56.30–10, 56.50–60, 56.50–105, 56.60–15, 56.60–25, 58.16–5, 58.30–15, 76.10–10, 78.17–75, 95.10–10, 97.15–55, 97.36–1, 105.10–15, 108.427, 109.563, 110.15–1, 114.400, 116.405, 116.422, 116.423, 128.310, 151.15–3, 153.365, 153.940, 160.032–3, 160.035–3, 160.055–3, 160.076–25, 160.077–11, 160.077–19, 160.151–21, 160.171–17, 160.174–17, 160.176–8, 160.176–13, 161.002–4, 170.270, 174.100, 175.400, 193.10–10, and 199.175

On December 1, 1999, the Coast Guard published a Direct Final Rule, Update of Standards from the American Society for Testing and Materials (ASTM) [USCG–1999–5151] (64 FR 67170). On March 1, 2000, we published a confirmation of effective date for the rule (65 FR 10943). That rule did not revise the CFR sections where the standard numbers did not contain a year date. We are now adding to those sections a cross-reference back to the incorporation by reference section in each part.

Sections 118.410 and 181.410

We are revising §§ 118.410 and 181.410 by changing the first sentence in paragraph (f)(4)(v), in both instances, to conform to language that currently appears in § 95.15–5(d)(7). We are removing the words "The area of each discharge outlet" and adding, in their place, the words "The total area of all discharge outlets." This change makes the sentence technically correct and consistent with the requirements in our other subchapters.

Sections 119.422, 128.420, 128.430, 169.608, and 182.422

The Coast Guard was petitioned to remove a word combination that forms a company trademark that currently appears in these sections. We are removing the words "grid cooler" and adding in their place the words "non-integral keel cooler" where they appear.

Section 199.610

We are revising Table 199.610(c) by changing the table entry under "Oceans" at the "199.262(a): Rescue boats" line to read "(2 and 3)". We are making this change to clarify that the conditions in both notes 2 and 3 must be met for the exemption to apply.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. As this rule involves internal agency practices and procedures, it will not impose any costs on the public.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to

incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule will not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(a) and (b) of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. This exclusion is in accordance with paragraphs (34)(a) and (b), concerning regulations that are editorial or procedural and concerning internal agency functions or organization. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES.**

List of Subjects

46 CFR Part 1

Administrative practice and procedure, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

46 CFR Part 2

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 4

Administrative practice and procedure, Alcohol abuse, Drug abuse, Drug testing, Investigations, Marine safety, National Transportation Safety Board, Reporting and recordkeeping requirements, Safety, Transportation.

46 CFR Part 8

Administrative practice and procedure, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

46 CFR Part 9

Government employees, Vessels, Wages.

46 CFR Part 10

Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 12

Reporting and recordkeeping requirements, Seamen.

46 CFR Part 25

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 26

Marine safety, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 28

Fire prevention, Fishing vessels, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 31

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 32

Cargo vessels, Fire prevention, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 34

Cargo vessels, Fire prevention, Marine safety.

46 CFR Part 35

Cargo vessels, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 39

Cargo vessels, Fire prevention, Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR Part 42

Penalties, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 44

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 50

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 54

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 56

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 58

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 62

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 70

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 76

Fire prevention, Marine safety, Passenger vessels.

46 CFR Part 78

Marine safety, Navigation (water), Passenger vessels, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 90

Cargo vessels, Marine safety.

46 CFR Part 91

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 95

Cargo vessels, Fire prevention, Marine safety.

46 CFR Part 97

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

46 CFR Part 105

Cargo vessels, Fishing vessels, Hazardous materials transportation, Marine safety, Petroleum, Seamen.

46 CFR Part 107

Marine safety, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 108

Fire prevention, Marine safety, Occupational safety and health, Oil and gas exploration, Vessels.

46 CFR Part 109

Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 110

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 111

Vessels.

46 CFR Part 114

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 116

Marine safety, Passenger vessels.

46 CFR Part 118

Fire prevention, Marine safety, Passenger vessels.

46 CFR Part 119

Marine safety, Passenger vessels.

46 CFR Part 121

Communications equipment, Marine safety, Navigation (water), Passenger vessels.

46 CFR Part 125

Administrative practice and procedure, Authority delegation, Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels.

46 CFR Part 128

Hazardous materials transportation, Main and auxiliary machinery, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels.

46 CFR Part 133

Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 151

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 153

Administrative practice and procedure, Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 154

Cargo vessels, Gases, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 160

Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 161

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 163

Marine safety.

46 CFR Part 167

Fire prevention, Marine safety, Reporting and recordkeeping requirements, Schools, Seamen, Vessels.

46 CFR Part 169

Fire prevention, Marine safety, Reporting and recordkeeping requirements, Schools, Vessels.

46 CFR Part 170

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 174

Marine safety, Vessels.

46 CFR Part 175

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 181

Fire prevention, Marine safety, Passenger vessels.

46 CFR Part 182

Marine safety, Passenger vessels.

46 CFR Part 184

Communications equipment, Marine safety, Navigation (water), Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 188

Marine safety, Oceanographic research vessels.

46 CFR Part 189

Marine safety, Oceanographic research vessels, Reporting and recordkeeping requirements.

46 CFR Part 193

Fire prevention, Marine safety, Oceanographic research vessels.

46 CFR Part 199

Cargo vessels, Marine safety, Oil and gas exploration, Passenger vessels, Reporting and recordkeeping requirements, Vessels.

For the reasons set out in the preamble, the Coast Guard amends 46 CFR parts 1, 2, 4, 8, 9, 10, 12, 25, 26, 28, 30, 31, 32, 34, 35, 39, 42, 44, 50, 54, 56, 58, 62, 70, 76, 78, 90, 91, 95, 97, 105, 107, 108, 109, 110, 111, 114, 116, 118, 119, 121, 125, 128, 133, 151, 153, 154, 160, 161, 163, 167, 169, 170, 174, 175, 181, 182, 184, 188, 189, 193, and 199 as follows:

PART 1—ORGANIZATION, GENERAL COURSE AND METHODS GOVERNING MARINE SAFETY FUNCTIONS

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

Authority: 5 U.S.C. 552; 14 U.S.C. 633; 46 U.S.C. 7701; 49 CFR 1.45, 1.46; § 1.01–35 also issued under the authority of 44 U.S.C. 3507.

2. In § 1.01–10, revise paragraph (b)(1)(ii)(D) to read as follows:

§ 1.01–10 Organization.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(D) The Commanding Officer, Coast Guard National Maritime Center (NMC) under technical control of the Assistant Commandant for Marine Safety and Environmental Protection, administers operational and administrative control of the Marine Safety Center which conducts reviews and approvals of plans, calculations, and other materials concerning the design, construction, alterations, and repair of commercial vessels to determine conformance with the marine inspection laws, regulations, and implementing directions, and administers the U.S. Tonnage Measurement program; administers operational and administrational control over the National Vessel Documentation Center which administers U.S. vessel identification and documentation; administers merchant mariner licensing and seaman's documentation; and oversees the national pilotage program.

* * * * *

§ 1.01–15 [Amended]

3. In § 1.01–15, in the Note following paragraph (b), remove the words "Long Beach, CA" and add, in their place, the words "San Pedro, CA".

3a. In § 1.03–15, revise paragraph (h)(3) to read as follows:

§ 1.03–15 General.

* * * * *

(h) * * *

(3) Commanding Officer, National Maritime Center, for appeals involving vessel documentation issues, marine personnel issues, including medical waivers, and suspension or withdrawal of course approvals; or

* * * * *

PART 2—VESSEL INSPECTIONS

4. Revise the authority citation for part 2 to read as follows:

Authority: 33 U.S.C. 1903; 43 U.S.C. 1333; 46 U.S.C. 3103, 3205, 3306, 3307, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46; subpart 2.45 also issued under the authority of Act Dec. 27, 1950, Ch. 1155, secs. 1, 2, 64 Stat. 1120 (see 46 U.S.C. App. note prec. 1).

§ 2.01–60 [Amended]

5. In § 2.01–60(a), remove the words ", shipping commissioners and their deputies and assistants".

PART 4—MARINE CASUALTIES AND INVESTIGATIONS

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

Authority: 33 U.S.C. 1231; 43 U.S.C. 1333; 46 U.S.C. 2103, 2306, 6101, 6301, 6305; 50 U.S.C. 198; 49 CFR 1.46. Authority for subpart 4.40: 49 U.S.C. 1903(a)(1)(E); 49 CFR 1.46.

§ 4.01–3 [Amended]

7. In § 4.01–3, in paragraph (b) remove the words "§ 4.05–1(d) or § 4.05–1(e)" and add, in their place, the words "§ 4.05–1(a)(5) or § 4.05–1(a)(6)"; and in paragraph (c), remove the words "§ 4.05.1(d) and (e)" and add, in their place, the words "§ 4.05–1(a)(5) and (a)(6)".

PART 8—VESSEL INSPECTION ALTERNATIVES

8. The authority citation for part 8 continues to read as follows:

Authority: 46 U.S.C. 3103, 3306, 3316, 3703; 49 CFR 1.46.

9. In § 8.110(b), in the entry for American Bureau of Shipping, revise the heading and address for "American Bureau of Shipping (ABS)" to read as follows:

§ 8.110 Incorporation by reference.

* * * * *

(b) * * *

American Bureau of Shipping (ABS)—ABS Plaza, 16855 Northchase Drive, Houston, TX 77060.

* * * * *

PART 9—EXTRA COMPENSATION FOR OVERTIME SERVICES

10. The authority citation for part 9 continues to read as follows:

Authority: 46 U.S.C. 2103; 49 CFR 1.46.

§ 9.1 [Amended]

11. In § 9.1, remove the words "United States shipping commissioners and their deputies and assistants".

PART 10—LICENSING OF MARITIME PERSONNEL

12. The authority citation for part 10 continues to read as follows:

Authority: 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. Chapter 71; 46 U.S.C. 7502, 7505, 7701; 49 CFR 1.45 and 1.46. Sec. 10.107 is also issued under the authority of 44 U.S.C. 3507.

§ 10.105 [Amended]

13. In § 10.105, remove the words "Long Beach, CA" and add, in their place, the words "San Pedro, CA".

§§ 10.429, 10.456, and 10.467 [Amended]

14. In addition to the amendments set forth above, in 46 CFR part 10, remove the number "10.201(h)" and add, in its place, the number "10.205(h)" in the following sections:

(a) Section 10.429(b);
(b) Section 10.456(d); and
(c) Section 10.467(g)(4).

PART 12—CERTIFICATION OF SEAMEN

15. The authority citation for part 12 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701; 49 CFR 1.46.

§ 12.01–7 [Amended]

16. In § 12.01–7, remove the words "Long Beach, CA" and add, in their place, the words "San Pedro, CA".

§ 12.15–3 [Amended]

17. In § 12.15–3(d) introductory text, remove the word "basis" and add, in its place, the word "basic".

PART 25—REQUIREMENTS

18. The authority citation for part 25 continues to read as follows:

Authority: 33 U.S.C. 1903(b); 46 U.S.C. 3306, 4302; 49 CFR 1.46.

19. In § 25.45–2, add a note at the end of the section to read as follows:

§ 25.45–2 Cooking systems on vessels carrying passengers for hire.

* * * * *

Note to § 25.45–2: The ABYC and NFPA standards referenced in this section require the posting of placards containing safety precautions for gas cooking systems.

PART 26—OPERATIONS

20. Revise the authority citation for part 26 to read as follows:

Authority: 46 U.S.C. 3306, 4104, 6101, 8105; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

PART 28—REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS

21. The authority citation for part 28 continues to read as follows:

Authority: 46 U.S.C. 3316, 4502, 4505, 4506, 6104, 10603; 49 CFR 1.46.

§ 28.110 [Amended]

22. In § 28.110(b), in Table 28.110–

(a) Remove footnote number "1", and renumber footnote number "2" as footnote number "1";

(b) Under "Devices required", remove the footnote number "1" wherever it appears; and

(c) Under "Devices required", remove footnote number "2", wherever it appears, and add, in its place, footnote number "1".

§ 28.145 [Amended]

23. In § 28.145, in table 28.145, under "Devices required" remove the words "46 CFR" wherever they appear.

PART 30—GENERAL PROVISIONS

24. The authority citation for part 30 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3307, 3703; 49 U.S.C. 5103, 5106; 49 CFR 1.45, 1.46; Section 30.01–2 also issued under the authority of 44 U.S.C. 3507; Section 30.01–5 also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 30.10–22 [Amended]

25. In § 30.10–22, in footnote number "1", remove the words "D–323 (most recent revision)" and add, in their place, the words "D 323 (incorporated by reference, see § 30.01–3)".

§ 30.10–59 [Amended]

26. In § 30.10–59, remove the words "D–323 (most recent revision)" and add, in their place, the words "D 323 (incorporated by reference, see § 30.01–3)"; and remove the words "1916 Race Street, Philadelphia, PA 19103" and add, in their place, the words "100 Barr Harbor Drive, West Conshohocken, PA 19428–2959".

PART 31—INSPECTION AND CERTIFICATION

27. The authority citation for part 31 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306, 3307, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46. Section 31.10–21 also issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 31.10–1 [Amended]

28. In § 31.10–1(b), remove the words "Two World Trade Center, 106th Floor, New York, NY 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060".

§ 31.10–5 [Amended]

29. In § 31.10–5(a) introductory text, in the first sentence, remove the word "Headquarters" and add, in its place, the words "the Marine Safety Center, 400 7th Street, SW., Washington, DC 20590–0001"; and at the end of the second sentence and in the third sentence, remove the word "Headquarters" and add, in its place, in each case, the words "the Marine Safety Center".

§ 31.40–45 [Amended]

30. In § 31.40–45(a), remove the words "Two World Trade Center, 106th Floor, New York, NY 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060".

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

31. The authority citation for part 32 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703, 3719; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46; Subpart 32.59 also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

32. In § 32.01–1(b), in the entry for American Bureau of Shipping, revise the heading and address for "American Bureau of Shipping (ABS)" to read as follows:

§ 32.01–1 Incorporation by reference.

* * * * *

(b) * * *

American Bureau of Shipping (ABS), ABS Plaza, 16855 Northchase Drive, Houston, TX 77060

* * * * *

§ 32.20–10 [Amended]

33. In § 32.20–10, remove the words "ASTM F–1273" and add, in their place, the words "ASTM F 1273 (incorporated by reference, see § 32.01–1)".

PART 34—FIREFIGHTING EQUIPMENT

34. The authority citation for part 34 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 34.10–15 [Amended]

35. In § 34.10–15(d), remove the words "ASTM F–1121" and add, in their place, the words "ASTM F 1121 (incorporated by reference, see § 34.01–15)".

PART 35—OPERATIONS

36. The authority citation for part 35 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 35.10–3 [Amended]

37. In § 35.10–3(a), add the words "(incorporated by reference, see § 35.01–3)" at the end of the last sentence.

§ 35.25–10 [Amended]

38. In § 35.25–10, in paragraph (a), add the words "(incorporated by reference, see § 35–01–3)" at the end of the sentence; and in paragraph (b), add the words "(incorporated by reference, see § 35–01–3)" immediately preceding the words "for which it is certified by the producer".

PART 39—VAPOR CONTROL SYSTEMS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. 3306, 3703, 3715(b); 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 39.20–9 [Amended]

40. In § 39.20–9(c)(1), remove the words "ASTM F1271" and add, in their place, the words "ASTM F 1271 (incorporated by reference, see § 39.10–5)".

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

41. The authority citation for part 42 continues to read as follows:

Authority: 46 U.S.C. 5101–5116; 49 CFR 1.46; section 42.01–5 also issued under the authority of 44 U.S.C. 3507.

§ 42.07–35 [Amended]

42. In § 42.07–35(a), remove the words "Two World Trade Center, 106th Floor, New York, NY 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060".

§ 42.11–5 [Amended]

43. In § 42.11–5(a), remove the words "Two World Trade Center, 106th Floor, New York, NY 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060".

PART 44—SPECIAL SERVICE LIMITED DOMESTIC VOYAGES

44. The authority citation for part 44 continues to read as follows:

Authority: 46 U.S.C. 5101–5116; 49 CFR 1.46.

§ 44.320 [Amended]

45. In § 44.320(b), remove the words "Two World Trade Center, 106th Floor, New York, NY 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060".

PART 50—GENERAL PROVISIONS

46. The authority citation for part 50 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.45, 1.46; Section 50.01–20 also issued under the authority of 44 U.S.C. 3507.

§ 50.05–1 [Amended]

47. In § 50.05–1(a), remove the number "§ 50.01–1" and add, in its place, the number "§ 50.01–10".

48. In § 50.10–30(c)(2), revise Table 50.10–30 to read as follows:

§ 50.10–30 Coast Guard number.

* * * * *

(c) * * *

(2) * * *

TABLE 50.10–30—MARINE SAFETY OFFICE IDENTIFICATION LETTERS IN COAST GUARD NUMBERS FOR BOILERS AND PRESSURE VESSELS

Identification	Marine Safety Office
ALB	Albany.
ANC	Anchorage.
BAL	Baltimore.
BOS	Boston.
BUF	Buffalo.
CHA	Charleston.
CHI	Chicago.
CIN	Cincinnati.
CLE	Cleveland.
COR	Corpus Christi.
DET	Detroit.
DUL	Duluth.
GAL	Galveston.
GUA	Guam.
HON	Honolulu.
HOU	Houston.
HRV	Hampton Roads, VA.
HUN	Huntington.
JAC	Jacksonville.
JUN	Juneau.
LIS	Long Island.
LOS	Los Angeles.
LOU	Louisville.

TABLE 50.10–30—MARINE SAFETY OFFICE IDENTIFICATION LETTERS IN COAST GUARD NUMBERS FOR BOILERS AND PRESSURE VESSELS—Continued

Identification	Marine Safety Office
MEM	Memphis.
MIA	Miami.
MIL	Milwaukee.
MIN	Minneapolis.
MOB	Mobile.
MOR	Morgan City.
NAS	Nashville.
NEW	New Orleans.
NYC	New York.
PAD	Paducah.
PAT	Port Arthur.
PHI	Philadelphia.
PIT	Pittsburgh.
POM	Portland, ME.
POR	Portland, OR.
PRO	Providence.
ROT	Rotterdam.
SAV	Savannah.
SDC	San Diego.
SEA	Seattle.
SFC	San Francisco.
SIM	Saint Ignace.
SJP	San Juan.
SLM	St. Louis.
STB	Sturgeon Bay.
TAM	Tampa.
TOL	Toledo.
VAL	Valdez.
WNC	Wilmington, NC.

PART 54—PRESSURE VESSELS

49. The authority citation for part 54 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 54.01–5 [Amended]

50. In § 54.01–5(d)(2), remove the number "§ 54.01.01–35" and add, in its place, the number "§ 54.01–35"; and, in Table 54.01–5(B), remove footnote number 8 from the heading.

§ 54.05–5 [Amended]

51. In § 54.05–5, in paragraph (a), remove the number "E–23" and add, in its place, the words "E 23 (incorporated by reference, see § 54.01–1)"; and in paragraphs (b) and (c)(2), remove the number "E–208" and add in its place, the words "E 208 (incorporated by reference, see § 54.01–1)".

§ 54.05–20 [Amended]

52. In § 54.05–20(b), remove the words "ASTM A–203" and add, in their place, the words "ASTM A 203 (incorporated by reference, see § 54.01–1)".

§ 54.25–10 [Amended]

53. In § 54.25–10(b)(1)(i), remove the words "ASTM A–20" and add, in their place, the words "ASTM A 20 (incorporated by reference, see § 54.01–1)".

§ 54.25–20 [Amended]

54. In § 54.25–20(b), remove the words "ASTM A–370" and add, in their place, the words "ASTM A 370 (incorporated by reference, see § 54.01–1)".

§ 54.30–3 [Amended]

55. In § 54.30–3(c), remove the number "§ 54.20–10" and add, in its place, the number "§ 54.25–8".

PART 56—PIPING SYSTEMS AND APPURTENANCES

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

Authority: 33 U.S.C. 1321(j), 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 56.10–5 [Amended]

57. In § 56.10–5(b), remove the word "A53" and add, in its place, the words "A 53 (incorporated by reference, see § 56.01–2)".

§ 56.25–20 [Amended]

58. In § 56.25–20(b), remove the word "A307" and add, in its place, the words "A 307 (incorporated by reference, see § 56.01–2)".

§ 56.30–10 [Amended]

59. In § 56.30–10(b)(5), remove the word "A36" and add, in its place, the words "A 36 (incorporated by reference, see § 56.01–2)".

§ 56.30–25 [Amended]

60. In § 56.30–25(e), remove the number "§ 56.60–75" and add, in its place, the number "§ 56.50–75".

§ 56.50–60 [Amended]

61. In § 56.50–60(d)(2), remove the words "ASTM A395" and add, in their place, the words "ASTM A 395 (incorporated by reference, see § 56.01–2)".

§ 56.50–105 [Amended]

62. In § 56.50–105(a)(1)(ii), remove the words "ASTM E–23" and add, in their place, the words "ASTM E 23 (incorporated by reference, see § 56.01–2)"; and in Table 56.60–105, in footnote 3, remove the word "(G-MTH)" and add, in its place, the word "(G-MSE)".

§ 56.60–15 [Amended]

63. In § 56.60–15(a) and (b), remove the words "ASTM A395" and add, in their place, the words "ASTM A 395 (incorporated by reference, see § 56.01–2)".

§ 56.95–10 [Amended]

64. In § 56.95–10(a)(2), remove the word "or" and add, in its place, the word "of".

PART 58—MAIN AND AUXILIARY MACHINERY AND RELATED SYSTEMS

65. The authority citation for part 58 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

66. In § 58.03–1(b), in the entry for American Bureau of Shipping, revise the heading and address for "American Bureau of Shipping (ABS)" to read as follows:

§ 58.03–1 Incorporation by reference.

* * * * *

(b) * * *

American Bureau of Shipping (ABS), ABS Plaza, 16855 Northchase Drive, Houston, TX 77060

* * * * *

§ 58.16–5 [Amended]

67. In § 58.16–5(a), remove the words ASTM D323." and add, in their place, the words "ASTM D 323 (incorporated by reference, see § 58.03–1)"; and remove paragraph designator (a).

§ 58.30–15 [Amended]

68. In § 58.30–15(c), remove the words "ASTM A–193" and add, in their place, the words "ASTM A 193 (incorporated by reference, see § 58.03–1)".

PART 62—VITAL SYSTEM AUTOMATION

69. The authority citation for part 62 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 8105; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 62.01–5 [Amended]

70. In § 62.01–5(b) introductory text, remove the number "§ 62.05–5(c)" and add, in its place, the number "§ 62.01–5(c)".

§ 62.05–1 [Amended]

71. In § 62.05–1(b)(1), remove the words "Two World Trade Center, 106th Floor, New York, NY 10048" and add, in their place, the words "ABS Plaza,

16855 Northchase Drive, Houston, TX 77060"; and remove the paragraph designator (1).

§ 62.35–50 [Amended]

72. In § 62.35–50(a), in Table 65.35–50, in note 9, remove the word "(G–MTH)" and add, in its place, the word "(G–MSE)"; and remove the paragraph designator (a).

PART 70—GENERAL PROVISIONS

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

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.45, 1.46; Section 70.01–15 also issued under the authority of 44 U.S.C. 3507.

§ 70.35–5 [Amended]

74. In § 70.35–5(a), remove the words "Two World Trade Center, 106th Floor, New York, NY 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060".

PART 76—FIRE PROTECTION EQUIPMENT

75. The authority citation for part 76 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 76.10–10 [Amended]

76. In § 76.10–10(c), remove the words "ASTM F–1121" and add, in their place, the words "ASTM F 1121 (incorporated by reference, see § 76.01–2)".

§ 76.10–90 [Amended]

77. In § 76.10–90(a)(1), remove the word "exceptf" and add, in its place, the word "except".

PART 78—OPERATIONS

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

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757; 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 78.17–75 [Amended]

79. In § 78.17–75(a), remove the word "ASTM–D93" and add, in it place, the words "ASTM D 93 (incorporated by reference, see § 78.01–2)".

PART 90—GENERAL PROVISIONS

80. The authority citation for part 90 continues to read as follows:

Authority: 46 U.S.C. 3306, 3307, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 90.35–5 [Amended]

81. In § 90.35–5(a), remove the words "Two World Trade Center, 106th Floor, New York, NY 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060".

PART 91—INSPECTION AND CERTIFICATION

82. The authority citation for part 91 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3205, 3306, 3307; E.O. 12234; 45 FR 58801; 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 91.60–45 [Amended]

83. In § 91.60–45(a), remove the words "Two World Trade Center, 106th Floor, New York, NY 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060".

PART 95—FIRE PROTECTION EQUIPMENT

84. The authority citation for part 95 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 95.10–10 [Amended]

85. In § 95.10–10(c), remove the words "ASTM F–1121" and add, in their place, the words "ASTM F 1121 (incorporated by reference, see § 95.01–2)".

PART 97—OPERATIONS

86. The authority citation for part 97 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757; 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 97.15–55 [Amended]

87. In § 97.15–55(a), remove the word "ASTM–D–93" and add, in its place, the words "ASTM D 93 (incorporated by reference, see § 97.01–2)".

§ 97.36–1 [Amended]

88. In § 97.36–1(a), add the words "(incorporated by reference, see § 97.01–2)" at the end of the last sentence in the paragraph.

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

89. The authority citation for part 105 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 4502; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.46.

§ 105.10–15 [Amended]

90. In § 105.10–15, in footnote 1, remove the word "D–323" and add, in its place, the words "D 323 (incorporated by reference, see § 105.01–3)".

PART 107—INSPECTION AND CERTIFICATION

91. The authority citation for part 107 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3307; 46 U.S.C. 3316; 49 CFR 1.45, 1.46; § 107.05 also issued under the authority of 44 U.S.C. 3507.

§ 107.115 [Amended]

92. In § 107.115(b)(1), remove the words "Two World Trade Center, 106th Floor, New York, NY 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060".

§ 107.258 [Amended]

93. In § 107.258, in paragraph (a)(1), remove the words "Two World Trade Center, 106th Floor, New York, NY 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060"; and in paragraph (a)(2), remove the words "17 Battery Place, New York, N.Y. 10004" and add, in their place, the words "90 West Street, Suite 1612, New York, NY 10006".

§ 107.317 [Amended]

94. In § 107.317, in paragraph (c), remove the words "Two World Trade Center, 106th Floor, New York, NY 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060"; and in paragraph (d), remove the words "17 Battery Place, New York, NY 10004" and add, in their place, the words "90 West Street, Suite 1612, New York, NY 10006".

PART 108—DESIGN AND EQUIPMENT

95. The authority citation for part 108 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3102, 3306; 49 CFR 1.46.

§ 108.427 [Amended]

96. In § 108.427(a), remove the words "ASTM F–1121" and add, in their place, the words "ASTM F 1121 (incorporated by reference, see § 105.01–3)".

PART 109—OPERATIONS

97. The authority citation for part 109 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 6101, 10104; 49 CFR 1.46.

§ 109.563 [Amended]

98. In § 109.563(a)(6), add the words "(incorporated by reference, see § 109.105)" at the end of the last sentence in the paragraph.

PART 110—GENERAL PROVISIONS

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

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3307, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.45, 1.46; § 110.01–2 also issued under 44 U.S.C. 3507.

100. In § 110.10–1(b), in the entry for American Bureau of Shipping, revise the heading and address for "American Bureau of Shipping (ABS)", and under the heading "National Fire Protection Association (NFPA), National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269:", in the entry for "NFPA 70, National Electrical Code (NEC), 1996", remove the section numbers "§ 111.60–11(f);" and "§ 111.83–3(a);" to read as follows:

§ 110.10–1 Incorporation by reference.

* * * * *

(b) * * *

American Bureau of Shipping (ABS), American Bureau of Shipping, ABS Plaza, 16855 Northchase Drive, Houston, TX 77060:

* * * * *

§ 110.15–1 [Amended]

101. In § 110.15–1(b), in the definition of *Corrosion resistant material or finish,* remove the words "ASTM B–117" and add, in their place, the words "ASTM B 117 (incorporated by reference, see § 110.10–1)".

PART 111—ELECTRICAL SYSTEMS—GENERAL ENGINEERING

102. The authority citation for part 111 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.46.

§ 111.97–3 [Amended]

103. In § 111.97–3, remove the number "§ 163.001" and add, in its place, the letter and number "H, § 170.270".

§ 111.97–5 [Amended]

104. In § 111.97–5(b), remove the number "§ 163.001–5(b)" and add, in its place, the number "§ 170.270(c)".

PART 114—GENERAL PROVISIONS

105. The authority citation for part 114 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3307, 3703; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46. Section 114.900 also issued under 44 U.S.C. 3507.

§ 114.400 [Amended]

106. In § 114.400(b)—

(a) In the definition of *Corrosion-resistant material or corrosion-resistant,* in paragraph (b)(10), remove the words "ASTM B–117" and add, in their place, the words "ASTM B 117 (incorporated by reference, see § 114.600)";

(b) In the definition of *Flame spread* and in the definition of *Smoke developed rating,* remove the words "ASTM E–84" and add, in their place, the words "ASTM E 84 (incorporated by reference, see § 114.600)";

(c) In the definition of *Flash point,* remove the words "ASTM D–93" and add, in their place, the words "ASTM D 93 (incorporated by reference, see § 114.600)"; and

(d) In the definition for *Specific optical density,* remove the words "ASTM E–662" and add, in their place, the words "ASTM E 662 (incorporated by reference, see § 114.600)".

107. In § 114.600(b), in the entry for American Bureau of Shipping, revise the heading and address for "American Bureau of Shipping (ABS)" to read as follows:

§ 114.600 Incorporation by reference.

* * * * *

(b) * * *

American Bureau of Shipping (ABS), ABS Plaza, 16855 Northchase Drive, Houston, TX 77060

* * * * *

PART 116—CONSTRUCTION AND ARRANGEMENT

108. The authority citation for part 116 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 116.405 [Amended]

109. In § 116.405(f), remove the words "ASTM E–84" and add, in their place, the words "ASTM E 84 (incorporated by reference, see § 114.600)".

§ 116.422 [Amended]

110. In § 116.422(b)(2), remove the words "ASTM E–84" and add, in their place, the words "ASTM E 84 (incorporated by reference, see § 114.600)".

§ 116.423 [Amended]

111. In § 116.423(a)(4), introductory text—

(a) Remove the words "ASTM E–84" and add, in their place, the words "ASTM E 84 (incorporated by reference, see § 114.600)";

(b) Remove the words "ASTM E–648" and add, in their place, the words "ASTM E 648 (incorporated by reference, see § 114.600)"; and

(c) Remove the words "ASTM E–662" and add, in their place, the words "ASTM E 662 (incorporated by reference, see § 114.600)".

§ 116.730 [Amended]

112. In § 116.730, remove the number "§ 72.20–20(c)(1)" and add, in its place, the number "§ 72.20–20(d)".

PART 118—FIRE PROTECTION EQUIPMENT

113. The authority citation for part 118 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 118.410 [Amended]

114. In § 118.410(f)(4)(v), remove the words "The area of each discharge outlet" and add, in their place, the words "The total area of all discharge outlets".

PART 119—ADDITIONAL EQUIPMENT

115. The authority citation for part 119 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

116. In § 119.422, revise the section heading and paragraphs (a) and (e) introductory text to read as follows:

§ 119.422 Integral and non-integral keel cooler installations.

(a) A keel cooler installation used for engine cooling must be designed to prevent flooding.

* * * * *

(e) Shutoff valves are not required for integral keel coolers. A keel cooler is

considered integral to the hull if the following conditions are satisfied:

* * * * *

PART 121—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

117. The authority citation for part 121 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

118. In § 121.240, add a note at the end of the section to read as follows:

§ 121.240 Gas systems.

* * * * *

Note to § 121.240: The ABYC and NFPA standards referenced in this section require the posting of placards containing safety precautions for gas cooking systems.

PART 125—GENERAL

119. The authority citation for part 125 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3307; 49 U.S.C. App. 1804; 49 CFR 1.46.

120. In § 125.180(b), in the entry for American Bureau of Shipping, revise the heading and address for "American Bureau of Shipping (ABS)" to read as follows:

§ 125.180 Incorporation by reference.

* * * * *

(b) * * *

American Bureau of Shipping (ABS): ABS Plaza, 16855 Northchase Drive, Houston, TX 77060

PART 128—MARINE ENGINEERING: EQUIPMENT AND SYSTEMS

121. The authority citation for part 128 continues to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

§ 128.310 [Amended]

122. In § 128.310(a), remove the words "ASTM D93" and add, in their place, the words "ASTM D 93 (incorporated by reference, see § 125.180)".

123. In § 128.420, revise the section heading and, in paragraph (a), remove the word "keel-cooler" and add, in its place, the word "keel cooler" to read as follows:

§ 128.420 Keel cooler installations.

* * * * *

124. In § 128.430, revise the section heading and, in paragraphs (a) and (b), remove the word "grid" and add, in its place, the words "non-integral keel" to read as follows:

§ 128.430 Non-integral keel cooler installations.

* * * * *

PART 133—LIFESAVING EQUIPMENT

125. The authority citation for part 133 continues to read as follows:

Authority: 46 U.S.C. 3306, 3307; 49 CFR 1.46.

§ 133.135 [Amended]

126. In § 133.135(a), remove the number "160.156" and add, in its place, the number "160.056".

PART 151—BARGES CARRYING BULK LIQUID HAZARDOUS MATERIAL CARGOES

127. The authority citation for part 151 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3703; 49 CFR 1.46.

§ 151.15–3 [Amended]

128. In § 151.15–3(g)(2)(ii), remove the word "E–84" and add, in its place, the words "E 84 (incorporated by reference, see § 151.01–2)".

PART 153—SHIPS CARRYING BULK LIQUID, LIQUEFIED GAS, OR COMPRESSED GAS HAZARDOUS MATERIALS

129. The authority citation for part 153 continues to read as follows:

Authority: 46 U.S.C. 3703; 49 CFR 1.46. Section 153.40 issued under 49 U.S.C. 5103. Sections 153.470 through 153.491, 153.1100 through 153.1132, and 153.1600 through 153.1608 also issued under 33 U.S.C. 1903(b).

§ 153.365 [Amended]

130. In § 153.365(b)(1), remove the words "ASTM F–1271" and add, in their place, the words "ASTM F 1271 (incorporated by reference, see § 153.4)".

§ 153.940 [Amended]

131. In § 153.940(a)(3), remove the words "ASTM F–1122" and add, in their place, the words "ASTM F 1122 (incorporated by reference, see § 153.4)".

PART 154—SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

132. The authority citation for part 154 continues to read as follows:

Authority: 46 U.S.C. 3703, 9101; 49 CFR 1.46.

133. In § 154.1(b), in the entry for American Bureau of Shipping, revise the heading and address for "American Bureau of Shipping" to read as follows:

§ 154.1 Incorporation by reference.

* * * * *

(b) * * *

American Bureau of Shipping (ABS), ABS Plaza, 16855 Northchase Drive, Houston, TX 77060

* * * * *

PART 160—LIFESAVING EQUIPMENT

134. The authority citation for part 160 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703, and 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 160.032–3 [Amended]

135. In § 160.032–3—

(a) In paragraph (c)(2), remove the word "A.S.T.M." and add, in its place, the word "ASTM" and remove the word "A27" and add, in its place, the words "A 27 (incorporated by reference, see § 160.032–1)"; and

(b) In paragraph (c)(3), remove the word "A.S.T.M." and add, in its place, the word "ASTM" and remove the word "A216" and add, in its place, the words "A 216 (incorporated by reference, see § 160.032–1)".

§ 160.035–3 [Amended]

136. In § 160.035–3, in paragraph (b)(2), remove the word "A–36" and add, in its place, the words "A 36 (incorporated by reference, see § 160.035–1)".

§ 160.076–25 [Amended]

137. In § 160.076–25, in paragraphs (d)(2)(i), (d)(2)(ii), and (d)(2)(iv), add the words "(incorporated by reference, see § 160.076–11)" immediately following the words "ASTM D 751"; and in paragraph (d)(2)(iii), add the words "(incorporated by reference, see § 160.076–11)" immediately following the words "ASTM D 1434".

§ 160.077–11 [Amended]

138. In § 160.077–11(a)(7)(ii), add the words "(incorporated by reference, see § 160.077–5)" immediately following the words "ASTM B 117".

§ 160.077–19 [Amended]

139. In § 160.077–19, in paragraphs (d)(2), (d)(3), and (d)(5), add the words "(incorporated by reference, see

§ 160.077–5)" immediately following the words "ASTM D 751"; and in paragraph (d)(4), add the words "(incorporated by reference, see § 160.077–5)" immediately following the words "ASTM D 1434".

§ 160.151–21 [Amended]

140. In § 160.151–21(m), remove the words "ASTM F1014" and add, in their place, the words "ASTM F 1014 (incorporated by reference, see § 160.151–5)".

§ 160.171–17 [Amended]

141. In § 160.171–17—

(a) In paragraph (e)(1)(iii), add the words "(incorporated by reference, see § 160.171–3)" at the end of the last sentence in the paragraph;

(b) In paragraph (k), add "(incorporated by reference, see § 160.171–3)" immediately following the words "ASTM B 117"; and

(c) In paragraph (p), remove the words "ASTM D–975" and add, in their place, the words "ASTM D 975 (incorporated by reference, see § 160.171–3)".

§ 160.174–17 [Amended]

142. In § 160.174–17—

(a) In paragraph (f), add the words "(incorporated by reference, see § 160.174–3)" at the end of the first sentence in the paragraph;

(b) In paragraph (g), remove the words "ASTM D–975" and add, in their place, the words "ASTM D 975 (incorporated by reference, see § 160.174–3)" and add the words "(incorporated by reference, see § 160.174–3)" at the end of the second sentence in the paragraph; and

(c) In paragraph (i), add the words "(incorporated by reference, see § 160.174–3)" at the end of the first sentence in the paragraph.

§ 160.176–8 [Amended]

143. In § 160.176–8(a)(6)(ii), add the words "(incorporated by reference, see § 160.176–4)" at the end of the last sentence.

§ 160.176–13 [Amended]

144. In § 160.176–13—

(a) In paragraph(m), add the words "(incorporated by reference, see § 160.176–4)" at the end of the first sentence;

(b) In paragraph (r), add the words "(incorporated by reference, see § 160.176–4)" immediately following the words "ASTM D 975";

(c) In paragraph (y)(1), (y)(2), and (y)(4), add the words "(incorporated by reference, see § 160.176–4)" immediately following the words "ASTM D 751"; and (d) In paragraph (y)(3), add the words "(incorporated by reference, see § 160.176–4)" immediately following the words "ASTM D 1434".

PART 161—ELECTRICAL EQUIPMENT

145. The authority citation for part 161 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

146. In § 161.002–1(b), in the entry for American Bureau of Shipping, revise the heading and address for "American Bureau of Shipping (ABS)" to read as follows:

§ 161.002–1 Incorporation by reference.

* * * * *

(b) * * *

American Bureau of Shipping (ABS), ABS Plaza, 16855 Northchase Drive, Houston, TX 77060.

* * * * *

§ 161.002–4 [Amended]

147. In § 161.002–4(b)(4), remove the words "ASTM B–117" and add, in their place, the words "ASTM B 117 (incorporated by reference, see § 161.002–1)".

PART 163—CONSTRUCTION

148. The authority citation for part 163 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 163.003–29 [Removed]

149. Remove § 163.003–29.

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

150. The authority citation for part 167 continues to read as follows:

Authority: 46 U.S.C. 3306, 6101, 8105; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 167.15–25 [Amended]

151. In § 167.15–25(a), remove the words "Two World Trade Center-106th Floor, New York, NY, 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060".

PART 169—SAILING SCHOOL VESSELS

152. The authority citation for part 169 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.45, 1.46; § 169.117 also issued under the authority of 44 U.S.C. 3507.

153. In § 169.608, revise the section heading, and in paragraphs (a), (b), and (c), remove the word "grid" and add, in its place, the words "non-integral keel" to read as follows:

§ 169.608 Non-integral keel cooler installations.

* * * * *

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS

154. The authority citation for part 170 continues to read as follows:

Authority: 3 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 170.270 [Amended]

155. In § 170.270, in paragraphs (c)(1) and (c)(3), remove the words "ASTM F–1196" and add, in their place, the words "ASTM F 1196 (incorporated by reference, see § 170.015)"; and in paragraphs (c)(2) and (c)(3), remove the words "ASTM F–1197" and add, in their place, the words "ASTM F 1197 (incorporated by reference, see § 170.015)".

PART 174—SPECIAL RULES PERTAINING TO SPECIFIC VESSEL TYPES

156. The authority citation for part 174 continues to read as follows:

Authority: 42 U.S.C. 9118, 9119, 9153; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703, 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 174.100 [Amended]

157. In § 174.100, in paragraphs (e)(1) and (e)(3), remove the words "ASTM F–1196" and add, in their place, the words "ASTM F 1196 (incorporated by reference, see § 174.007)"; and in paragraphs (e)(2) and (e)(3), remove the words "ASTM F–1197" and add, in their place, the words "ASTM F 1197 (incorporated by reference, see § 174.007)".

PART 175—GENERAL PROVISIONS

158. The authority citation for part 175 continues to read as follows:

Authority: 46 U.S.C. 2103, 3205, 3306, 3703; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46; 175.900 also issued under authority of 44 U.S.C. 3507.

§ 175.400 [Amended]

159. In § 175.400, in the introductory text in the definition of *Coastwise*, remove the word "mote" and add, in its place, the word "more"; and in paragraph (10) in the definition of

Corrosion-resistant material or *corrosion-resistant*, remove the words "ASTM B–117" and add, in their place, the words "ASTM B 117 (incorporated by reference, see § 175.600)".

160. In § 175.600(b), in the entry for American Bureau of Shipping, revise the heading and address for "American Bureau of Shipping (ABS)" to read as follows:

§ 175.600 Incorporation by reference.

* * * * *

(b) * * *

American Bureau of Shipping (ABS), ABS Plaza, 16855 Northchase Drive, Houston, TX 77060

* * * * *

PART 181—FIRE PROTECTION EQUIPMENT

161. The authority citation for part 181 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 181.410 [Amended]

162. In § 181.410(f)(4)(v), remove the words "The area of each discharge outlet" and add, in their place, the words "The total area of all discharge outlets".

PART 182—MACHINERY INSTALLATION

163. The authority citation for part 182 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

164. In § 182.422, revise the section heading and paragraphs (a) and (e) introductory text to read as follows:

§ 182.422 Integral and non-integral keel cooler installations.

(a) A keel cooler installation used for engine cooling must be designed to prevent flooding.

* * * * *

(e) Shutoff valves are not required for integral keel coolers. A keel cooler is considered integral to the hull if the following conditions are satisfied:

* * * * *

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

165. The authority citation for part 184 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

166. In § 184.240, add a note at the end of the section to read as follows:

§ 184.240 Gas systems.

* * * * *

Note to § 184.240: The ABYC and NFPA standards referenced in this section require the posting of placards containing safety precautions for gas cooking systems.

PART 188—GENERAL PROVISIONS

167. The authority citation for part 188 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306; 49 U.S.C. App. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 188.35–5 [Amended]

168. In § 188.35–5(a), remove the words "Two World Trade Center, 106th Floor, New York, NY, 10048" and add, in their place, the words "ABS Plaza,. 16855 Northchase Drive, Houston, TX 77060".

PART 189—INSPECTION AND CERTIFICATION

169. The authority citation for part 189 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3205, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 189.60–45 [Amended]

170. In § 189.60–45(a), remove the words "Two World Trade Center, 106th Floor, New York, NY, 10048" and add, in their place, the words "ABS Plaza, 16855 Northchase Drive, Houston, TX 77060".

PART 193—FIRE PROTECTION EQUIPMENT

171. The authority citation for part 193 continues to read as follows:

Authority: 46 U.S.C. 2213, 3102, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 193.10–10 [Amended]

172. In § 193.10–10(c), remove the words "ASTM F–1121" and add, in their place, the words "ASTM F 1121 (incorporated by reference, see § 193.01–3)".

PART 199—LIFESAVING SYSTEMS FOR CERTAIN INSPECTED VESSELS

173. The authority citation for part 199 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.46.

§ 199.175 [Amended]

174. In § 199.175, in paragraph (b)(12), remove the word "F1014" and add, in its place, the words "F 1014 (incorporated by reference, see § 199.05)"; and in paragraph (b)(28), remove the word "F1003" and add, in its place, the words "F 1003 (incorporated by reference, see § 199.05)".

§ 199.610 [Amended]

175. In § 199.610(c), in Table 199.610(c), under "Oceans", remove the numbers "(2, 3)" and add, in their place, the numbers "(2 and 3)".

Dated: September 12, 2000.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 00–24598 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–15–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 2, 3, 15, 25, 52, 73, 74, 87, and 90

[DA 00–2204]

Change of Address for Federal Communications Commission's Headquarters

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document we amend the Commission's rules to reflect the change of address of the Commission's headquarters to the Portals II Building, 445 12th Street SW., Washington, D.C. 20054.

DATES: *Effective:* September 29, 2000.

FOR FURTHER INFORMATION CONTACT: Andra Cunningham, Attorney, Office of the Secretary, Office of the Managing Director, at (202) 418–0315.

SUPPLEMENTARY INFORMATION: This amendment is made pursuant to Section 0.231 (b) of the Commission's rules, 47 CFR Section 0.231. Because the rule amendments adopted here are a matter of agency practice and procedure, compliance with the notice and comment and effective date provisions of the Administrative Procedure Act is not required.[1]

List of Subjects

47 CFR Parts 0, 1, 2, 3, 15, 25, 74, 87, and 90

Reporting and recordkeeping requirements.

[1] 5 U.S.C. 553(b)(A); (d)

47 CFR Part 52

Telecommunications.

Federal Communications Commission.

Andrew S. Fishel,

Managing Director.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Parts 0, 1, 2, 3, 15, 25, 52, 73, 74, 87 and 90 as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

§ 0.401 [Amended]

2. Section 0.401(a)(1) introductory text is amended by removing the words "1919 M Street, NW., Washington, DC." and adding, in their place, the words "445 12th Street, SW., Washington, DC 20554".

3. Section 0.401(a)(1)(ii) is amended by removing the words "1919 M Street, NW., Room 222, Washington, DC." and adding, in their place, the words "Room TW–A325, 445 12th Street, SW., Washington, DC 20554".

§ 0.556 [Amended]

4. Section 0.556 (a) is amended by removing the words "Associate Managing Director-Personal Management, Office of Managing Director, 1919 M Street, NW.," and adding, in their place, the words "Associate Managing Director—Human Resources Management, 445 12th Street, SW.,"

§ 0.558 [Amended]

5. Section 0.558 is amended by removing the words "1919 M Street NW.,"and adding, in their place, the words "445 12th Street, SW."

6. Section 0.558 is amended by removing the words "Records Management Branch, Office of Managing Director, 1200 19th Street, NW., Room BB–325" and adding, in their place, the words "Performance Evaluation and Records Management, Office of the Managing Director, 445 12th Street, SW."

PART 1—PRACTICE AND PROCEDURE

7. The authority citation for Part 1 continues to read:

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309.

§ 1.773 [Amended]

8. Section 1.773(a)(4) is amended by removing the words "FCC room 222, 1991 M Street, NW.," and adding, in their place, the words "FCC room TW–A325, 445 12th Street, SW."

§ 1.1870 [Amended]

9. Section 1.1870(c) is amended by removing the words "1919 M Street NW., Room 852" and adding, in their place, the words "445 12th Street, SW., Room 1–A207".

10. Section 1.1870(i) is amended by removing the words "1919 M Street NW., Room 202" and adding, in their place, "445 12th Street, SW., Room TWB–204".

§ 1.1952 [Amended]

11. Section 1.1952(a) is amended by removing the words "Financial Services Branch, FCC, 1919 M Street NW.," and adding, in their place, "Financial Operations Center, FCC, 445 12th Street, SW."

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

12. The authority citation for Part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302, 303, 307, 336, and 337, unless otherwise noted.

§ 2.948 [Amended]

13. Section 2.948(b)(8)(i)(A) is amended by removing the words "2025 M Street, NW., Office of Engineering and Technology (room 7317)" and adding, in their place, "445 12th Street, SW., Office of Engineering and Technology".

PART 3—AUTHORIZATION AND ADMINISTRATION OF ACCOUNTING AUTHORITIES IN MARITIME AND MARITIME MOBILE-SATELLITE RADIO SERVICES

14. The authority citation for Part 3 continues to read as follows:

Authority: 47 U.S.C. 154(i), 154(j), and 303(r).

§ 3.61 [Amended]

15. Section 3.61 is amended by removing the words "Financial Operations Division, Stop 1110A, Federal Communications Commission, 1919 M Street NW.," and adding, in their place, the words "Financial Operations Center, Federal Communications Commission, 445 12th Street, SW."

Section 3.61 is amended by removing the words "1919 M Street NW.," and adding, in their place, the words "445 12th Street, SW."

PART 15—RADIO FREQUENCY DEVICES

16. The authority citation for Part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302, 303, 304, 307 and 544A.

§ 15.31 [Amended]

17. Section 15.31(a)(6)(i) is amended by removing the words "2025 M Street, NW., Office of Engineering and Technology (Room 7317)" and adding, in their place, the words "445 12th Street, SW., Office of Engineering and Technology".

PART 25—SATELLITE COMMUNICATIONS

18. The authority citation for Part 25 continues to read as follows:

Authority: 47 U.S.C. 701–744. Interprets or applies sec. 303, 47 U.S.C. 303. 47 U.S.C. sections 154, 301, 302, 303, 303, 307, 309, and 332, unless otherwise noted.

§ 25.131 [Amended]

19. Section 25.131(j) is amended by removing the words "International Reference Center, FCC, 2000 M St. NW.," and adding, in their place, the words "Reference Information Center, FCC, 445 12th Street, SW., Room CY–A257."

§ 25.251 [Amended]

20. Section 25.251 (b) is amended by removing the words "International Bureau Reference Center, Room 102, 2000 M Street, NW." and adding, in their place, the words "Reference Information Center, FCC, 445 12th Street, SW., Room CY–A257."

PART 52—NUMBERING

21. The authority citation for Part 52 continues to read as follows:

Authority: Sec.1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. 151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201–05, 207–09, 218, 225–7, 251–2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 153, 154, 201–05, 207–09, 218, 225–7, 251–2, 271 and 332 unless otherwise noted.

§ 52.26 [Amended]

22. Section 52.26(c) is amended by removing the words "1919 M Street, N.W., Room 239 (FCC Reference Center)" and adding, in their place, the words "Reference Information

Center, 445 12th Street, SW., Room CY–A257)."

PART 73—RADIO BROADCAST SERVICES

23. The authority citation for Part 73 continues to read as follows:

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

§ 73.622 [Amended]

24. Section 73.622(c) is amended by removing the words "1919 M St., NW., Dockets Branch (Room 239)" and adding, in their place, the words "Room CY–C203, 445 12th Street, SW., Reference Information Center".

§ 73.623 [Amended]

25. Section 73.623(c)(2) is amended by removing the words "1919 M St., NW., Dockets Branch (Room 239)" and adding in their place, the words "Room CY–C203, 445 12th Street, SW., Reference Information Center".

§ 73.682 [Amended]

26. Section 73.682 (a)(21)(iv) is amended by removing the words "Commission's Office of Engineering and Technology, Technical Standards Branch, 2025 M Street, NW" and adding, in their place, the words "FCC Warehouse, 9300 East Hampton Drive, Capitol Heights, MD 20743".

27. Section 73.682 (d) is amended by removing the words " 1919 M Street, NW.," and adding, in their place, the words "445 12th Street, SW."

PART 74—EXPERIMENTAL RADIO, AUXILLARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

28. The authority citation for Part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 307, and 554.

§ 74.705 [Amended]

29. Section 74.705 (e) is amended by removing the words "1919 M St., NW., Dockets Branch (Room 239)" and adding, in their place, the words "CY–C203, 445 12th Street, SW., Reference Information Center".

§ 74.701 [Amended]

30. Section 74.707 (e) is amended by removing the words "1919 M St., NW., Dockets Branch (Room 239)" and adding, in their place, the words "Room CY–C203, 445 12th Street, SW., Reference Information Center".

PART 87—AVIATION SERVICES

31. The authority citation for Part 87 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

§ 87.199 [Amended]

32. Section 87.199(a) is amended by removing the words "1919 M Street NW" and adding, in their place, the words "445 12th Street, SW."

PART 90—PRIVATE LAND MOBILE SERVICES

33. The authority citation for Part 90 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 307, and 554.

§ 90.7 [Amended]

34. In Section 90.7, the definition of *EA-based or EA license,* is amended by removing the words "Wireless Telecommunications Bureau public reference room, Room 5608, 2025 M St., NW.," and adding, in their place the words "Reference Information Center (Room CY–A257), 445 12th Street, SW.,"

35. In Section 90.7, the definition of *MTA-based license or MTA license,* is amended by removing the words "Wireless Telecommunications Bureau public reference room, Room 628, 1919 M St., NW.," and adding, in their place the words "Reference Information Center (Room CY–A257), 445 12th Street, SW.,"

36. In Section 90.7, the definition of *900 MHz SMR MTA-based license or MTA license* is, amended by removing the words "Office of Engineering Technology's Technical Information Center, room 7317, 2025 M St., NW.," and adding, in their place the words "Reference Information Center (Room CY–A257), 445 12th Street, SW.,"

[FR Doc. 00–25094 Filed 9–28–00; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 99–231, FCC 00–312]

Spread Spectrum Devices

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects the effective date of the final rule which was published in the **Federal Register** of September 25, 2000 (65 FR 57557), regarding the Commission's rules for frequency hopping spread spectrum devices. The **DATES** section of the final is corrected as set forth below.

DATES: Effective October 25, 2000.

FOR FURTHER INFORMATION CONTACT: Neal L. McNeil, Office of Engineering and Technology, (202) 418–2408, TTY (202) 418–2989, e-mail: mcneil@fcc.gov.

SUPPLEMENTARY INFORMATION: As originally published, the **Federal Register** had an erroneous effective date. This document corrects that error.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–25015 Filed 9–28–00; 8:45 am]
BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 79

[ET Docket 99–254; FCC 00–259]

Closed Captioning Requirements for Digital Television Receivers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adopt technical standards for the display of closed captions on digital television (DTV) receivers. The Commission also requires the inclusion of closed captioning decoder circuitry in DTV receivers. The requirements contained herein will help ensure access to digital programming for people with disabilities. This action is taken to fulfill the Commission's obligations contained in the Television Decoder Circuitry Act of 1990.

DATES: Effective October 30, 2000. The incorporation by reference of certain publications in this rule is approved by the Director of the Federal Register as of October 30, 2000.

Compliance Date: July 1, 2002.

FOR FURTHER INFORMATION CONTACT: Neal L. McNeil, Office of Engineering and Technology, (202) 418–2408, TTY (202) 418–2989, e-mail: nmcneil@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* ET Docket 99–254, FCC 00–259, adopted July 21, 2000 and released July 31, 2000. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center, (Room TW–A306) 445 12th Street SW.,

Washington, DC. The complete text of this document also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Summary of Report and Order

1. By this action, the Commission amends Part 15 of its rules to adopt technical standards for the display of closed captions on digital television (DTV) receivers. The Television Decoder Circuitry Act of 1990 ("TDCA") requires generally that television receivers contain circuitry to decode and display closed captioning. See Public Law 101–431, 104 Stat. 960 (1990) (codified at 47 U.S.C. 303(u), 330(b)).

2. The TDCA requires that "apparatus designed to receive television pictures broadcast simultaneously with sound be equipped with built-in decoder circuitry designed to display closed-captioned television transmissions when such apparatus is manufactured in the United States or imported for use in the United States, and its television picture screen is 13 inches or greater in size." See Communications Act of 1934, as amended, 47 U.S.C. 303(u). The TDCA further states that "[a]s new technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that closed-captioning service continues to be available to consumers." See 47 U.S.C. 330(b). The Commission adopted rules to implement the provisions of the TDCA in 1991. The rules, in § 15.119, provide standards for the display of closed captioned text on analog television receivers, the only receivers in use at that time. See 47 CFR 15.119. The introduction of digital broadcasting now requires the Commission to update its rules to fulfill its continuing obligations under the TDCA.

3. The Commission's DTV proceeding incorporated an industry approved transmission standard for DTV broadcasts into its rules. *See Fourth Report and Order* in MM Docket 87–268, FCC 96–493, 62 FR 14006 (1997), and 47 CFR 73.682(d). The standard included a data stream reserved for closed captioning information, however, specific instructions for implementing closed captioning services for digital television were not included. The Electronic Industries Alliance (EIA) has since adopted a standard, EIA–708, which provides guidelines for encoder and decoder manufacturers as well as caption providers to implement closed captioning services with digital television technology. In the *Notice of Proposed Rulemaking* (NPRM), ET Docket No. 99–254, 64 FR 41897 (August 1999), in this proceeding the Commission proposed to adopt a minimum set of technical standards for closed caption decoder circuitry for digital television receivers in accordance with Section 9 of EIA–708 and to require the inclusion of such decoder circuitry in digital television receivers.

4. In response to the NPRM, sixteen parties filed comments. Thirty-four parties filed reply comments. Commenters included advocacy groups, manufacturers of consumer electronic equipment, trade organizations representing broadcast and cable interests, private citizens, and caption service providers. Based on the comments received, this adopts the requirement of Section 9 of EIA–708, with the following modifications:

Decoder Operation

- Decoders must support the standard, large, and small caption sizes and must allow the caption provider to choose a size and allow the viewer to choose an alternative size.
- Decoders must support the display of eight fonts. Caption providers may specify 1 of these 8 font styles to be used to write caption text. Decoders must include the ability for consumers to choose among the eight fonts. The decoder must display the font chosen by the caption provider unless the viewer chooses a different font.
- Decoders must implement the same 8 character background colors as those that Section 9 requires be implemented for character foreground (white, black, red, green, blue, yellow, magenta and cyan).
- Decoders must implement options for altering the appearance of caption character edges.
- Decoders must display the color chosen by the caption provider, and must allow viewers to override the foreground and/or background color chosen by the caption provider and select alternate colors.
- Decoders must be capable of decoding and processing data for the six standard services, but information from only one service need be displayed at a given time.
- Decoders must include an option that permits a viewer to choose a setting that will display captions as intended by the caption provider (a default). Decoders must also include an option that allows a viewer's chosen settings to remain until the viewer chooses to alter these settings, including during periods when the television is turned off.
- Cable providers and other multichannel video programming distributors must transmit captions in a format that will be understandable to this decoder circuitry in digital cable television sets when transmitting programming to digital television devices.

Covered Devices

- All digital television receivers with picture screens in the 4:3 aspect ratio measuring at least 13 inches diagonally, digital television receivers with picture screens in the 16:9 aspect ratio measuring 7.8 inches or larger vertically (this size corresponds to the vertical height of an analog receiver with a 13 inch diagonal), and all DTV tuners, shipped in interstate commerce or manufactured in the United States must comply with the minimum decoder requirements we are adopting here.
- The rules apply to DTV tuners whether or not they are marketed with display screens.
- Converter boxes used to display digital programming on analog receivers must deliver the encoded "analog" caption information to the attached analog receiver.

Compliance Dates

- Manufacturers must begin to include DTV closed caption functionality in DTV devices in accordance with the rules adopted in the Order by July 1, 2002.
- As provided for in the Commission's rules establishing requirements for the closed captioning of video programming adopted in a 1997 Order, programming prepared or formatted for display on digital television receivers before the date that digital television decoders are required to be included in digital television devices is considered "pre-rule" programming. As stated above, this order establishes that date as July 1, 2002. Therefore, programming prepared or formatted for display on digital television after that date will be considered new programming. The existing rules require an increasing amount of captioned new programming over an eight-year transition period with 100% of all new nonexempt programming required to be captioned by January 1, 2006.

Final Regulatory Flexibility Analysis

5. As required by the Regulatory Flexibility Act ("RFA"),[1] an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated into the

[1] See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 et seq., has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

Notice of Proposed Rule Making ("NPRM") in this docket, ET Docket 99–254.[2] The Commission sought written public comment on the proposals in the NPRM, including comment on the IRFA. The Final Regulatory Flexibility Analysis ("FRFA") in this Report and Order conforms to the RFA.[3]

A. Need for, and Objectives of, the Report and Order

6. This Report and Order amends the Commission's rules to adopt technical standards for the display of closed captions on digital television ("DTV") receivers. In 1990, Congress passed the Television Decoder Circuitry Act ("TDCA").[4] The TDCA requires that any apparatus designed to receive television broadcast signals, manufactured or imported for use in the United States, must be able to display closed captioned information if its television screen is 33 centimeters (13 inches) or larger. The TDCA also instructs the Commission to ensure that closed captioning service continues to be available to consumers as new video technology is developed. The introduction of digital broadcasting requires the Commission to update its rules to fulfill its continuing obligations under the TDCA.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

7. No comments were filed in response to the IRFA or specifically regarding small entities.

C. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

8. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.[5] The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdictions." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act, 15 U.S.C. 632, unless the Commission has developed one or more definitions that are appropriate to its activities.[6] A "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration ("SBA").[7]

9. *Television Equipment Manufacturers.* According to the SBA's regulations, television equipment manufacturers must have 750 or fewer employees in order to qualify as a small business concern.[8] Census Bureau data indicates that there are 858 U.S. companies that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities.[9] The Census Bureau category is very broad, and specific figures are not available as to how many of these firms are manufacturers of television equipment. However, we believe that many of the companies that manufacture television equipment may qualify as small entities.

10. *Multichannel Video Programming Distributors ("MVPDs").* The SBA has developed a definition of small entities for cable and other pay television services under Standard Industrial Classification 4841 (SIC 4841), which covers subscription television services, which includes all such companies with annual gross revenues of $11 million or less.[10] This definition includes cable systems operators, closed circuit television services, direct broadcast satellite services, multipoint distribution systems, satellite master antenna systems and subscription television services. According to the Census Bureau, there were 1,423 such cable and other pay television services generating less than $11 million in revenue that were in operation for at least one year at the end of 1992.[11] The following provides a more precise estimate for the affected MVPD services individually.

11. *Cable Services or Systems.* The Commission has developed, with SBA's approval, its own definition of a "small cable company" and "small system" for the purposes of rate regulation. Under the Commission's rules, a "small cable company," is one serving fewer than 400,000 subscribers nationwide.[12] Based on our most recent information, we estimate that there were 1,439 cable companies that qualified as small cable companies at the end of 1995.[13] Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable companies. Consequently, we estimate that there are fewer than 1,439 small entity cable companies. The Commission's rules also define a "small system," for the purposes of cable rate regulation, as a cable system with 15,000 or fewer subscribers.[14] We do not request nor do we collect information concerning cable systems serving 15,000 or fewer subscribers and thus are unable to estimate at this time the number of small cable systems nationwide.

12. The Communications Act also contains a definition of a "small cable operator," which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000." [15] The Commission has determined that there are 61,700,000 subscribers in the United States. Therefore, we found that an operator serving fewer than 617,000 subscribers is deemed a small operator, if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed $250 million in the aggregate.[16] Based on available data, we find that the number of cable operators serving 617,000 subscribers or less totals 1,450.[17] Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act. Furthermore, of those cable system operators that may qualify as small

[2] See ET Docket 99–254, FCC 99–180, 64 FR 41897 (1999).

[3] See 5 U.S.C. 604.

[4] Public Law 101–431, 104 Stat. 960 (1990) (codified at 47 U.S.C. 303(u), 303(b)).

[5] 5 U.S.C. 603(b)(3).

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

[7] 15 U.S.C. 632.

[8] 13 CFR 121.201, (SIC) Code 3663.

[9] U.S. Department of Commerce, *1992 Census Transportation, Communications, and Utilities*, SIC Code 3663 (issued May 1995).

[10] 13 CFR 121.201.

[11] 1992 Census, *supra*, at Firm Size 1–123. *See Implementation of Sections of the Cable Telecommunications Consumer Protection and Competition Act of 1992, Rate Regulation and Cable Pricing Flexibility*, MM Docket No. 92–266 and CS Docket No. 96–157, Memorandum Opinion and Order and Notice of Proposed Rule Making, 61 FR 45356, August 29, 1996.

[12] 47 CFR 76.901(e). The Commission developed this definition based on its determinations that a small cable company is one with annual revenues of $100 million or less. *Implementation of Sections of the 1992 Cable Act: Rate Regulation*, MM Docket Nos. 92–266 & 93–215, Sixth Report and Order and Eleventh Order on Reconsideration, 60 FR 35854, July 12, 1995.

[13] Paul Kagan Associates, Inc., *Cable TV Investor*, Feb. 29, 1996 (based on figures for Dec. 30, 1995).

[14] 47 CFR 76.901(c).

[15] 47 U.S.C. 543(m)(2).

[16] 47 CFR 76.1403(b).

[17] Paul Kagan Associates, Inc., *Cable TV Investor*, Feb. 29, 1996 (based on figures for Dec. 30, 1995).

cable operators, only those that deliver digital cable programming would be affected by our rules. According to General Instrument Corporation, approximately 1,000 headends are currently delivering digital video signals. It is uncertain how many of these 1,000 cable operators fall under the definition of a small cable company based on the Commission's rules or the Communications Act, but in any event the number would be no greater than 1,000.

13. *Direct Broadcast Satellite ("DBS") Service.* The SBA includes DBS service in its classification of cable and other pay television services. Therefore, a small DBS service is defined as a company generating $11 million or less in annual receipts.[18] As of November 1999, there were four DBS licensees, one of which was not in operation. Providing DBS service requires a great investment of capital to build, launch, and operate satellite systems. Typically, small businesses do not have the financial ability to become DBS licensees because of the high implementation costs associated with launching satellites. Most recent industry statistics suggest that the revenue attributed to DBS subscribers for EchoStar was $682.8 million for the year of 1998 and $1.55 billion for DirecTV. We do not have similar revenue information for the third operating licensee, Dominion Video Satellite, Inc. However, we do not believe that any DBS licensees could be categorized as a small business.

14. *Home Satellite Dish ("HSD") Service.* The market for HSD service is difficult to quantify. HSD owners have access to more than 500 channels of programming placed on C-band satellites by programmers for receipt and distribution by MVPDs, of which 350 channels are scrambled and approximately 150 channels are unscrambled.[19] To receive scrambled channels, an HSD owner must purchase an integrated receiver-decoder from an equipment dealer and pay a subscription fee to an HSD programming packager. Thus, those HSD users that subscribe to a programming package are similar to consumers that subscribe to cable and other pay television services. Accordingly, it appears that the definition of small entity under SIC 4841 (i.e., all such companies generating $11 million or less in annual receipts[20]) would be applicable to this service.

15. According to the most recently available information, there are approximately 20 to 25 program packagers nationwide offering packages of scrambled programming to retail consumers. As of June 1999, these program packagers provide subscriptions to approximately 1,783,411 subscribers nationwide.[21] This is an average of about 90,000 subscribers per program packager. This is substantially smaller than the 400,000 subscribers used in the Commission's definition of a small multiple system operator ("MSO"). Furthermore, because this is an average, it is likely that some program packagers may be substantially smaller. Therefore, this Report and Order could affect all 25 program packagers.

D. Description of Projected Reporting, Record Keeping and Other Compliance Requirements

16. The Commission's rules require television receivers to be verified for compliance with applicable FCC technical requirements. *See* 47 CFR 15.101, 15.117, and 2.951, *et seq.* Documentation concerning the verification must be kept by the manufacturer or importer. The rules adopted in this proceeding require that digital television receivers comply with industry-developed standards for closed captioning display. However, testing regarding closed captioning display is not necessary because compliance with the industry-developed standards, and the associated Commission rules, can be determined easily during the equipment design process. The Commission may, of course, ask manufacturers and importers to document upon occasion how a particular television receiver or computer system complies with the closed captioning display requirements. This should be a nominal request, requiring no specific expertise or knowledge, and should be accomplished in a very brief amount of time.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

17. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c).

18. Some commenters representing cable operators and cable equipment manufacturers are concerned that adoption of the proposals in the NPRM will render many cable boxes obsolete. They state that the boxes that are used to receive digital cable programming are unable to process EIA–708 data. These boxes only read closed captioning data which has been delivered through a cable system pursuant to the Society of Cable Telecommunications Engineers ("SCTE") standard DVS–157.[22] Many cable boxes that only receive caption data delivered via DVS–157 are already in customer's homes and are being used to view digital cable programming on analog televisions.

19. Cable commenters propose that the Commission adopt rules that would require that digital closed captioning information be delivered in the DVS–157 format and would require that digital televisions ("DTVs") contain decoder circuitry that responds to DVS–157. Alternatively, they state that the Commission could consider a "dual carriage" requirement wherein broadcasters would deliver captions in both the EIA–708 format and the DVS–157 format. The third option they suggest is that the Commission detail which advanced features are required, such as support for multiple character colors, and let manufacturers design receivers to accomplish these features using existing captioning standards and the digital television's built-in graphic processing capabilities.

20. We disagree with these suggested alternatives to the proposed rules. We note that the comments and replies in this proceeding express an overwhelming support for adoption of the EIA–708 standard. Although commenters have raised some concerns regarding the amount of EIA–708 to include in our rules, most were in favor of adopting at least portions of the standard. Adoption of EIA–708 will supply manufacturers with a uniform set of rules to follow in providing closed captioning capability. Furthermore,

[18] 13 CFR 121.201.

[19] See Annual Assessment of the Stations of Competition in Markets for the Delivery of Video Programming, CS Docket No. 97–141, Fourth Annual Report, 63 FR 10222, March 2, 1998.

[20] 13 CFR 121.201.

[21] See Annual Assessment of the Stations of Competition in Markets for the Delivery of Video Programming, CS Docket No. 99–230, Sixth Annual Report, 64 FR 36013, July 2, 1999.

[22] General Instruments developed DVS–157 in 1992–1993 as a means for delivering NTSC captioning data (formatted pursuant to industry standard EIA–608) within digital video signals.

EIA–708 is the logical choice for delivering closed caption information to digital television receivers because DTVs have been designed to receive programming formatted pursuant to the digital television transmission standard, ATSC A/53. The transmission standard reserves a data stream for the delivery of caption information. EIA–708 was developed to fill that reserved space. In the NPRM the Commission proposed that manufacturers comply with the regulations within one year. However, to minimize the impact on businesses, including small entities, we have provided two years in order to comply.

21. We note that SCTE, which is currently drafting its Digital Cable Network Interface Standard, has delayed modifying the closed captioning requirements in that standard, pending FCC action in this proceeding. SCTE notes that, "Some have proposed that the references to the current practice of using DVS–157 to transport captions be removed. They want to be able to build portable receiving devices compatible with these specifications without the support to decode captions carried in the DVS–157 format." [23] Therefore, it appears that the industry is already working to resolve this standards issue.

22. The Commission will send a copy of the Report and Order, including this FRFA, in a report to be sent to Congress pursuant to SBREFA. In addition, the Commission will send a copy of the Report and Order, including FRFA, to the Chief Counsel for Advocacy of the SBA.

List of Subjects in 47 CFR Parts 15 and 79

Communications equipment, Closed captioning, Incorporation by reference, Television.

[23] SCTE DVS/335, "Report of DVS/313 Drafting Group on Outstanding Issues of DVS 313 Revision 1", April 27, 2000.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 15 and 79 as follows:

PART 15—RADIO FREQUENCY DEVICES

The authority citation for part 15 is revised to read as follows:

Authority: 47 U.S.C. 154, 302, 303, 304, 307, 330, and 544A.

1. Section 15.119, the section heading is revised to read as follows:

§ 15.119 Closed caption decoder requirements for analog television receivers.

* * * * *

2. A new § 15.122 is added to read as follows:

§ 15.122 Closed caption decoder requirements for digital television receivers and converter boxes.

(a)(1) Effective July 1, 2002, all digital television receivers with picture screens in the 4:3 aspect ratio with picture screens measuring 13 inches or larger diagonally, all digital television receivers with picture screens in the 16:9 aspect ratio measuring 7.8 inches or larger vertically and all separately sold DTV tuners shipped in interstate commerce or manufactured in the United States shall comply with the provisions of this section.

Note to **paragraph (a)(1):** This paragraph places no restrictions on the shipping or sale of digital television receivers that were manufactured before July 1, 2002.

(2) Effective July 1, 2002, DTV converter boxes that allow digitally transmitted television signals to be displayed on analog receivers shall pass available analog caption information to the attached receiver in a form recognizable by that receiver's built-in caption decoder circuitry.

Note to **paragraph (a)(2):** This paragraph places no restrictions on the shipping or sale of DTV converter boxes that were manufactured before July 1, 2002.

(b) Digital television receivers and tuners must be capable of decoding closed captioning information that is delivered pursuant to the industry standard EIA–708–B, "Digital Television (DTV) Closed Captioning," Electronic Industries Alliance (December, 1999). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Digital television manufacturers may wish to view EIA–708–B in its entirety. Copies of EIA–708–B may be obtained from: Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112–5704, *http://www.global.ihs.com/* . Copies of EIA–708–B may be inspected during regular business hours at the following locations: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, or the Office of the Federal Register, 800 N. Capitol Street, NW., Suite 700, Washington, DC.

(c) *Services.* (1) Decoders must be capable of decoding and processing data for the six standard services, Caption Service #1 through Caption Service #6.

(2) Decoders that rely on Program and System Information Protocol data to implement closed captioning functions must be capable of decoding and processing the Caption Service Directory data. Such decoders must be capable of decoding all Caption Channel Block Headers consisting of Standard Service Headers, Extended Service Block Headers, and Null Block headers. However, decoding of the data is required only for Standard Service Blocks (Service IDs <-6), and then only if the characters for the corresponding language are supported. The decoders must be able to display the directory for services 1 through 6.

(d) *Code space organization.* (1) Decoders must support Code Space C0, G0, C1, and G1 in their entirety.

	C 0		G 0						C 1		G 1					
B7-b4	0	1	2	3	4	5	6	7	8	9	A	B	C	D	E	F
b3-b0 0	NUL	EXT1	SP	0	@	P	`	p	CW0	SPA	NBS	°	À	Đ	à	ð
1			!	1	A	Q	a	q	CW1	SPC	¡	±	Á	Ñ	á	ñ
2			"	2	B	R	b	r	CW2	SPL	¢	²	Â	Ò	â	ò
3	ETX		#	3	C	S	c	s	CW3		£	³	Ã	Ó	ã	ó
4			$	4	D	T	d	t	CW4		¤	´	Ä	Ô	ä	ô
5			%	5	E	U	e	u	CW5		¥	µ	Å	Õ	å	õ
6			&	6	F	V	f	v	CW6		¦	¶	Æ	Ö	æ	ö
7			'	7	G	W	g	w	CW7	SWA	§	·	Ç	×	ç	÷
8	BS	P16	(	8	H	X	h	x	CLW	DF0	¨	¸	È	Ø	è	ø
9			)	9	I	Y	i	y	DSW	DF1	©	¹	É	Ù	é	ù
A			*	:	J	Z	j	z	HDW	DF2	ª	º	Ê	Ú	ê	ú
B			+	;	K	[	k	{	TGW	DF3	«	»	Ë	Û	ë	û
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	C 2		G 2						C 3		G 3					
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Table 1 DTVCC Code Set Mapping

BILLING CODE 6712–01–P

(2) The following characters within code space G2 must be supported:

(i) Transparent space (TSP).

(ii) Non-breaking transparent space (NBTSP).

(iii) Solid block ( ).

(iv) Trademark symbol (™).

(v) Latin-1 characters (Š, Œ, š, œ, Ÿ).

(3) The substitutions in Table 2 are to be made if a decoder does not support the remaining G2 characters.

TABLE 2.—G2 CHARACTER SUBSTITUTION TABLE

G2 Character	Substitute with
Open single quote (‘), G2 char code 0x31	G0 single quote (‘), char code 0x27
Close single quote (’), G2 char code 0x32	G0 single quote (’), char code 0x27
Open double quote (“), G2 char code 0x33	G0 double quote (“), char code 0x22
Close double quote (”), G2 char code 0x34	G0 double quote (”), char code 0x22
Bold bullet (•), G2 char code 0x35	G1 bullet (•), char code 0xB7
Elipsis (. . .), G2 char code 0x25	G0 underscore (_), char code 0x5F
One-eighth (⅛), G2 char code 0x76	G0 percent sign (%), char code 0x25
Three-eighths (⅜), G2 char code 0x77	G0 percent sign (%), char code 0x25

TABLE 2.—G2 CHARACTER SUBSTITUTION TABLE—Continued

G2 Character	Substitute with
Five-eighths (⅝), G2 char code 0x78	G0 percent sign (%), char code 0x25
Seven-eighths (⅞), G2 char code 0x79	G0 percent sign (%), char code 0x25
Vertical border (|), G2 char code 0x7A	G0 stroke (|), char code 0x7C
Upper-right border (┐), G2 char code 0x7B	G0 dash (-), char code 0x2D
Lower-left border (└), G2 char code 0x7C	G0 dash (-), char code 0x2D
Horizontal border (—), G2 char code 0x7D	G0 dash (-), char code 0x2D
Lower-right border (┘), G2 char code 0x7E	G0 dash (-), char code 0x2D
Upper-left border (┌), G2 char code 0x7F	G0 dash (-), char code 0x2D

(4) Support for code spaces C2, C3, and G3 is optional. All unsupported graphic symbols in the G3 code space are to be substituted with the G0 underscore character (_), char code 0x5F.

(e) *Screen coordinates.* Table 3 specifies the screen coordinate resolutions and limits for anchor point positioning in 4:3 and 16:9 display formats, and the number of characters per row.

TABLE 3.—SCREEN COORDINATE RESOLUTIONS AND LIMITS

Screen aspect ratio	Maximum anchor position resolution	Minimum anchor position resolution	Maximum displayed rows	Maximum characters per row
4:3	75v × 160h	15v × 32h	4	32
16:9	75v × 210h	15v × 42h	4	42
Other	75v × (5 × H)	15v × H*	4	[1]

[1] H = 32 × (the width of the screen in relation to a 4:3 display). For example, the 16:9 format is ⅓ wider than a 4:3 display; thus, H = 32 * ⅓ = 42.667, or 42.

(1) This means that the minimum grid resolution for a 4:3 aspect ratio instrument is 15 vertical positions × 32 horizontal positions. This minimum grid resolution for 16:9 ratio instrument is 15 vertical positions × 42 horizontal positions. These minimum grid sizes are to cover the entire safe-title area of the corresponding screen.

(2) The minimum coordinates equate to a ⅕ reduction in the maximum horizontal and vertical grid resolution coordinates. Caption providers are to use the maximum coordinate system values when specifying anchor point positions. Decoders using the minimum resolution are to divide the provided horizontal and vertical screen coordinates by 5 to derive the equivalent minimum coordinates.

(3) Any caption targeted for both 4:3 and 16:9 instruments is limited to 32 contiguous characters per row. If a caption is received by a 4:3 instrument that is targeted for a 16:9 display only, or requires a window width greater than 32 characters, then the caption may be completely disregarded by the decoder. 16:9 instruments should be able to process and display captions intended for 4:3 displays, providing all other minimum recommendations are met.

(4) If the resulting size of any window is larger than the safe title area for the corresponding display's aspect ratio, then this window will be completely disregarded.

(f) *Caption windows.* (1) Decoders need to display no more than 4 rows of captions on the screen at any given time, regardless of the number of windows displayed. This implies that no more than 4 windows can be displayed at any given time (with each having only one caption row). However, decoders should maintain storage to support a minimum total of 8 rows of captions. This storage is needed for the worst-case support of a displayed window with 4 rows of captioning and a non-displayed window which is buffering the incoming rows for the next 4-row caption. As implied above, the maximum number of windows that may be displayed at any one time by a minimum decoder implementation is 4. If more than 4 windows are defined in the caption stream, the decoder may disregard the youngest and lowest priority window definition(s). Caption providers must be aware of this limitation, and either restrict the total number of windows used or accept that some windows will not be displayed.

(2) Decoders do not need to support overlapped windows. If a window overlaps another window, the overlapped window need not be displayed by the decoder.

(3) At a minimum, decoders will assume that all windows have rows and columns "locked". This implies that if a decoder implements the SMALL pen-size, then word-"un"wrapping, when shrinking captions, need not be implemented. Also, if a decoder implements the LARGE pen size, then word wrapping (when enlarging captions) need not be implemented.

(4) Whenever possible, the receiver should render embedded carriage returns as line breaks, since these carriage returns indicate an important aspect of the caption's formatting as determined by the service provider. However, it may sometimes be necessary for the receiver to ignore embedded line breaks. For example, if a caption is to appear in a larger font, and if its window's rows and/or columns are unlocked, the rows of text may need to become longer or shorter to fit within the allocated space. Such automatic reformatting of a caption is known as "word wrap." If decoders support word-wrapping, it must be implemented as follows:

(i) The receiver should follow standard typographic practice when implementing word wrap. Potential breaking points (word-wrapping points) are indicated by the space character (20h) and by the hyphen character (2Dh).

(ii) If a row is to be broken at a space, the receiver should remove the space from the caption display. If a row is to be broken after a hyphen, the hyphen should be retained.

(iii) If an embedded return is to be removed, it should usually be replaced with a space. However, if the character to the left of the embedded return is a

hyphen, the embedded return should be removed but NOT replaced with a space.

(iv) This specification does not include optional hyphens, nor does it provide for any form of automatic hyphenation. No non-breaking hyphen is defined. The non-breaking space (A0h in the G1 code set) and the non-breaking transparent space (21h in the G2 code set) should not be considered as potential line breaks.

(v) If a single word exceeds the length of a row, the word should be placed at the start of a new row, broken at the character following the last character that fits on the row, and continued with further breaks if needed.

(g) *Window text painting.* (1) All decoders should implement "left", "right", and "center" caption-text justification. Implementation of "full" justification is optional. If "full" justification is not implemented, fully justified captions should be treated as though they are "left" justified.

(i) For "left" justification, decoders should display any portion of a received row of text when it is received. For "center", "right", and "full" justification, decoders may display any portion of a received row of text when it is received, or may delay display of a received row of text until reception of a row completion indicator. A row completion indicator is defined as receipt of a CR, ETX or any other command, except SetPenColor, SetPenAttributes, or SetPenLocation where the pen relocation is within the same row.

(ii) Receipt of a character for a displayed row which already contains text with "center", "right" or "full" justification will cause the row to be cleared prior to the display of the newly received character and any subsequent characters. Receipt of a justification command which changes the last received justification for a given window will cause the window to be cleared.

(2) At a minimum, decoders must support LEFT_TO_RIGHT printing.

(3) At a minimum, decoders must support BOTTOM_TO_TOP scrolling. For windows sharing the same horizontal scan lines on the display, scrolling may be disabled.

(4) At a minimum, decoders must support the same recommended practices for scroll rate as is provided for NTSC closed-captioning.

(5) At a minimum, decoders must support the same recommended practices for smooth scrolling as is provided for NTSC closed-captioning.

(6) At a minimum, decoders must implement the "snap" window display effect. If the window "fade" and "wipe" effects are not implemented, then the decoder will "snap" all windows when they are to be displayed, and the "effect speed" parameter is ignored.

(h) *Window colors and borders.* At a minimum, decoders must implement borderless windows with solid, black backgrounds (i.e., border type = NONE, fill color = (0,0,0), fill opacity = SOLID), and borderless transparent windows (i.e., border type = NONE, fill opacity = TRANSPARENT).

(i) *Predefined window and pen styles.* Predefined Window Style and Pen Style ID's may be provided in the DefineWindow command. At a minimum, decoders should implement Predefined Window Attribute Style 1 and Predefined Pen Attribute Style 1, as shown in Table 4 and Table 5, respectively.

TABLE 4.—PREDEFINED WINDOW STYLE ID'S

Style ID #	Justify	Print direction	Scroll direction	Word wrap	Display effect	Effect direction	Effect speed	Fill color	Fill opacity	Border type	Border color	Usage
1	Left	Left-to-right	Bottom-to-top	No	Snap	n/a	n/a	(0,0,0) Black.	Solid	None	n/a	NTSC Style PopUp Captions
2	Left	Left-to-right	Bottom-to-top	No	Snap	n/a	n/a	n/a	Transparent.	None	n/a	PopUp Captions w/o Black Background
3	Cntr	Left-to-right	Bottom-to-top	No	Snap	n/a	n/a	(0,0,0) Black.	Solid	None	n/a	NTSC Style Centered PopUp Captions
4	Left	Left-to-right	Bottom-to-top	Yes	Snap	n/a	n/a	(0,0,0) Black.	Solid	None	n/a	NTSC Style RollUp Captions
5	Left	Left-to-right	Bottom-to-top	Yes	Snap	n/a	n/a	n/a	Transparent.	None	n/a	RollUp Captions w/o Black Background
6	Cntr	Left-to-right	Bottom-to-top	Yes	Snap	n/a	n/a	(0,0,0) Black.	Solid	None	n/a	NTSC Style Centered RollUp Captions
7	Left	Top-to-bottom	Right-to-left	No	Snap	n/a	n/a	(0,0,0) Black.	Solid	None	n/a	Ticker Tape

TABLE 5.—PREDEFINED PEN STYLE ID'S

Predefined style ID	Pen size	Font style	Offset	Italics	Underline	Edge type	Foregrnd color	Foregrnd opacity	Backgrnd color	Backgrnd opacity	Edge color	Usage
1	Stndr	0	Normal	No	No	None	(2,2,2) White.	Solid	(0,0,0) Black.	Solid	n/a	Default NTSC Style*
2	Stndr	1	Normal	No	No	None	(2,2,2)	Solid	(0,0,0) White.	Solid	n/a	NTSC Style* Mono w/Serif
3	Stndr	2	Normal	No	No	None	(2,2,2) White.	Solid	(0,0,0) Black.	Solid	n/a	NTSC Style* Prop w/ Serif
4	Stndr	3	Normal	No	No	None	(2,2,2) White.	Solid	(0,0,0) Black.	Solid	n/a	NTSC Style* Mono w/o Serif
5	Stndr	4	Normal	No	No	None	(2,2,2) White.	Solid	(0,0,0) Black.	Solid	n/a	NTSC Style* Prop w/o Serif
6	Stndr	3	Normal	No	No	Unifrm	(2,2,2) White.	Solid	n/a	Transparent	(0,0,0) Black.	Mono w/o Serif, Bordered Text, No BG
7	Stndr	4	Normal	No	No	Unifrm	(2,2,2) White.	Solid	n/a	Transparent	(0,0,0) Black.	Prop. w/o Serif, Bordered Text, No BG

*"NTSC Style"—White Text on Black Background

(j) *Pen size.* (1) Decoders must support the standard, large, and small pen sizes and must allow the caption provider to choose a pen size and allow the viewer to choose an alternative size. The STANDARD pen size should be implemented such that the height of the tallest character in any implemented font is no taller than 1/15 of the height of the safe-title area, and the width of the widest character is no wider than 1/32 of the width of the safe-title area for 4:3 displays and 1/42 of the safe-title area width for 16:9 displays.

(2) The LARGE pen size should be implemented such that the width of the widest character in any implemented font is no wider than 1/32 of the safe-title area for 16:9 displays. This recommendation allows for captions to grow to a LARGE pen size without having to reformat the caption since no caption will have more than 32 characters per row.

(k) *Font styles.* (1) Decoders must support the eight fonts listed below. Caption providers may specify 1 of these 8 font styles to be used to write caption text. The styles specified in the "font style" parameter of the SetPenAttributes command are numbered from 0 through 7. The following is a list of the 8 required font styles. For information purposes only, each font style references one or more popular fonts which embody the characteristics of the style:

(i) 0—Default (undefined)
(ii) 1—Monospaced with serifs (similar to Courier)
(iii) 2—Proportionally spaced with serifs (similar to Times New Roman)
(iv) 3—Monospaced without serifs (similar to Helvetica Monospaced)
(v) 4—Proportionally spaced without serifs (similar to Arial and Swiss)
(vi) 5—Casual font type (similar to Dom and Impress)
(vii) 6—Cursive font type (similar to Coronet and Marigold)
(viii) 7—Small capitals (similar to Engravers Gothic)

(2) Font styles may be implemented in any typeface which the decoder manufacturer deems to be a readable rendition of the font style, and need not be in the exact typefaces given in the example above. Decoders must include the ability for consumers to choose among the eight fonts. The decoder must display the font chosen by the caption provider unless the viewer chooses a different font.

(l) *Character offsetting.* Decoders need not implement the character offsetting (*i.e.*, subscript and superscript) pen attributes.

(m) *Pen styles.* At a minimum, decoders must implement normal, italic, and underline pen styles.

(n) *Foreground color and opacity.* (1) At a minimum, decoders must implement transparent, translucent, solid and flashing character foreground type attributes.

(2) At a minimum, decoders must implement the following character foreground colors: white, black, red, green, blue, yellow, magenta and cyan.

(3) Caption providers may specify the color/opacity. Decoders must include the ability for consumers to choose among the color/opacity options. The decoder must display the color/opacity chosen by the caption provider unless the viewer chooses otherwise.

(o) *Background color and opacity.* (1) Decoders must implement the following background colors: white, black, red, green, blue, yellow, magenta and cyan. It is recommended that this background is extended beyond the character foreground to a degree that the foreground is separated from the underlying video by a sufficient number of background pixels to insure the foreground is separated from the background.

(2) Decoders must implement transparent, translucent, solid and flashing background type attributes. Caption providers may specify the color/opacity. Decoders must include the ability for consumers to choose among the color/opacity options. The decoder must display the color/opacity chosen by the caption provider unless the viewer chooses otherwise.

(p) Character edges. Decoders must implement separate edge color and type attribute control.

(q) Color representation. (1) At a minimum, decoders must support the 8 colors listed in Table 6.

TABLE 6.—MINIMUM COLOR LIST TABLE

Color	Red	Green	Blue
Black	0	0	0
White	2	2	2
Red	2	0	0
Green	0	2	0
Blue	0	0	2
Yellow	2	2	0
Magenta	2	0	2
Cyan	0	2	2

(2)(i) When a decoder supporting this Minimum Color List receives an RGB value not in the list, it will map the received value to one of the values in the list via the following algorithm:

(A) All one (1) values are to be changed to 0.

(B) All two (2) values are to remain unchanged.

(C) All three (3) values are to be changed to 2.

(ii) For example, the RGB value (1,2,3) will be mapped to (0,2,2), (3,3,3) will be mapped to (2,2,2) and (1,1,1) will be mapped to (0,0,0).

(3) Table 7 is an alternative minimum color list table supporting 22 colors.

TABLE 7.—ALTERNATIVE MINIMUM COLOR LIST TABLE

Color	Red	Green	Blue
Black	0	0	0
Gray	1	1	1
White	2	2	2
Bright White	3	3	3
Dark Red	1	0	0
Red	2	0	0
Bright Red	3	0	0
Dark Green	0	1	0
Green	0	2	0
Bright Green	0	3	0
Dark Blue	0	0	1
Blue	0	0	2
Bright Blue	0	0	3
Dark Yellow	1	1	0
Yellow	2	2	0
Bright Yellow	3	3	0
Dark Magenta	1	0	1
Magenta	2	0	2
Bright Magenta	3	0	3
Dark Cyan	0	1	1
Cyan	0	2	2
Bright Cyan	0	3	3

(i) When a decoder supporting the Alternative Minimum Color List in Table 7 receives an RGB value not in the list (i.e., an RGB value whose non-zero elements are not the same value), it will map the received value to one of the values in the list via the following algorithm:

(A) For RGB values with all elements non-zero and different—e.g., (1,2,3), (3,2,1), and (2,1,3), the 1 value will be changed to 0, the 2 value will remain unchanged, and the 3 value will be changed to 2.

(B) For RGB values with all elements non-zero and with two common elements—e.g. (3,1,3), (2,1,2), and (2,2,3), if the common elements are 3 and the uncommon one is 1, then the 1 elements is changed to 0; e.g. (3,1,3) → (3,0,3). If the common elements are 1 and the uncommon element is 3, then the 1 elements are changed to 0, and the 3 element is changed to 2; e.g. (1,3,1) → (0,2,0). In all other cases, the uncommon element is changed to the common value; e.g., (2,2,3) → (2,2,2), (1,2,1) → (1,1,1), and (3,2,3) → (3,3,3).

(ii) All decoders not supporting either one of the two color lists described above, must support the full 64 possible RGB color value combinations.

(r) *Character rendition considerations.* In NTSC Closed Captioning, decoders were required to insert leading and trailing spaces on each caption row. There were two reasons for this requirement:

(1) To provide a buffer so that the first and last characters of a caption row do not fall outside the safe title area, and

(2) To provide a black border on each side of a character so that the "white" leading pixels of the first character on a row and the trailing "white" pixels of the last character on a row do not bleed into the underlying video.

(i) Since caption windows are required to reside in the safe title area of the DTV screen, reason 1 (above) is not applicable to DTVCC captions.

(ii) The attributes available in the SetPenAttributes command for character rendition (e.g., character background and edge attributes) provide unlimited flexibility to the caption provider when describing caption text in an ideal decoder implementation. However, manufacturers need not implement all pen attributes. Thus it is recommended that no matter what the level of implementation, decoder manufacturers should take into account the readability of all caption text against a variety of all video backgrounds, and should implement some automatic character delineation when the individual control of character foreground, background and edge is not supported.

(s) *Service synchronization.* Service Input Buffers must be at least 128 bytes in size. Caption providers must keep this lower limit in mind when following Delay commands with other commands and window text. In other words, no more than 128 bytes of DTVCC commands and text should be transmitted (encoded) before a pending Delay command's delay interval expires.

(t) *Settings.* Decoders must include an option that permits a viewer to choose a setting that will display captions as intended by the caption provider (a default). Decoders must also include an option that allows a viewer's chosen settings to remain until the viewer chooses to alter these settings, including periods when the television is turned off.

PART 79—CLOSED CAPTIONING OF VIDEO PROGRAMMING

1. The authority citation for part 79 continues to read as follows:

Authority: 47 U.S.C. 613.

2. Section 79.1 is amended by revising paragraphs (a)(4) and (c) to read as follows:

§ 79.1 Closed captionng of video programming.

(a) * * *

(1) *Closed captioning.* The visual display of the audio portion of video programming pursuant to the technical specifications set forth in part 15 of this chapter.

* * * * *

(c) *Obligation to pass through captions of already captioned programs.* All video programming distributors shall deliver all programming received from the video programming owner or other origination source containing closed captioning to receiving television households with the original closed captioning data intact in a format that can be recovered and displayed by decoders meeting the standards of part 15 of this chapter unless such programming is recaptioned or the captions are reformatted by the programming distributor.

* * * * *

[FR Doc. 00–24649 Filed 9–28–00; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[PR Docket No. 94–54; FCC 00–251]

Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission (the Commission) previously required certain providers of Commercial Mobile Radio Services (CMRS) to provide "manual" roaming service upon reasonable request to any subscriber. In this document, the Commission modifies the scope of the "manual" roaming rule to apply only to CMRS providers that offer real-time two-way switched voice or data service that is interconnected with the public switched network using an in-network switching facility. Additionally, the Commission revises the scope to extend to cellular and broadband PCS providers. Also, the Commission extends the rule to cover data-only services as well as voice services. Finally, the Commission terminates its consideration in this docket of issues relating to "automatic" roaming and the potential sunset of the "manual" roaming rule.

DATES: Effective November 28, 2000.

FOR FURTHER INFORMATION CONTACT: For further information, contact Paul Murray, Wireless Telecommunications Bureau, at (202) 418–0688; additional information concerning the information collections contained in this document contact Judy Boley at (202) 418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This *Memorandum Opinion & Order (MO&O)* in PR Docket No. 93–144, adopted August 2, 2000, and released August 4, 2000, is available for inspection and copying during normal business hours in the FCC Reference Center. 445 Twelfth Street, SW., Washington DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington DC 20036 (202) 857–3800.

Synopsis of Memorandum Opinion and Order

I. Introduction

1. Roaming occurs when the subscriber of one CMRS provider utilizes the facilities of another CMRS provider with which the subscriber has no direct pre-existing service or financial relationship to place an outgoing call, to receive an incoming call, or to continue an in-progress call. Roaming service can be provided through a variety of technical and contractual arrangements.

2. In 1996, we determined in the *Second Report and Order and Third Notice of Proposed Rulemaking ("Second Report and Order"),* 11 FCC Rcd 9462 (1996), published 61 FR 44026 (Aug. 27, 1996), that the availability of roaming on broadband wireless networks was important to the development of nationwide, ubiquitous, and competitive wireless voice telecommunications, and that market forces alone might not be sufficient to cause roaming to become widely available during the period in which systems to provide these services were being built. Accordingly, we ordered that our then-existing "manual" roaming rule requiring cellular carriers to serve individual roamers, 47 CFR 22.901, be extended to include other CMRS providers, both broadband PCS and "covered" SMR, that offer comparable competitive telephony services so long as the roamer's handset is technically capable of accessing their services.

II. Summary of the Memorandum Opinion and Order on Reconsideration

3. In this order we consider three petitions for reconsideration and/or clarification of the "manual" roaming

rule, filed by the American Mobile Telecommunications Association, Nextel Communications, Inc. (Nextel), and Small Business in Telecommunications, Inc. These focus on the extent to which SMR service providers should be covered by the "manual" roaming rule. In addition, we consider Nextel's petition for declaratory ruling in which clarification of the "manual" roaming rule was sought.

A. Modifications to the Scope of the Manual Roaming Rule

4. In our *Second Report and Order,* we limited the scope of the "manual" roaming rule in the SMR context to "covered" SMR providers, a definition which we intended to include only those providers who compete directly with cellular and broadband PCS. Under the existing rule, "covered" SMR providers include certain SMR licensees within two classes. The first class consists of 800 MHz and 900 MHz SMR licensees that hold geographic area licenses. The second covers incumbent wide area SMR licensees, defined as licensees who have obtained extended implementation authorizations in the 800 MHz or 900 MHz SMR service, either by waiver or under Section 90.629 of our rules. Within these classes, "covered" SMR providers "includes only licensees that offer real-time, two-way switched voice service that is interconnected with the public switched network, either on a stand-alone basis or packaged with other telecommunications services." We stated that local SMR licensees offering mainly dispatch services to specialized customers in a non-cellular system configuration, as well as licensees offering only data, one-way, or stored voice services on an interconnected basis, are not covered by the roaming rule because these providers do not compete substantially with cellular and broadband PCS providers. We found that the costs of applying the roaming rule to their operations would outweigh the benefits.

5. *Modification of Definition of "Covered" Providers.* On reconsideration, we now conclude that our objective with respect to SMR is best achieved by limiting the "manual" roaming rule to reach those CMRS providers that offer real-time, two-way switched voice and data service that is interconnected with the public switched telephone network utilizing an "in-network" switching facility. In addition, we are extending the rule to cover not only voice, but data-only service as well. Accordingly, we revise the applicable rule, 47 CFR 20.12 ("Resale and Roaming").

6. We conclude that an important indicator of a provider's ability to compete with traditional cellular and broadband PCS providers is whether the provider's system has "in-network" switching capability. In-network switching facilities accommodate the reuse of frequencies in different portions of the same service area, thus enabling an SMR provider to offer interconnected service to a larger group of customers and to compete directly with cellular and broadband PCS in the mass consumer market. We therefore adopt in-network switching capability as a criterion for coverage under the "manual" roaming rule.

7. Also, as we have done in the contexts of resale, number portability, and E911, we extend our modified definition of "covered" SMR to providers of similar service over cellular and broadband PCS spectrum. This reflects the fact that SMR services excluded from coverage under our definition, such as traditional dispatch services, can be provided using cellular or broadband PCS spectrum as well as SMR spectrum.

8. *Application on a System-by-System Basis.* Finally, we clarify that if a licensee provides "covered" service on systems in certain areas of the country, and provides only traditional dispatch services on systems in other areas of the country, only the "covered" systems would be subject to the "manual" roaming rule. Thus, the rule will not apply in the geographic area(s) where a carrier provides only traditional dispatch service, provided that the carrier clearly identifies the area(s) in question.

B. Manual Roaming Requirement Pertaining to SMR

9. One petitioner seeks clarification of the rule with respect to the particular SMR service it provides, contending that application of the "manual" roaming rule would require it to modify its system and otherwise cause it to incur significant costs in a manner that would violate the Commission's intent with regard to the obligations imposed by the rule. Specifically, it claims that compliance with the rule is technically infeasible because SMR systems, unlike cellular systems, do not share control channels or interoperability standards.

10. In our *Second Report and Order,* we stated that licensees are required to provide "manual" roaming to subscribers of any cellular, broadband PCS, or "covered" SMR services so long as that subscriber is using a handset that is technically capable of accessing the licensee's system. We also, however, stated that our "manual" roaming rule did not require licensees to modify their systems in order to provide "manual" roaming service to end users. We confirm that the "manual" roaming rule applies to SMR carriers to the extent they fall within the modified definition of "covered" CMRS providers. Beyond that, we decline here to reach the factual determination of a particular provider is required by our rule to provide "manual" roaming to other SMR companies" subscribers. We believe that this issue, which requires a specific factual determination, would more appropriately be resolved in a petition for declaratory ruling directed specifically toward this issue or in the context of a complaint filed pursuant to Section 208.

III. Third Report and Order

11. In issuing the *Second Report and Order* in 1996, we recognized that the CMRS marketplace was rapidly expanding and technologies were dramatically evolving. We concluded that the record was inconclusive regarding the need for an "automatic" roaming requirement, and that promulgation of an "automatic" roaming rule would be premature. In 1997, the Wireless Telecommunications Bureau sought additional comment on a potential "automatic" roaming requirement in light of intervening market and technological developments. Unlike "manual" roaming, "automatic" roaming enables a roaming subscriber to originate or terminate a call without taking action other than turning on his or her telephone. Provision of "automatic" roaming requires a contractual arrangement between the home and roamed-on systems.

12. Given these substantial developments over the last few years, we believe that an informed decision by the Commission regarding what sort of roaming requirements are appropriate today and for the foreseeable future requires an up-to-date record reflecting current conditions. We plan in the near future to issue a new, separately docketed NPRM. We believe such a new NPRM will enable us better to address the relevant issues relating to "automatic" and "manual" roaming in light of current technological and market conditions.

IV. Procedural Matters

Supplemental Final Regulatory Flexibility Analysis

13. As required by the Regulatory Flexibility Act, 5 U.S.C. 604 (RFA), a Final Regulatory Flexibility Analysis

(FRFA) was incorporated into *Second Report and Order* in this proceeding. The Commission received no direct comments or petitions for reconsideration of the Final Regulatory Flexibility Analysis (or the Initial Regulatory Flexibility Analysis) contained therein. The Commission's Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) in this *Third Report and Order and Memorandum Opinion and Order on Reconsideration (Memorandum Opinion and Order on Reconsideration)* reflects revised or additional information to that contained in the FRFA prepared in 1996. This Supplemental FRFA conforms to the RFA, as amended by the Contract with America Advancement Act of 1996.

I. Need for and Purpose of this Action

14. In this *Memorandum Opinion and Order on Reconsideration,* the Commission generally affirms its decision in the *Second Report and Order* to extend the "manual" roaming rule requiring cellular carriers to serve individual roamers to include other Commercial Mobile Radio Service (CMRS) providers, both broadband Personal Communications Service (PCS) and "covered" Specialized Mobile Radio (SMR), that offer competitive telephony services so long as the roamer's handset is technically capable of accessing their services.

II. Summary of Significant Issues Raised by the Public in Response to the Final Regulatory Flexibility Analysis

15. In the *Second Report and Order,* the Commission in 1996 had limited the scope of the "manual" roaming rule in the SMR context to "covered" SMR providers. This included two classes of "covered" providers: first, there were geographic area licensees in the Cellular, Broadband PCS, and the 800 and 900 MHz SMR services; and, second, incumbent wide area licensees who obtained extended implementation authorizations in the 800 MHz or 900 MHz SMR services, either by waiver or by Section 90.629 of the Commission's rules. Within these classes, "covered" SMR providers was limited to only those licensees who offered real-time, two-way switched voice service that war interconnected with the public switched network, either on a stand-alone basis or packaged with other telecommunication services. In that order, we stated that local SMR licensees offering mainly dispatch services to specialized customers in a non-cellular system configuration, as well as licensees offering only data, one-way, or stored voice services on an interconnected basis, were not covered by the roaming rule because they did not compete substantially with cellular and broadband PCS providers.

16. In this *Memorandum Opinion and Order on Reconsideration,* the Commission concludes that modification of the scope of the "manual" roaming rule best serves the public interest. The amended Section 20.12(a), promulgated in this order, changes the rule so that the set of "covered" providers clearly excludes providers who do not directly compete in the CMRS mass consumer two-way voice market. Consequently, the order modifies the scope of the manual roaming rule to apply only to CMRS providers that offer real-time two-way switched voice or data service that is interconnected with the public switched network using an in-network switching facility. Additionally, this revised definition of "covered providers" extends to cellular and broadband PCS providers as well. Finally, the Commission extends the rule to cover not only voice, but also data-only service as well.

17. No petitions for reconsideration or comments were filed in direct response to the FRFA or to the related IRFA. In petitions for reconsideration or clarification, however, and in responsive pleadings, as well, some issues were raised that might affect small entities. Specifically, some commenters argued that the definition of "covered" SMR should be limited to systems that have an "in-network" switching facility or that serve at lease a minimum number of mobile unit, *e.g.,* at least 100,000 mobile units that provide real-time, two-way interconnected voice services or that serve at least 20,000 or more subscribers nationwide. Another commenter argued that any definitional modification to the term "covered" SMR should exclude data-only SMR services.

III. Description and Estimate of the Number of Small Entities Affected by This Memorandum Opinion and Order on Reconsideration

18. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by our rules. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. 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). A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." Nationwide, as of 1992, there were approximately 275,801 small organizations. "Small governmental jurisdiction" generally means "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000." As of 1992, there were approximately 85,006 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (91 percent) are small entities.

19. The rule changes in this *Memorandum Opinion and Order on Reconsideration* could affect all small entities who are cellular, broadband PCS, and 800 MHz and 900 MHz SMR licensees. The licensees that are covered here are probably small businesses and probably not small governmental entities or small non-profit organizations. Additionally, the "manual" roaming rule, as modified, will apply to such licensees only if they offer real-time, two-way switched voice or data service that is interconnected with the public switched network and that utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls.

20. The Commission estimates the following number of small entities may be affected by the proposed rule changes. *Cellular Licensees.* Neither the Commission nor the SBA has developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of a small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons. According to the Bureau of the Census, only twelve radiotelephone firms from a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. Therefore, even if all twelve of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. In addition, we note that there are 1,758 cellular licenses;

however, a cellular licensee may own several licenses. In addition, according to the most recent Trends in Telephone Service data, 808 carriers reported that they were engaged in the provision of either cellular service, Personal Communications Service (PCS), or Specialized Mobile Radio Telephone (SMR) service, which are placed together in the data. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 732 small cellular service carriers that may be affected by the revised regulations adopted in this *Memorandum Opinion and Order on Reconsideration.*

21. The rules adopted in this *Memorandum Opinion and Order on Reconsideration* will apply to cellular licensees only if they offer real-time, two-way switched voice or data service that is interconnected with the public switched network and that utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. Although the Commission does not have definitive information, we estimate that most or all small business cellular licensees offer services meeting this description.

22. *Broadband PCS Licensees.* The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined "small entity" for Blocks C and F as an entity that has average gross revenues of less than $40 million in the three previous calendar years. For Block F, an additional classification for "very small business" was added and is defined as an entity that, together with its affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These regulations defining "small entity" in the context of broadband PCS auctions have been approved by the SBA. No small businesses within the SBA-approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40 percent of the 1,479 licenses for Blocks D, E, and F. Based on this information, we conclude that the number of small broadband PCS licensees will include the 90 winning C Block bidders and the 93 qualifying bidders in the D, E, and F blocks, for a total of 183 small entity PCS providers as defined by the SBA and the Commission's auction rules.

23. Pursuant to modifications made in this *Memorandum Opinion and Order on Reconsideration,* the "manual" roaming rule will apply to broadband PCS licensees only if they offer real-time, two-way switched voice or data service that is interconnected with the public switched network and that utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. Although the Commission does not have definitive information, we estimate that most or all small business broadband PCS licensees offer services meeting this description.

24. *Estimates for SMR Licensees.* Pursuant to 47 CFR 90.814(b)(1), the Commission has defined "small business" for purposes of auctioning 900 MHz SMR licenses, 800 MHz SMR licenses for the upper 200 channels, and 800 MHz SMR licenses for the lower 230 channels as a firm that has had average annual gross revenues of $15 million or less in the three preceding calendar years. This small business size standard for the 800 MHz and 900 MHz auctions has been approved by the SBA. Any rules adopted in this *Memorandum Opinion and Order on Reconsideration* will apply to SMR licensees only if they offer real-time, two-way switched voice or data service that is interconnected with the public switched network and that utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. Although the Commission does not have definitive information, we estimate that very few small business, incumbent site-by-site SMR licensees offer services meeting this description. Geographic licensees are considered more likely to offer such services. In all cases, we provide estimates that are conservative so as to not underestimate the impact on small entities.

25. Sixty winning bidders for geographic area licenses in the 900 MHz SMR band qualified as small businesses under the $15 million size standard. We do not know which of these licensees will offer real-time, two-way switched voice or data service that is interconnected with the public switched network and that utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. We conservatively estimate that the number of small business 900 MHz SMR geographic area licensees that could be affected by rule modifications is at least 60.

26. The auction of the 525 800 MHz SMR geographic area licenses for the upper 200 channels began on October 28, 1997, and was completed on December 8, 1997. Ten (10) winning bidders for geographic area licenses for the upper 200 channels in the 800 MHz SMR band qualified as small businesses under the $15 million size standard. We do not know which of these licensees will offer real-time, two-way switched voice or data service that is interconnected with the public switched network and that utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. Therefore, we conservatively estimate that the number of small business 800 MHz SMR geographic area licensees for the upper 200 channels that could be affected by rule modifications is at approximately ten.

27. The Commission anticipates that a total of 3,853 EA licenses will be auctioned in the lower 230 channels of the 800 MHz SMR service. This figured is derived by multiplying the total number of Economic Areas (EAs) (175) by the number of channel blocks (22) in the lower 230 channels. Three additional upper band channels will be licensed as well. No party submitting or commenting on the petitions for reconsideration giving rise to our *Reconsideration* of October 8, 1999, commented on the potential number of small entities that might participate in the auction of the lower 230 channels and no reasonable estimate can be made. Therefore, we conclude that the number of 800 MHz SMR geographic area licensees for the lower 230 channels that may ultimately be affected by this rule modification could be as many as 3,853.

28. With respect to licensees operating under extended implementation authorizations, by November 1997 thirty-three licensees with extended implementation authority in the 800 MHz SMR Service were granted two years to complete the buildout of their systems. At this time, our records indicate that twenty-seven licensees with extended implementation authority still exist, but there may be as few as twenty-two remaining as independent entities. The Commission will soon receive filings that will clarify the situation. Until then, we assume that there are twenty-seven remaining licensees in this category and that they all qualify as small businesses.

However, we do not know how many of these licensees offer real-time, two-way switched voice or data service that is interconnected with the public switched network and that utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. Therefore, estimating conservatively, we conclude that the number of small business SMR licensees operating in the 800 MHz and 900 MHz bands under extended implementation authorizations that could be affected by a rule modification is up to 27 entities.

29. The Commission does not have an accurate estimate of the number of incumbent site-by-site SMR licensees, and a reliable figure will not be available until the SMR site-by-site licensees migrate to the Universal Licensing System. Making this estimate is complicated by the number of recent transactions that have occurred in the 800 MHz SMR service. However, our task is also greatly simplified for purposes of this regulatory flexibility analysis because we are looking for a very specific type of SMR licensee. That is, the licensee must: first, qualify as a small business (i.e., average annual gross revenues of $15 million or less in the three preceding calendar years); second, offer real-time, two-way switched voice or data service that is interconnected with the public switched network; and third, use an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. These criteria greatly restrict the number of SMR providers who could be affected by this new rule. Although there may be SMR carriers who provide such services it is highly unlikely that they will be small entities or small businesses given the nature of the SMR providers and the development of that industry. Consequently, even though there may be no licensees that satisfy these criteria, we err on the sake of caution and conclude that 25 small entities may fall into this category.

IV. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

30. We anticipate that the rules adopted in this *Memorandum Opinion and Order on Reconsideration* will impose no reporting or recordkeeping requirements. The only compliance costs likely to be incurred, as a result, are administrative costs to ensure that an entity's practices are in compliance with the rule. The only compliance requirement of the new rules is that licensees subject to a manual roaming requirement (i.e., cellular licensees, broadband PCS licensees, and geographic area 800 MHz and 900 MHz SMR licensees that offer real-time, two-way, interconnected switched voice and data service) would have to provide manual roaming service upon request to subscribers of covered services in good standing who are using technically compatible equipment.

V. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

31. The Commission adopted the manual roaming rule, and generally affirms the rule in this *Memorandum Opinion and Order on Reconsideration,* in order, *inter alia,* to protect smaller and new CMRS providers of these services from likely competitive disadvantage. The Commission has reduced the potential impact of the new rules on small entities by continuing to exclude from its requirements those entities that have, traditionally, constituted the smallest of the SMR licensees, *i.e.,* those licensees that do not provide real-time two-way voice or data services on an interconnected basis using in-network switching systems. The Commission has adopted an alternative definition of covered SMR that includes only those systems that have an in-network switching facility. This exception to coverage addresses the concerns of SMR providers that primarily offer traditional dispatch services but whose offer of limited interconnection capability might otherwise subject them to the manual roaming requirement. Such a result would have been inconsistent with the Commission's determination that only SMR providers that compete directly with cellular and broadband PCS should be subject to roaming requirements, because an important indicator of a provider's ability to compete with traditional cellular and broadband PCS providers is whether the provider's system has "in-network" switching capability.

32. By electing to adopt the in-network switching criterion, the Commission has rejected a definition of SMR covered services that would exempt SMR providers based on their particular number of mobile units or on capacity. The number of subscribers to an SMR system is not a reliable indicator of the system's capacity. Nor is it a reliable indicator of a system's ability to compete with cellular and broadband PCS providers. Thus, defining the term covered SMR in terms of its number of subscribers or its capacity could exempt from any manual roaming requirement those services that compete in markets where competitive conditions do not yet sufficiently ensure those customers seeking to roam access to roaming capabilities. As we stated in the *Second Report and Order,* and affirmed in this order, the manual roaming rule does not require any carrier to expand its capacity or to change its system in order to accommodate the needs of roamers.

Federal Rules Which Overlap, Duplicate, or Conflict With These Proposed Rules

33. None.

Report to Congress

34. The Commission will send a copy of this *Memorandum Opinion and Order on Reconsideration,* including a copy of this Supplemental Final Regulatory Flexibility Analysis, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, *see* 5 U.S.C. 801(a)(1)(A).

VI. Ordering Clauses

35. Accordingly, the authority of the rule amendments and clarifications appearing in the rule changes and discussed herein *Are Adopted* and *Shall Be Effective* November 28, 2000.

36. The Petition for Reconsideration filed by the American Mobile Telecommunications Association (AMTA) in Docket No. 94–54 *Is Granted* to the extent indicated herein and otherwise *Is Denied,* and that AMTA's Petition for Declaratory Ruling in CC Docket No. 94–54 *Is Dismissed As Moot.*

37. The Petition for Reconsideration and Clarification filed by the Nextel Communications in CC Docket No. 94–54 *Is Granted* to the extent such Petition seeks clarification and as indicated herein and otherwise is denied.

38. The Petition for Reconsideration or Clarification filed by Small Business in Telecommunications in CC Docket No. 94–54 *Is Granted* to the extent indicated herein and otherwise *Is Granted.*

39. The Office of Public Affairs, Reference Operations Division, shall send a copy of this Order on Reconsideration, including the Supplemental Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Accordingly, for the reasons set forth in the preamble, Part 20 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 20—[AMENDED]

1. The authority citation for part 20 continues to read as follows:

47 U.S.C. 154, 160, 251–254, 303, and 332 unless otherwise noted.

2. Section 20.12 is amended by revising paragraphs (a), (b)(1), and (c) to read as follows:

§ 20.12 Resale and roaming.

(a) *Scope of section.* This section is applicable to providers of Broadband Personal Communications Services (part 24, subpart E of this chapter), Cellular Radio Telephone Service (part 22, subpart H of this chapter), and Specialized Mobile Radio Services in the 800 MHz and 900 MHz bands (included in part 90, subpart S of this chapter) if such providers offer real-time, two-way switched voice or data service that is interconnected with the public switched network and utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. The scope of paragraph (b) of this section, concerning the resale rule, is further limited so as to exclude from the requirements of that paragraph those Broadband Personal Communications Services C, D, E, and F block licensees that do not own and control and are not owned and controlled by firms also holding cellular, A, or B block licenses.

(b) *Resale.* The resale rule is applicable as follows:

(1) Each carrier subject to paragraph (b) of this section shall not restrict the resale of its services, unless the carrier demonstrates that the restriction is reasonable.

* * * * *

(c) *Roaming.* Each carrier subject to this section must provide mobile radio service upon request to all subscribers in good standing to the services of any carrier subject to this section, including roamers, while such subscribers are located within any portion of the licensee's licensed service area where facilities have been constructed and service to subscribers has commenced, if such subscribers are using mobile equipment that is technically compatible with the licensee's base stations.

[FR Doc. 00–24964 Filed 9–28–00; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATION COMMISSION

47 CFR Part 73

[DA No. 00–1208, MM Docket No. 97–116; RM 9050 and RM 9123]

Radio Broadcasting Services; Everglades City, LaBelle, Key West, and Estero, FL; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission published in the **Federal Register** of June 16, 2000, a document concerning Radio Broadcasting Services in Everglades City, LaBelle, Key West, and Estero, FL. This document contains a correction to that rule.

DATES: Effective July 17, 2000.

FOR FURTHER INFORMATION CONTACT: Orlando Ardon, Office of Managing Director, 202–418–0310.

SUPPLEMENTARY INFORMATION: This document corrects FR Doc. 00–15261, published on June 16, 2000, (65 FR 37709).

On page 37709, in the third column, in § 73.202(b), amendatory instruction No. 2 is corrected to read as follows:

PART 73—[CORRECTED]

§ 73.202 [Corrected]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing LaBelle, Channel 223A and adding Estero, Channel 223C3 and by removing Channel 223C1 and adding Channel 224C1 at Key West.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 00–25173 Filed 9–28–00; 8:45 am]
BILLING CODE 6712–01–U

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 240

FRA Docket No. RSOR–9, Notice 13

[RIN 2130–AA74]

Qualification and Certification of Locomotive Engineers; Corrections

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Final rule; corrections.

SUMMARY: FRA published in the **Federal Register** of November 8, 1999, (64 FR 60966), a document making miscellaneous amendments to its requirements for the qualification and certification of locomotive engineers (49 CFR part 240). Inadvertently, mistakes were made in four different items in that publication.

First, in § 240.7, a revised definition of locomotive is missing a parenthesis.

Second, in § 240.7, an added definition of service has one misplaced quotation mark.

Third, a new § 240.309(e)(6) was published without describing the amendment as a revision of the existing paragraph (e)(6). Without a correction, the section would contain two different paragraphs numbered (e)(6). This document removes the older paragraph (e)(6).

Fourth, two revisions were made to the penalty schedule regarding § 240.123 without describing the amendments. Without a correction, the penalty schedule would not be amended; instead, the revision would be published separately after the penalty schedule.

DATES: Effective on September 29, 2000.

FOR FURTHER INFORMATION CONTACT: Alan H. Nagler, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, S.W., RCC–11, Mail Stop 10, Washington, DC 20590 (telephone: 202–493–6049).

SUPPLEMENTARY INFORMATION: FRA published a document in the **Federal Register** of November 8, 1999, (64 FR 60966) amending § 240.7. A revised definition of locomotive was published. However, the revision was missing a parenthesis. A second close parenthesis should have been added prior to the colon.

FRA published a document in the **Federal Register** of November 8, 1999, (64 FR 60966) amending § 240.7. A definition of service was added. However, the new definition has one misplaced quotation mark. The last sentence should only have quotation marks around the word "filing" instead of quotation marks around the phrase "filing in this section."

FRA published a document in the **Federal Register** of November 8, 1999, (64 FR 60966) amending § 240.309. This section was amended by revising paragraphs (e), (e)(3), (e)(5), (e)(7), and (e)(8), removing paragraph (e)(10) and correcting a clerical error, which had created a second paragraph (e), by redesignating this second paragraph (e) as paragraph (h). A paragraph numbered (e)(6) was published without an explanation of how to treat it in the amendatory language. Although this mistake occurred, the preamble in that

document explained that FRA intended to revise paragraph (e)(6). This correction removes the old paragraph (e)(6) so that only the revised paragraph (e)(6) that was published on November 8, 1999, will remain part of the rule.

FRA published a document in the Federal Register of November 8, 1999, (64 FR 60966) amending "Appendix A to Part 240-Schedule of Civil Penalties." The appendix was amended by "adding penalty entries for §§ 240.104 and 240.231 and by revising the penalty entries for §§ 240.105, 240.111, 240.117, 240.121, 240.225, 240.229, 240.305, 240.307, 240.309 and footnote number 1." Two revisions to § 240.123 were published without any explanation of how to treat them in the amendatory language. By revising the penalty schedule for this section, the paragraph citations will match up better with the paragraphs cited to in the regulatory text. The sum total of these corrections are to change "(a)" to "(b)" and "(b)" to "(c)." Thus, only the revised penalty schedule entry for § 240.123 that was published on November 8, 1999, will remain part of the rule.

Corrections:

1. In rule FR Doc. 99–28930 published on November 8, 1999, (64 FR 60966) make the following correction. On page 60989, in the first column, item 5, add a close parenthesis to the introductory text of the revised definition of locomotive just prior to the colon, so that it reads:

* * * * *

Locomotive means a piece of on-track equipment (other than specialized roadway maintenance equipment or a dual purpose vehicle operating in accordance with § 240.104(a)(2)):

* * * * *

2. In rule FR Doc. 99–28930 published on November 8, 1999, (64 FR 60966) make the following correction. On page 60989, in the second column, item 5, correct the definition of service so that the last sentence reads:

* * * * *

* * * See also the definition of "filing" in this section.

* * * * *

3. In rule FR Doc. 99–28930 published on November 8, 1999, (64 FR 60966) make the following correction. On page 60994, in the third column, item 26, add "(e)(6)," after the phrase "[s]ection 240.309 is amended by revising paragraphs (e) introductory text, (e)(3), (e)(5)."

4. In rule FR Doc. 99–28930 published on November 8, 1999, (64 FR 60966) make the following correction. On page 60995, in the third column, item 30, add "240.123," after the phrase "Appendix A to part 240 is amended by adding penalty entries for §§ 240.104 and 240.231 and by revising the penalty entries for §§ 240.105, 240.111, 240.117, 240.121."

Dated: September 21, 2000.

S. Mark Lindsey,

Chief Counsel.

[FR Doc. 00–24706 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. NHTSA–99–6676; Notice 2]

Passenger Automobile Average Fuel Economy Standards; Final Decision to Grant Exemption

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This final decision responds to a petition filed by DeTomaso Automobiles, Ltd. (DeTomaso) requesting that it be exempted from the generally applicable average fuel economy standard of 27.5 miles per gallon (mpg) for model years (MYs) 2000 and 2001 and that lower alternative standards be established. In this document, NHTSA establishes an alternative standard for DeTomaso (now operating as the Qvale Automotive Group (QAG)) of 22.0 mpg for MYs 2000 and 2001.

DATES: *Effective date:* November 13, 2000. This exemption and the alternative standards apply to QAG for MYs 2000 and 2001.

Petitions for reconsideration: Petitions for reconsideration must be received no later than November 13, 2000.

ADDRESSES: Petitions for reconsideration of this rule should refer to the docket number and notice number cited in the heading of this notice and must be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Sanjay Patel, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Mr. Patel's telephone number is: (202) 366–0307.

For legal issues, you may contact Otto Matheke, Office of the Chief Counsel, NHTSA, Room 5219, 4000 Seventh Street, SW., Washington, DC 20590. Mr. Matheke's telephone number is: 202–366–5263.

SUPPLEMENTARY INFORMATION:

Statutory Background

Pursuant to 49 U.S.C. section 32902(d), NHTSA may exempt a low volume manufacturer of passenger automobiles from the generally applicable average fuel economy standards if NHTSA concludes that those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if NHTSA establishes an alternative standard for that manufacturer at its maximum feasible level. Under the statute, a low volume manufacturer is one that manufactured (worldwide) fewer than 10,000 passenger automobiles in the second model year before the model year for which the exemption is sought (the affected model year) and that will manufacture fewer than 10,000 passenger automobiles in the affected model year. In determining the maximum feasible average fuel economy, the agency is required under 49 U.S.C. 32902(f) to consider:

(1) Technological feasibility

(2) Economic practicability

(3) The effect of other Federal motor vehicle standards on fuel economy, and

(4) The need of the United States to conserve energy.

The statute permits NHTSA to establish alternative average fuel economy standards applicable to exempted low volume manufacturers in one of three ways: (1) A separate standard for each exempted manufacturer; (2) a separate average fuel economy standard applicable to each class of exempted automobiles (classes would be based on design, size, price, or other factors); or (3) a single standard for all exempted manufacturers.

Proposed Decision and Public Comment

This final decision was preceded by a proposal announcing the agency's tentative conclusion that DeTomaso should be exempted from the generally applicable MYs 2000 and 2001 passenger automobile average fuel economy standard of 27.5 mpg, and that alternative standards of 22.0 mpg for MY 2000 and MY 2001 be established for DeTomaso. (63 FR 73476; December 30, 1999). The agency received one comment from a Mr. Lance Tunick, a consultant acting on behalf of DeTomaso, supporting the establishment of an alternative standard for DeTomaso for MYs 2000 and 2001 and informing the agency that DeTomaso, which had submitted its petition as DeTomaso Automobiles Ltd.

had changed its name to the Qvale Automotive Group Srl (QAG). Accordingly, Mr. Tunick, acting on behalf of DeTomaso/QAG requested that the agency, in issuing its final decision, grant the exemption to QAG rather than DeTomaso. Accordingly, all references to DeTomaso in the proposed decision have been changed in this final decision to recognize that the final decision applies to QAG.

NHTSA Final Determination

The agency is adopting the tentative conclusions set forth in the proposed decision as its final conclusions, for the reasons set forth in the proposed decision. Based on these conclusions, the maximum feasible average fuel economy level for QAG is 22.0 mpg for MY 2000 and 22.0 mpg for MY 2001. NHTSA has determined that other Federal motor vehicle standards will not affect achievable fuel economy beyond the extent considered in the proposed decision and that the national effort to conserve energy will not be affected by granting this exemption. NHTSA hereby exempts QAG from the generally applicable passenger automobile average fuel economy standard for the 2000 and 2001 model years and establishes an alternative standard of 22.0 for MYs 2000 and 2001 for QAG.

Regulatory Impact Analyses

NHTSA has analyzed this decision and determined that neither Executive Order 12866 nor the Department of Transportation's regulatory policies and procedures apply. Under Executive Order 12866, the decision would not establish a "rule," which is defined in the Executive Order as "an agency statement of general applicability and future effect." The decision is not generally applicable, since it would apply only to the Qvale Automotive Group Srl., as discussed in this notice. Under DOT regulatory policies and procedures, the decision is not a "significant regulation." If the Executive Order and the Departmental policies and procedures were applicable, the agency would have determined that this decision is neither major nor significant. The principal impact of this decision is that the exempted company will not be required to pay civil penalties if its maximum feasible average fuel economy were achieved, and purchasers of those vehicles would not have to bear the burden of those civil penalties in the form of higher prices. Since this decision sets an alternative standard at the level determined to be the maximum feasible levels for QAG for MYs 2000 and 2001, no fuel would be saved by establishing a higher alternative standard. NHTSA finds in the Section on "The Need of the United States to Conserve Energy" that because of the small size of the QAG fleet, that incremental usage of gasoline by QAG's customers would not affect the United States's need to conserve gasoline. There are not any impacts for the public at large.

The agency has also considered the environmental implications of this decision in accordance with the Environmental Policy Act and determined that it does not significantly affect the human environment. Regardless of the fuel economy of the exempted vehicles, they must pass the emissions standards which measure the amount of emissions per mile traveled. Thus, the quality of the air is not affected by the alternative standards. Further, since the exempted passenger automobiles cannot achieve better fuel economy than is proposed herein, the decision does not affect the amount of fuel used.

Since the Regulatory Flexibility Act may apply to a decision exempting a manufacturer from a generally applicable standard, I certify that this decision will not have a significant economic impact on a substantial number of small entities. This decision does not impose any burdens on QAG. It relieves the company from having to pay civil penalties for noncompliance with the generally applicable standard for MYs 2000 and 2001. Since the price of 2000 and 2001 QAG automobiles will not be affected by this decision, the purchasers will not be affected.

List of Subjects in 49 CFR Part 531

Energy conservation, Gasoline, Imports, Motor vehicles.

In consideration of the foregoing, 49 CFR part 531 is amended to read as follows:

Part 531—[AMENDED]

1. The authority citation for part 531 is revised to read as follows:

Authority: 49 U.S.C. 32902, delegation of authority at 49 CFR 1.50.

2. In § 531.5, the introductory text of paragraph (b) is republished for the convenience of the reader and paragraph (b)(14) is added to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(14) QVALE AUTOMOTIVE GROUP SRL

Model year	Average fuel economy standard (miles per gallon)
2000	22.0
2001	22.0

Issued on: September 12, 2000.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 00–23906 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000623193-0193-01; I.D. 111899B, 060800D]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2000 Harvest Specifications for Groundfish; Correction

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

ACTION: Final 2000 harvest specifications; correction.

SUMMARY: This document corrects table 3 of the allocations of the pollock total allowable catch and directed fishing allowance to the inshore, catcher/processor, mothership, and community development quota components and table 7 of the final 2000 prohibited species catch (PSC) allowances specified for trawl groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI).

DATES: Correction to table 3 is effective February 15, 2000, through 2400 hrs A.l.t. December 31, 2000, and correction to table 7 is effective June 15, 2000, through 2400 hrs A.l.t. December 31, 2000.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: This document contains corrections to the final 2000 PSC allowances specified for trawl groundfish fisheries of the BSAI..

The Final 2000 Harvest Specifications for Groundfish (65 FR 8282, February 18, 2000) as amended (65 FR 42302, July 10, 2000; 65 FR 56502, September 10, 2000) established PSC allowances under

regulations implementing Amendment 57 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FR 65 31105, May 16, 2000). The 2000 Pacific halibut and crab PSC limits for the BSAI trawl fisheries were reduced to the following amounts: Pacific halibut, 3,675 mt; Zone 1 red king crab, 97,000 animals; *Chionoecetes(C.) opilio*, 4,350,000 animals; *C. bairdi* Zone 1,830,000; and *C. bairdi* Zone 2, 2,520,000 animals.

Correction

1. In the Final 2000 Harvest Specifications for Groundfish, Fisheries of the Exclusive Economic Zone Off Alaska; published on February 18, 2000 (65 FR 8282), FR Doc. 00-3912, mathematical errors were made in table 3.

Table 3 is corrected to read as follows:

Table 3 to Part 679—[Corrected]

In the second column, under the heading, "2000 DFA", the eighth entry "1,848" that corresponds with "Restricted C/P cap[5]", is corrected to read "1,948". In the sixth column, under the heading "C/D DFA", the seventh entry "1,069" is corrected to read "1,169".

2. In the document, 2000 harvest specifications; technical amendment, published on July 10, 2000 (65 FR 42302), FR Doc. 00-17269, on page 42303, an incorrect entry was made in Table 7. Table 7 is corrected to read as follows:

Table 7 to Part 679—[Corrected]

In the third column, under the heading, "Herring (mt) BSAI",'' the fourth entry, "22,665" that corresponds with "RKC Savings subarea[3]'' is corrected to read "....." and in the fourth column, under the heading "Red King Crab (animals) Zone 1" in the second blank entry, that corresponds with "RKC savings subarea[3]" is corrected to read "22,665".

Dated: September 25, 2000.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–25041 Filed 9–28–00; 8:45 am]

BILLING CODE 3510-22-S

Proposed Rules

Federal Register
Vol. 65, No. 190
Friday, September 29, 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.

FARM CREDIT ADMINISTRATION

12 CFR Part 611

RIN 3052–AC00

Organization; Stockholder Vote on Like Lending Authority

AGENCY: Farm Credit Administration.

ACTION: Reproposed rule; request for comment.

SUMMARY: The Farm Credit Administration (FCA or Agency) is reproposing regulations to carry out territorial consent requirements of the Farm Credit Act of 1971, as amended (Act). The reproposed rule requires Farm Credit System (FCS or System) institutions and stockholders in certain areas of the country to vote on certain charter amendments. The charter amendments would provide eligible customers the opportunity to obtain lending services from more than one association.

EFFECTIVE DATE: Please send your comments to us by October 30, 2000.

ADDRESSES: You may send comments by electronic mail to "reg-comm@fca.gov" or through the Pending Regulations section of our Web site at "www.fca.gov." You may also send comments to Patricia W. DiMuzio, Director, Regulation and Policy Division, Office of Policy and Analysis, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090 or fax them to (703) 734–5784. You may review copies of all comments we receive in the Office of Policy and Analysis, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:
Eric Howard, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TDD (703) 883–4444,
or
Joy Strickland, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION:

I. Objectives

On March 8, 2000, we announced our plan to remove geographic barriers by considering applications for national (also referred to as nationwide) charters from direct lender associations. We believe removing the geographic constraints on System entities will promote greater efficiency, improve customer service, and ensure the System continues to meet the current and future needs of rural America. We also believe national charters can improve the safety and soundness of FCS associations' loan portfolios because they offer opportunities to diversify commodity and geographic concentration risks. We issued guidance to System institutions on May 3, 2000, explaining the process of applying for a national charter. Before we can grant national charters in all 50 states, however, the Act requires certain associations to conduct stockholder votes. Our objectives for this rule are to:

- Implement the stockholder approvals required by statute; and
- Ensure stockholders have adequate information before voting on competitive charters.

II. Background

On May 9, 2000, we published a proposed rule in the **Federal Register** to amend part 611 of our regulations. *See* 65 FR 26776. Provisions in the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (1992 amendments) require stockholder votes on competitive charters involving certain associations in Alabama, Louisiana, Mississippi, and New Mexico.[1] Stockholder approval in these states is necessary before we can act on applications for competitive charters that would include the territory served by the covered associations. The proposed rule required stockholders in these four states to vote on competitive charters that would allow eligible customers to borrow from more than one association.

We received 18 comment letters in response to the proposed rule. Of this total, we received comments from three Farm Credit banks, three production credit associations (PCAs), four Federal land credit associations (FLCAs), two agricultural credit associations, and one jointly managed PCA/FLCA. We also received a comment letter from a Farm Credit Bank (FCB) and seven of its affiliated associations. Several commenters sent in more than one comment.

The comment letters revealed several views about the proposed requirements for conducting stockholder votes on competitive charters. One commenter wrote to convey full support for the proposed rule. Several commenters expressed support for removing the territorial restrictions that prevent borrowers from choosing their System lender, but objected to specific requirements of the proposed rule. Many of the commenters objected to the short timeframes required to fulfill the proposed voting procedures. Other commenters raised concerns over the impact added competition would have on their institution and urged us to withdraw or substantially revise the rule to address these concerns. Finally, the FCB of Texas and seven of its affiliated associations (hereinafter referred to as the FCB of Texas) questioned our authority to issue a rule requiring stockholder votes on competitive charters.

We have decided to repropose this regulation. On July 20, 2000, we published a notice in the **Federal Register** seeking comment on our May 3, 2000 publication entitled *National Charters* (Booklet). *See* 65 FR 45066. This Booklet is located on our Web site at "www.fca.gov" and provides guidance on the national charter application process. Because we believe that comments on the Booklet may be relevant to this regulation, we have decided to ask for further comment on the regulation. In addition, we have modified the proposed rule to address many of the comments we received. The modifications provide greater flexibility for implementing the statutory voting requirements. We believe that an additional opportunity for comment may be beneficial to the covered associations and their stockholders.

III. The Reproposed Regulations—General Comments

A. FCA Authority

The FCB of Texas commented the FCA lacks the authority to force a vote on competitive charters in the covered areas. The commenters assert that

[1] Pub. L. 102–552, 106 Stat. 4102 (Oct. 28, 1992) (codified as section 5.17(a)(2)(B), (a)(2)(C), (a)(13), and (1)(14) of the Act.)

nothing in the Act or its amendments requires affected institutions to conduct votes of their stockholders or boards of directors. And, if a covered association does not conduct a vote, the FCA would not be able to approve a new or amended competitive charter. According to the commenters, the FCA's authority is merely to inform the covered institutions of an overcharter request. It would then be up to the institutions' boards of directors to conduct the votes if they chose to do so. Finally, the commenters assert that conducting a vote on competitive charters is a business decision that is best left to the institution.

In response to these comments, we observe that the FCA has broad authority in section 5.17(a)(9) of the Act to prescribe regulations necessary or appropriate for carrying out the Act. Section 5.17(a)(11) of the Act gives us the authority to exercise such incidental powers as may be necessary or appropriate to fulfill our duties and carry out the purposes of the Act. We also have the authority in sections 2.0(b)(8)(D), 2.10(c)(4) and 5.17(a)(2)(A) of the Act to issue and approve amendments to Federal charters of System institutions. This reproposed rule is based on these authorities implementing the requirements of the 1992 amendments.

The 1992 amendments state that FCA cannot issue a charter amendment that will result in competition for institutions in covered areas unless specified approvals take place. The Act does not, however, contain any details on how to fulfill the approvals. We agree with the commenters that, as a general principle, business decisions should be left to System institutions. However, the FCA wishes to implement the Act in a way that ensures a fair process for all institutions and stockholders affected by this statutory requirement.

Many institutions have submitted charter amendment requests to us for national territories. The Act requires certain approvals before we can grant national charter amendments. We believe that it is critical that the approval process be fair to both the covered institutions that must approve the charter amendments and the institutions seeking the charter amendments. To ensure an appropriate approval process, we are implementing a voting process through notice and comment rulemaking. By taking this action, all affected parties will have an opportunity to provide input on the process.

The commenters have suggested a situation that provides strong justification for FCA to adopt regulations requiring a voting process to implement the 1992 amendments. The commenters suggest that covered institutions could refuse to conduct a stockholder vote. Under this scenario, no competitive charter amendments in the covered geographic areas would ever be possible. This result would be unfair to the System institutions seeking national charters. It would also be unfair to stockholders in the covered areas who would be deprived of the opportunity to express their views on the merits of having other FCS lenders serving their areas. This is clearly not what Congress intended when it adopted the 1992 amendments.

There is no evidence in the plain language of the Act or the legislative history that Congress intended to prevent competitive charter amendments from being granted. If Congress intended to prevent competitive charters, it could have done so. There is also no evidence that Congress intended to grant the covered institutions the ability to prevent charter amendments through inaction. Instead, the remedy Congress granted the covered institutions is to prevent competition by disapproving charter amendments through votes of the stockholders and bank boards of directors in all the covered areas and association boards of directors in New Mexico.

If the covered associations never act on competitive charters, no other associations could get charter amendments for those areas. This would unfairly restrict all the other associations in the System from seeking competitive charters in the covered areas. In contrast, our approach in the reproposed regulation is fair. Those stockholders, associations, and banks that do not want competitive charters in the covered territories have a full and fair remedy to prevent competitive charters. They can vote to disapprove the issuance of competitive charters. This rule would ensure that a fair approval process occurs.

B. Group Voting on National Charters

Some commenters stated that voting on national charters as a group violates the 1992 amendments. They contend the 1992 amendments require a vote to approve or disapprove each competitive charter amendment. They believe that the covered institutions should have an opportunity to evaluate the identity of the specific association requesting the charter amendment and the impact of granting it a competitive charter. The commenters note our concern over the cost and disruptive effect voting on each charter request would entail.

In response, we note that the 1992 amendments do not specify the details for stockholders, associations, and bank boards of directors to approve or disapprove competitive charter amendments. Therefore, it is our responsibility to specify how to carry out the consent requirement in a reasonable manner. We acknowledge that there are other, less desirable procedures, such as a separate vote on each competitive charter amendment that might comply with the Act. We believe, however, the Act also permits the covered institutions to conduct a vote on whether *any* association charter amendment can be granted. We further believe that the intent of Congress, which was to give covered institutions the right to prevent their territories from being overchartered without their consent, is preserved by voting on whether any association could be chartered in the covered territories.

The commenters suggest that FCA bundle many requests together to lessen the burden of separate stockholder and board votes. This suggestion presents many practical problems considering there are over 100 direct lender associations in the System. Providing specific association-by-association information on each association seeking a national charter would be cumbersome and burdensome to both the covered institutions and the voting stockholders. We believe we are proposing the most reasonable approach by requiring covered institutions to conduct votes on whether *any* competitive charter may be granted in their territories. If a covered institution wishes to allow competitive charters for certain associations but not others, it can vote to disapprove the question in the rule and conduct individual votes on particular associations at a later time. In the latter event, the institution can make the business decision to conduct votes on more than one association at a time as it sees fit. However, we do not believe it is appropriate for us to place this added burden on covered institutions and their stockholders.

C. Fairness of Process

Finally, one bank and three associations commented that it is unfair that a covered association could vote to disapprove overchartering but remain eligible to receive a nationwide charter. The commenters encouraged us to prevent covered associations from being able to protect their current lending area from competition by disapproving the question, while at the same time applying for a nationwide charter.

We note that the commenters make compelling points on this issue. We did not, however, make this change in the reproposed regulations for several reasons. First, the 1992 amendments grant certain rights to the covered associations that the Act does not provide to the rest of the FCS associations. We believe implementing the commenters' suggestions could be viewed as penalizing the covered associations for exercising their statutory protections. Further, limiting those eligible for national charters would be inconsistent with the Board's philosophy to ensure greater opportunities for agricultural and rural borrowers.

IV. The Reproposed Regulations—Section-by-Section Discussion

A. Section 611.1150—Definitions

We received three comments concerning which institutions should be covered by the voting requirements. The FCB of Wichita commented that Farm Credit of New Mexico, FLCA, (New Mexico FLCA), should be a covered association. The New Mexico FLCA commented that we should include it as a covered association and that it supports the comments of the FCB of Wichita. The bank stated that the New Mexico FLCA exercises lending authority in territory that was served by associations that were reassigned pursuant to section 433 of the Agricultural Credit Act of 1987 (1987 Act).[2] Thus, the bank concluded that the New Mexico FLCA comes within the protections of the 1992 amendments. The bank believes that excluding the New Mexico FLCA could result in unfair competition from other New Mexico associations should cross-title lending authority be implemented.[3]

We did not include the New Mexico FLCA as a covered association because we believe the 1992 amendments apply only to associations that were reassigned. The language of the 1992 amendments must be interpreted consistent with its legislative history. The legislative history clarifies that Congress intended the amendments to only apply to those "associations availing themselves of the opportunity to be reassigned."[4] Congress stated that: "The amendment is intended only to assure the farmer-borrowers who own the reassigned associations that their associations would not be overchartered without their consent."[5] Thus, the legislative history demonstrates that section 5.17(a)(13) and (14) does not apply to the New Mexico FLCA.

After the PCAs changed their affiliation from the FCB of Wichita to the FCB of Texas, the FCB of Texas' charter was amended to include short- and intermediate-term lending in New Mexico, but that authority was not deleted from the FCB of Wichita's charter. The overlapping bank charters created the potential for PCA overchartering that the 1992 amendments were designed to address. At the time the 1992 amendments were enacted, there was no potential for overchartering the New Mexico FLCA because it was not reassigned and the FCB of Wichita continued to have the only long-term lending charter for that territory.[6] Therefore, we believe Congress clearly intended to protect only the reassigned New Mexico PCAs from overchartering without consent.

We also received comments from the Northwest Louisiana PCA and the FCB of Texas that the rule should include the Northwest Louisiana PCA as a covered association. The commenters maintain that the 1992 amendments were intended to protect those areas that suffered because of the failure and subsequent receivership of the former Federal Intermediate Credit Bank of Jackson (FICBJ). Because the Northwest Louisiana PCA is included in that geographic area, it should not be overchartered without its consent. They further maintain that excluding the PCA merely because it reassigned to the FCB of Texas would unfairly deny it this statutory protection.

This position is contrary to the language of the 1992 amendments. Congress carefully crafted a description of the area where the protections would apply. Section 5.17(a)(2)(B) applies only to the geographic area where due to the failure of the FICBJ to merge, the FICBJ or its successor (AgFirst FCB) is chartered to provide short-and intermediate-term credit, and a neighboring FCB that is not the FICBJ's successor (FCB of Texas) is chartered to provide long-term credit. Northwest Louisiana PCA was reassigned from the FICBJ to the FCB of Texas in 1993. However, because the reassignment was *not* under section 433 of the 1987 Act, the PCA's territory was deleted from the FICBJ's charter. The FCB of Texas is currently chartered to provide long-term credit in the geographic area served by Northwest Louisiana PCA. Neither the FICBJ nor its successor (AgFirst FCB) is chartered to provide short-and intermediate-term credit in this area. As a result, Northwest Louisiana PCA is not entitled to the protections of the 1992 amendments.

Finally, one association commented the 1992 amendments should not apply in areas where the FCB of Texas no longer provides direct long-term credit because it has transferred its long-term lending authority to the FLCAs. Thus, the commenter believes that the protections should not apply to the FLCAs and should only apply to the remaining Federal land bank association (FLBA), the Federal Land Bank Association of South Mississippi. In response, we note that under section 5.17(a)(2)(C) the protections apply in the area where the FCB of Texas "is chartered to provide long-term credit."[7] As the commenters correctly note, the FCB of Texas has transferred direct lending authority to the FLCAs in the former Jackson district and no longer provides credit directly.[8] Although the direct lending authority remains in the bank's charter, our regulations make clear that this authority cannot be exercised once a bank transfers direct lending authority to its FLCAs. However, the FCB of Texas' charter also authorizes it to lend to its associations for the purpose of providing long-term credit. We conclude that the charter thus allows the bank to "provide long-term credit" within the meaning of section 5.17(a)(2)(C) and that the consent provisions apply to the FLCAs.

We have carefully considered the comments on the definition of covered associations. For the reasons stated above, we are making no changes to the associations covered by the reproposed rule.

B. Section 611.1151—What Stockholders Must Decide

Most of the commenters expressed concern with the wording of the proposed stockholder question. Some of the commenters believe the question could be confusing or misleading to stockholders on the consequences of their vote. Commenters also inquired why we proposed one question for stockholders and another for boards of directors. Others felt that the question was too vague and should more closely follow the language of the statute. Finally, other commenters contended

[2] Pub. L. 100–233, 101 Stat. 1568 (Jan. 6, 1988).

[3] The FCA Board stated on March 8, 2000, that the second phase for implementing its philosophy on intra-System competition would involve cross-title authority for direct lender associations. The FCA will provide guidance on cross-title authority issues at a later date.

[4] H.R. Rep. No. 783, 102nd Cong., 2nd Sess. (Aug. 4, 1992).

[5] *Id.*

[6] Until recently, the New Mexico FLCA was a Federal land bank association that had no direct lending authority of its own. It made loans only as an agent of the FCB of Wichita.

[7] Section 5.17(a)(2)(B) and (a)(2)(C) of the Act.

[8] *Id.*

that the question was designed to encourage approval.

These commenters have persuaded us to repropose a single question for both stockholders and boards of directors. The question in the reproposed rule more closely follows the statute, but is written in plain language to promote greater understanding by the voters. By more closely following the statute, the consequences of approving or disapproving the question should be clearer to stockholders. We note that neither the proposed nor reproposed question is intended to encourage a particular outcome. In addition, to help reduce the potential for confusion, we are adding a statement for the New Mexico PCAs to explain that the territories that currently overlap will not be affected by the outcome of the question.

Two banks and two associations encouraged us to change the voting process to allow reciprocal approval of the question. The commenters expressed concern that under the proposal, a covered association voting "yes" would open its territory to another covered association that voted "no." The commenters suggested that covered associations should be able to condition their approval of the question on the approval of other covered associations.

We agree with the commenters' suggestion, and the reproposed question provides for reciprocal voting. The reproposed question is as follows:

Should the Farm Credit Administration issue a charter or charter amendment that would allow any Farm Credit System association to exercise lending authority in the territory now served by X Association?

Approval. Voting to approve means that any other association will be able to make loans in the territory now served by X Association, but only if X Association has the opportunity to make loans in the territory served by the other association.

Disapproval. Voting to disapprove means that no other association will be able to [make long-term mortgage loans or make short-and intermediate-term loans as appropriate] in the territory now served by X Association.
[For New Mexico PCAs—Currently, more than one PCA serves your territory. This competition will not be eliminated regardless of your vote.]

C. Section 611.1152—Bank and Association Boards of Directors' Votes

The FCB of Texas commented that its stockholders should be permitted to vote on the question as it affects lending in the former Jackson district. The bank believes that its charter will be affected by the national charter amendments and therefore, the Act requires a vote of its stockholders. Section 5.17(a)(2)(B) of the Act requires approval by various parties depending on which charters are "affected." Because this rulemaking only addresses amendments to association charters, only the provisions of section 5.17(a)(2)(B)(i) apply. Under that section, bank stockholders do not participate in the voting. Further, this rule applies to charter amendment requests for direct lender associations only. By the time voting occurs under this rule, the FCB of Texas will have no direct lending authority in the former Jackson district.[9] Therefore, the FCB of Texas' charter will not be affected by direct lender association charter amendment requests. Thus, we are not including bank stockholder voting in the reproposed rule.

A bank and two associations asked for clarification on bank and association board voting. They asked which bank boards would vote in connection with the PCAs that were reassigned in New Mexico. We clarify that the board of directors of the FCB of Wichita will vote on the question as it affects the PCA of Southern New Mexico, which is affiliated with it. The FCB of Texas will vote on the question as it affects the two associations it funds, the PCA of New Mexico and the PCA of Eastern New Mexico.

The commenters also asked whether each of the boards of directors of the PCAs that were reassigned in New Mexico would vote on competitive charters with respect to the other New Mexico PCAs. We clarify that the boards of directors of the PCAs in New Mexico will vote on the question only with respect to their own institution.

Finally, the FCB of Texas asserted that conducting stockholder votes before the boards of directors' votes could waste resources and promote unnecessary conflict between stockholders and the boards of directors. The commenters also noted that typically a matter is presented to stockholders only after the board of directors has considered the issue and recommends approval. The commenters maintain that if the boards of directors vote first and disapprove the question, there would be no need for a stockholder vote.

We believe there are compelling reasons for the association stockholders to vote first. It is the stockholders/borrowers who will be most affected by the outcome of the national charter votes. We believe that the bank boards (and, in New Mexico, the PCA boards) should have the benefit of knowing the views of the association stockholders before making their own decision.

We also disagree that this order of voting promotes confusion and unnecessary conflict between stockholders and their boards of directors. In the former Jackson district, the Act does not provide for the approval of the association boards of directors.[10] Nonetheless, the voting procedure allows the associations' board and management to make a recommendation to the stockholders and provide reasons for their recommendations. Thus, we do not believe this process will confuse the stockholders about their boards' position on the issue.

D. Section 611.1153—Information Statement

The FCB of Texas commented the FCA lacks the authority to dictate the form and substance of the Information Statement. The commenters assert that nothing in the Act grants the FCA the power to prescribe or even influence the material in an information statement transmitted to stockholders. The commenters also assert that the FCA has no authority to make any changes in the content of the Information Statement. The commenters agree that all information contained in the Information Statement should be accurate and complete, but they are concerned that we are attempting to control the contents of their communications with stockholders.

The FCA has authority in the Act to regulate and review information provided by institutions to stockholders in several areas. For example, section 5.17(a)(8) authorizes us to regulate information on the financial condition and operations of the institutions, and section 7.11 authorizes us to approve the disclosures to stockholders for certain corporate actions including mergers, transfers of lending authority and terminations. We have implemented these statutory provisions by rule. These areas highlight the need for FCA review of and involvement in the disclosure provided to stockholders to ensure stockholders receive complete and accurate information. We also have broad authority to prescribe regulations necessary and appropriate to implement the Act. Using that authority, we have

[9] The FCB of Texas is scheduled to transfer its direct lending authority to the FLBA by October 1, 2000.

[10] We believe the commenters' concern about a possible conflict between association stockholders and a bank's board of directors is misplaced. These two groups are members of different organizations that may have different interests.

previously adopted rules to implement other corporate actions, such as transfers of lending authority and mergers, consolidations, and charter amendments of associations. These rules include detailed requirements for our review and approval of the information provided to stockholders. We used these regulations as a guideline for developing the model Information Statement. We believe that regulating the disclosure given to stockholders for significant chartering actions is critical to carrying out our statutory authority.

Our authority to change the content of the Information Statement is consistent with our authority to review and approve it and to adopt regulations prescribing its content. Notwithstanding our authority to do so, we recognize that making changes to the Information Statement would be a step beyond the past procedures we have adopted. Based on the points raised by the commenters, we do not believe it is necessary to include this provision in the reproposed rule.

As a general matter, we want to assure the commenters that our intent is not to influence a vote of the stockholders of the associations. We want only to ensure that the stockholders receive accurate and complete information on the consequences of competitive charters in the covered areas. We also believe that our involvement in the disclosure process is necessary to ensure that the stockholders receive balanced information. We point out that the association boards of directors are free to recommend approval or disapproval to their stockholders and provide detailed reasons for their recommendations. Finally, we are not requiring the institutions to adopt the model Information Statement word-for-word. Although we believe the model Information Statement is balanced and provides complete information to stockholders, institutions may modify the wording, as long as the information presented is complete, balanced, and not misleading.

The FCB of Texas commented that the FCA has no authority to include a statement of the FCA Board in the Information Statement. The commenters believe that this is inconsistent with the FCA's role as an arms-length regulator. The commenters further state that inclusion of a FCA Board statement would be an attempt to manipulate the business decisions of the institutions. We believe that we have authority to require a statement of our views on the charter amendments to be included in the Information Statement. We do, however, understand the commenters' concerns. Our goal in proposing to include our views in the Information Statement was to ensure fair and balanced disclosure. Based on the commenters' concerns, however, we have reconsidered whether including the FCA Board's views is necessary. Because we will review and approve the Information Statement, and because we are providing a model Information Statement, we do not believe that including our views is necessary.

Finally, we clarify for the commenters that all equity holders will receive the Information Statement to keep them informed of the issues affecting their institution. Only voting stockholders, according to the institution's bylaws, would vote on the question.

E. Section 611.1154—Timeframe for the Vote

The FCB of Texas commented that the proposed regulations provided extremely short time limits for conducting the vote. For example, they believe that 10 days for stockholders to review the Information Statement is inadequate. They noted the proposed timeframe does not provide an opportunity for information meetings with stockholders to discuss the potential benefits and drawbacks of this initiative. Finally, the commenters suggest they will need a minimum of 6 months for the entire process, including preparation of the Information Statement.

We understand that the stockholders will be voting on a significant issue. As a result, we have revised the timeframes for preparing the Information Statement and conducting the stockholders' and boards of directors' votes. The reproposed regulation requires the stockholders' votes be completed by July 16, 2001, and the boards of directors' votes be completed by July 31, 2001. The extended timeframes should also allow more time for the institutions to prepare the Information Statement as well as greater time for stockholders to review and discuss the question. In order to ensure that the votes are conducted by July 31, 2001, however, the reproposed regulations require that the covered associations submit the Information Statement to us for review by May 1, 2001. It is also important to note that while we granted covered associations the flexibility to determine the time available for stockholder review, the reproposed regulations continue to require that stockholders be given at least 10 days. Finally, the reproposal extends the time for our review of the Information Statement from 10 to 15 business days.

F. Miscellaneous Sections

We received no comments on §§ 611.1155 through 611.1158; thus we are making no changes to this section in the reproposed rule.

Proposed § 611.1159 would prohibit an officer, director, employee, or agent of an institution from making any representation that would appear to be a statement of the FCA on the merits of the question. The FCB of Texas commented that this section would violate the First Amendment of the Constitution because it "chills free speech." Further, they believe that as written, the prohibition is too vague. We respond by revising § 611.1159 to more clearly communicate our intention. The reproposed rule prohibits any officer, director, employee, or agent of an institution from making any untrue or misleading statement to stockholders in connection with a vote on the question. This prohibition is standard in disclosures to stockholders for most corporate activities involving stockholder votes, and it is not intended to restrict free speech. Instead, it is intended to ensure that stockholders are not misled.

We received numerous comments on proposed § 611.1160, which provided for us to conduct a stockholder vote on the question if an institution failed to do so. The commenters questioned whether FCA has the authority to conduct a vote of stockholders. We continue to believe that we have the authority to implement the 1992 amendments by conducting a vote of stockholders if necessary. After carefully considering the comments, however, we do not believe that this provision is necessary. Instead, we will rely on our enforcement authorities to ensure the votes are conducted. Thus, we are not including § 611.1160 in the reproposed rule.

G. Other Comments

A bank and two associations commented that they could not evaluate the issues that this proposal raised with regard to cross-title lending authority. The commenters noted that they would reserve further comments on this issue until they received more information on this process. As previously noted, we plan to provide guidance on cross-title authority issues at a later date.

One association commented that imposing voting requirements on associations in some states without imposing the same requirements on associations in all states may violate the due process clause of the Fifth Amendment. We note that we are merely implementing the statutory

voting requirements that Congress enacted in the 1992 amendments.

List of Subjects in 12 CFR Part 611

Accounting, Agriculture, Banks and banking, Rural areas.

For the reasons stated in the preamble, we are reproposing amendments to part 611 of chapter VI, title 12 of the Code of Federal Regulations as follows:

PART 611—ORGANIZATION

1. The authority citation for part 611 continues to read as follows:

Authority: Secs. 1.3, 1.13, 2.0, 2.10, 3.0, 3.21, 4.12, 4.15, 4.20, 4.21, 5.9, 5.10, 5.17, 7.0–7.13, 8.5(e) of the Farm Credit Act (12 U.S.C. 2011, 2021, 2071, 2091, 2121, 2142, 2183, 2203, 2208, 2209, 2243, 2244, 2252, 2279a–2279f–1, 2279aa–5(e)); secs. 411 and 412 of Pub. L. 100–233, 101 Stat. 1568, 1638; secs. 409 and 414 of Pub. L. 100–399, 102 Stat. 989, 1003, and 1004.

2. Add subpart J to read as follows:

Subpart J—Stockholder Vote on Like Lending Authority

Sec.

Subpart J—Stockholder Vote on Like Lending Authority

§ 611.1150 What definitions are used in this subpart?

(a) *Days* means calendar days unless otherwise noted.

(b) *You or covered associations* means the associations subject to section 5.17(a)(2)(B), (a)(2)(C), (a)(13) and (a)(14) of the Farm Credit Act of 1971, as amended, specifically First South Production Credit Association; Louisiana Federal Land Bank Association, FLCA; Federal Land Bank Association of North Alabama, FLCA; Federal Land Bank Association of South Alabama, FLCA; Federal Land Bank Association of North Mississippi, FLCA; Production Credit Association of Southern New Mexico; Production Credit Association of Eastern New Mexico; Production Credit Association of New Mexico; and the FLBA of South Mississippi provided that it is chartered as a Federal land credit association.

(c) *We or us* means the Farm Credit Administration.

§ 611.1151 What must your stockholders decide?

(a) You must conduct a vote of your voting stockholders, voting in person or by proxy, at a duly authorized meeting, on this question:

Question: Should the Farm Credit Administration issue a charter or charter amendment that would allow any Farm Credit System association to exercise lending authority in the territory now served by X Association?

Approval: Voting to approve means that any other association will be able to make loans in the territory now served by X Association, *but only if* X Association has the opportunity to make loans in the territory served by the other association.	*Disapproval:* Voting to disapprove means that no other association will be able to [make long-term mortgage loans or make short- and intermediate-term loans as appropriate] in the territory now served by X Association.

New Mexico PCAs must include the following: Currently, more than one PCA serves your territory. This competition will not be eliminated regardless of your vote.

(b) Before the vote on the question, you must prepare an Information Statement, obtain Farm Credit Administration approval of it, and distribute it to your stockholders.

§ 611.1152 What votes must be conducted by bank and certain association boards of directors?

(a) Not later than 12 days following the notice from the independent third party required by § 611.1156(a), the board of directors of the Farm Credit Bank of Texas, AgFirst Farm Credit Bank, and the Farm Credit Bank of Wichita must vote on the question in paragraph (a) of § 611.1151 with regard to their affiliated associations and report the results to us.

(b) Not later than 12 days following the notice from the independent third party required by § 611.1156(a), the boards of directors of the Production Credit Association of Southern New Mexico, the Production Credit Association of Eastern New Mexico, and the Production Credit Association of New Mexico must vote on the question in paragraph (a) of § 611.1151 and report the results to us.

(c) The votes referenced in paragraphs (a) and (b) of this section must take place no later than July 31, 2001.

§ 611.1153 What must the Information Statement contain?

(a) The Information Statement must include the question in § 611.1151(a) and must substantially conform to the model Information Statement provided as an appendix to this subpart. The Information Statement must also include a:

(1) Notice of meeting;

(2) Proxy ballot and instructions;

(3) Brief summary of the question;

(4) Discussion of the advantages and disadvantages of approving the question; and

(5) Association board statement or recommendation (optional).

(b) We may also require additional information in the Information Statement to ensure stockholders have accurate and adequate information.

§ 611.1154 What is the timeframe for this vote?

(a) You must submit the Information Statement to us no later than May 1, 2001, but you may submit it earlier. You may send the Information Statement to us by regular mail, facsimile, electronic transmission, overnight mail, or other similar delivery method.

(b) Not later than 15 business days after receipt of the Information Statement, we will review the Information Statement and notify you of our approval or denial. We may require you to change the Information Statement to ensure that it provides accurate and complete information to stockholders on the question.

(c) You must ensure your stockholders have a minimum of 10 days to review the Information Statement before the meeting at which the stockholders will vote on the question in § 611.1151.

(d) A meeting of the stockholders to vote on the question in § 611.1151 must take place no later than July 16, 2001.

§ 611.1155 How are the votes tabulated?

The votes will be tabulated by an independent third party within 2 business days of the stockholder meeting.

§ 611.1156 Who is notified of the results of the stockholder vote?

(a) On the day the votes are tabulated, the independent third party must report the results to you, the appropriate bank(s), and us.

(b) Within 10 days of the stockholder meeting, the independent third party must provide the Farm Credit Administration with a certified copy of the stockholders' vote on the question.

§ 611.1157 How many votes are needed for passage of the questions?

The votes in §§ 611.1151 and 611.1152 will be determined by the majority of those voting, in person or by proxy as appropriate, at a duly authorized meeting in accordance with the associations' or banks' quorum requirements.

§ 611.1158 What notifications must be made?

(a) You must notify the stockholders of the results of the votes referenced in §§ 611.1151 and 611.1152 within 10 business days.

(b) The board of directors of the Farm Credit Bank of Texas, the Farm Credit Bank of Wichita, and the AgFirst Farm Credit Bank must notify each of the covered associations with which they have a funding relationship of the results of the vote in § 611.1152(a) within 2 business days.

§ 611.1159 Are there additional requirements?

No bank or association director, officer, employee, or agent may make any untrue or misleading statement to a stockholder of the association in connection with a vote on the question in § 611.1151.

Appendix A to Subpart J—Model Information Statement

Table of Contents

Note: Appendix A Contains a Model Information Statement to Aid in Compliance With Subpart J of Part 611.

A–1—Notice of Stockholders' Meeting of X Association

1. A meeting of the stockholders of X Association will be held at (location) located at (address), on (date), beginning at (time).

2. At this meeting, you will be asked to vote on the following question:

Should the Farm Credit Administration issue a charter or charter amendment that would allow any Farm Credit System association to exercise lending authority in the territory now served by X Association?

Approval. Voting to approve means that any other association will be able to make loans in the territory now served by X Association, but only if X Association has the opportunity to make loans in the territory served by the other association.

Disapproval. Voting to disapprove means that no other association will be able to [make long-term mortgage loans or make short- and intermediate-term loans as appropriate] in the territory now served by X Association.

(New Mexico PCAs must include the following: Currently, more than one PCA serves your territory. This competition will not be eliminated regardless of your vote.)

3. The Farm Credit Administration (FCA) Board has received applications from direct lender associations for national (also referred to as nationwide) charters. National charters would enable other Farm Credit System (System) lenders to make loans in the territory now served by your Association. As a result, you could have greater choice of System lenders in your area.

4. The Farm Credit Act of 1971, as amended (Act), requires approval by the voting stockholders of your Association before the FCA can issue a charter or amend a charter that would allow any System lender to make loans, of the same type as those that your Association can make, in the geographic territory now served by your Association. For the question to be approved, a majority of the voting stockholders of X Association voting, in person or by proxy, at a duly authorized meeting of such stockholders, must vote to approve the question. The Act requires other approvals before nationwide charters can be issued in the territory served by X Association. Also, approval of the question is conditional upon X Association being able to lend in the other associations' territories. These approvals are explained in the brief summary of the question (Appendix A–5).

5. Attached is a packet of information related to the question. The packet includes a brief summary of the question; advantages/disadvantages of allowing other System associations to exercise lending authority for eligible customers in the geographic territory; and a Board of Directors' Statement (optional).

6. Information on balloting and proxies is included under Appendix A–2, including the deadline of (date) for receipt of the proxy forms by your Association. If you have any questions about the Information Statement or the question, you may discuss them at the stockholders' meeting on (date). Your board of directors urges you to vote in person or by proxy at the stockholders' meeting.

7. If you are a nonvoting stockholder or holder of participation certificates, you cannot vote on the question. However, we sent you this Information Statement to keep you informed of the possible changes affecting your Association.

Enclosures.

_____

Name

(Signature of appropriate association official(s))

A–2—Proxy Instructions and Ballot

If you are entitled to vote and are unable to attend the meeting in person, you may appoint a proxy to vote as you direct. The following are instructions for completing the Proxy Ballot and Proxy Form:

1. Complete the Proxy Ballot.

a. Mark either "APPROVE" or "DISAPPROVE" in the appropriate box on the Ballot. *Unmarked Proxy Ballots will be voted to approve the question.*

b. Enclose Proxy Ballot in the Ballot Envelope provided. Seal the envelope.

2. Complete the Proxy Form.

a. If you prefer, you may name as your proxy someone other than the directors named on the Proxy Form by writing in the name of the person in the blank space provided. Please note that for your vote to count, the person you name as proxy must be a voting stockholder of the association and must be present at the stockholders' meeting.

b. Date and sign the Proxy Form in the space indicated.

3. Enclose your signed and dated Proxy Form and sealed Ballot Envelope in the business reply envelope provided. Mail to your Association in the pre-addressed return envelope provided.

For your vote to count, your Proxy Ballot and Proxy Form must be received in the association office no later than (time) on (date) or delivered to an election official before balloting at the stockholders' meeting. You have the right to cancel your proxy at any time prior to the beginning of balloting at the stockholders' meeting.

A–3—Proxy Form

I, _____, as holder of stock and authorized to vote such stock in X Association, cancel any previous proxies and appoint (Name), Director, X Association, as my proxy, or I appoint _____, as my proxy to attend the association stockholders' meeting on (date), and any continuation or adjournment of the meeting, to vote for me on the question, and to act for me with the same effect as if I were personally present.

I understand that I may cancel this proxy and the authority it represents at any time prior to balloting at the stockholders' meeting. Unless cancelled, this proxy will expire upon the official announcement of the results of the vote on the question. I also understand that, if necessary, the person I name as my proxy can substitute someone else as my proxy and can later cancel that substitution.

Date: _____

_____

Signature*

_____

Representative Title**

*Please sign exactly as your name appears on the above label.

**When signing as an executor, administrator, trustee, or guardian on behalf of a corporation or partnership, please sign your name on the first line and indicate your full representative title on the second line.

A–4—Ballot (For Use as Proxy Ballot or Voting in Person) X Association

Question: Should the Farm Credit Administration issue a charter or charter amendment that would allow any Farm Credit System association to exercise lending authority in the territory now served by X Association?

I direct that my Ballot be voted as follows:

_____ *Approval.* Voting to approve means that any other association will be able to make loans in the territory now served by X Association, but only if X Association has the opportunity to make loans in the territory served by the other association.

_____ *Disapproval.* Voting to disapprove means that no other association will be able to [make long-term mortgage loans or make short- and intermediate-term loans as appropriate] in the territory now served by X Association.

(New Mexico PCAs must include the following: Currently, more than one PCA serves your territory. This competition will not be eliminated regardless of your vote.)

If I do not direct how this ballot shall be voted, I intend it to be cast to APPROVE the question.

Note: For your vote to count, your Proxy Ballot and Proxy Form must be received in the association office no later than (time) on (date) or delivered to an election official prior to balloting at the stockholders' meeting. You have the right to cancel your proxy at any time prior to the beginning of balloting at the stockholders' meeting.

A–5—Brief Summary of the Question

1. In a July 14, 1998, Philosophy Statement, the FCA Board expressed its view that competition is beneficial for customers and will help ensure the Farm Credit System will continue to meet the current and future needs of rural America. To facilitate competition and improve services for all farmers, ranchers, and other eligible customers, the FCA Board indicated its support for several measures including the removal of geographical restrictions of System entities.

2. The FCA Board has received applications for national charters from System direct lender associations. Before the FCA can grant applications for full nationwide charters, however, the Agency must carry out two requirements of the Act that call for stockholder voting in certain areas of the country. Congress required stockholder voting in the geographic area in which the Federal Intermediate Credit Bank (FICB) of Jackson or its successor (AgFirst Farm Credit Bank) is chartered to provide short- and intermediate-term credit and the Farm Credit Bank of Texas is chartered to provide long-term credit. Congress also required the consent of stockholders of three production credit associations in New Mexico pursuant to section 433 of the Agricultural Credit Act of 1987.

3. Your Association serves the [counties/states of xxx], and (insert either (1) has territory that is within the geographic area of the successor to the former FICB of Jackson or (2) reaffiliated under section 433.] As a result, you are being asked whether you approve the FCA's issuance of charters to associations that would allow them to make similar loans to you and other eligible customers in the territory of your Association.

4. Approval of the question does not, however, guarantee that other associations may be chartered to lend in your Association's territory. Associations other than those in the area served by the former Jackson FICB and the PCAs in New Mexico may apply for nationwide charters if they choose to do so. Similarly, your Association may be able to obtain a charter for all areas outside of those covered by the Act.

5. In addition, amending the charters of other associations in the territory served by the former Jackson FICB and the PCAs in New Mexico is conditional upon those associations also voting to approve the question. If you vote to approve the question, you are approving the question only for those associations that will allow your Association to lend in their territories. Similarly, your Association's ability to provide credit in the territories served by other associations in the areas covered by the Act will depend upon whether your Association's stockholders approve the same question you have before you.

6. Following the stockholder vote on the question, the board of directors of the [insert appropriate bank] [and insert associations if this Information Statement refers to section 5.17(a)(13) and (a)(14)] will also vote on the question. The question must be approved by a majority of the stockholders voting and a majority of the board of directors of the banks [and associations, if appropriate] before another System lender may be chartered to make similar loans in the territory of your Association. If approved by all parties involved, the FCA may grant requests from other FCS associations to serve the territory currently served by your Association.

A–6—Advantages and Disadvantages of Approving the Question

There are advantages and disadvantages of your approval of the question. The following is a brief discussion of the principal advantages and disadvantages to the stockholders of your Association. This discussion does not claim to provide a complete analysis of all the expected outcomes of approval of the question. In addition, there can be no assurance that any expected advantage or disadvantage below will take place in whole or part. The realization of any advantages and disadvantages depends on how each association implements its nationwide charter. You should also consider that the advantages and disadvantages affect not only you but also all other eligible System customers and potential customers.

Advantages

1. Allowing other System associations to make loans in the territory of your Association may provide System customers in the [insert geographic area] with more choices for credit. You may have a greater choice of financial services because System lenders offer different loan products, interest rates, and repayment options. If the question is approved, you may have the freedom to select the System lender of your choice.

2. Competition for loans within a geographic area may also provide associations the opportunity and incentive to become more efficient and more competitive. This competition is likely to lower the cost of credit and improve the quality of service for you and other customers.

3. System lenders across the country may be better able to develop niche products and thus offer specialized lending services to customers in the territory of your Association and across the country. You may be able to obtain your main source of operational funding from one lender and specialized services from another. E-commerce services may be enhanced after territorial restrictions are removed.

4. National charters may also help System lenders compete more effectively with non-System lenders who are not restricted by geographical constraints. System lenders will be able to provide seamless credit to agricultural producers across the United States. Removing geographical boundaries may also allow System lenders to diversify the geographic and commodity mix in their loan portfolios, thereby providing opportunities to improve their long-term safety and soundness.

5. Finally, approval of this question may heighten awareness of each System lender's public policy mission for service within its original chartered territory. The FCA will continue to ensure that each System association fulfills its responsibility to make services available to all eligible customers within its current chartered territory.

Disadvantages

1. As System lenders compete for customers, some associations may become less viable if added competitive pressures reduce profit margins. In addition, if the challenges associated with greater competition are not met, the capital investment of stockholders may be at a higher risk. There are 155 associations that may request nationwide charters as of September 1, 2000. As a result, the management of your Association may be under increased pressure to provide efficient and cost effective services.

2. In the long run, some associations may be forced to cut back or eliminate certain services. Also, associations entering new geographic areas may primarily focus on larger or more profitable borrowers while less attention may be given to the more marginal borrowers in the associations' new and existing chartered territories.

3. Some associations may not be competitive in their present form and may have to merge or take other corporate restructuring actions to remain viable.

A–7—X Association Board Statement (Optional)

The Association board of directors may state its views and recommendation on the question and elaborate on the reasons for its recommendation.

Dated: September 26, 2000.

Kelly Mikel Williams,

Secretary, Farm Credit Administration Board.

[FR Doc. 00–25071 Filed 9–28–00; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–221–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Saab Model SAAB 2000 series airplanes. This proposal would require an inspection to ensure correct installation of certain self-seal couplings in each nacelle, and corrective action, if necessary. This proposal also would require installation of a new clamp to the self-seal couplings. This action is necessary to prevent separation of the self-seal couplings, which could result in loss of engine oil pressure and a flight-crew-commanded engine shutdown. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by October 30, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–221–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–221–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000–NM–221–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–221–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, notified the FAA that an unsafe condition may exist on certain Saab Model SAAB 2000 series airplanes. The LFV advises that it received reports of inadvertent separation of certain self-seal couplings of the nacelles. Subsequent closure of the valves in the two coupling halves resulted in rupture of the engine-mounted generator. Rupture of the generator caused loss of engine oil pressure and spillage of oil into the nacelle.

Separation of the self-seal couplings, if not corrected, could result in loss of engine oil pressure and a flight-crew-commanded engine shutdown.

Explanation of Relevant Service Information

Saab has issued Service Bulletin 2000–79–005, dated May 22, 2000, which describes procedures for a one-time general visual inspection to ensure correct installation of air-cooled oil cooler (ACOC) self-seal couplings in each nacelle, and corrective action, if necessary. The service bulletin also describes procedures for installation of a new clamp to the self-seal couplings to enhance the lock ring function. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The LFV classified this service bulletin as mandatory and issued Swedish airworthiness directive 1–158, dated May 23, 2000, in order to assure the continued airworthiness of these airplanes in Sweden.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or

develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 3 Model SAAB 2000 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be provided by the vendor at no charge to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $180, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Saab Aircraft AB: Docket 2000–NM–221–AD.

Applicability: Model Saab 2000 series airplanes, certificated in any category, having serial numbers –004 through –063 inclusive.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent separation of the self-seal couplings, which could result in loss of engine oil pressure and a flight-crew-commanded engine shutdown, accomplish the following:

(a) Within 3 months after the effective date of this AD, perform a one-time general visual inspection to ensure correct installation of the air-cooled oil cooler (ACOC) self-seal couplings in each nacelle, and install a new clamp to the self-seal couplings, in accordance with Saab Service Bulletin 2000–79–005, dated May 22, 2000. If any coupling is installed incorrectly, prior to further flight, perform the corrective actions specified in the service bulletin in accordance with the procedures specified in the service bulletin.

Note 2: For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Note 4: The subject of this AD is addressed in Swedish airworthiness directive 1–158, dated May 23, 2000.

Issued in Renton, Washington, on September 25, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–24983 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–48–AD]

RIN 2120–AA64

Airworthiness Directives; S.N. CENTRAIR Model 201B Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to all S.N. CENTRAIR Model 201B sailplanes. The proposed AD would require you to modify the rear canopy emergency release system. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified in the proposed AD are intended to prevent the rear canopy retaining strap from not

releasing properly during the emergency egress procedure because of the current design of the rear canopy emergency release system. This condition, if not corrected, will not allow the rear canopy to completely separate from the sailplane and could result in potential injury to the pilot during an emergency egress.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this proposed rule by October 31, 2000.

ADDRESSES: Send comments in triplicate to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–48–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may inspect comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

You may get service information that applies to the proposed AD from S.N. CENTRAIR, Aerodome—36300 Le Blanc, France; telephone: 02.54.37.07.96; facsimile: 02.54.37.48.64. You may read this information at the Rules Docket at the above address.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

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

How can I be sure FAA receives my comment? If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write "Comments to Docket No. 2000–CE–48–AD." We will date stamp and mail the postcard back to you.

Discussion

What events have caused this proposed AD? The Direction Gońorale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on all S.N. CENTRAIR Model 201B sailplanes. The DGAC reports an incident where a Model 201B rear canopy strap did not properly release during an actual emergency egress.

The DGAC advises that the problem is related to the unreliability of the rear canopy from completely separating from the sailplane during an emergency egress procedure.

What are the consequences if the condition is not corrected? If the rear canopy retaining strap does not release properly during the emergency egress procedure, the rear canopy will not completely separate from the sailplane. This could result in potential injury to the pilot during an emergency egress.

Relevant Service Information

Is there service information that applies to this subject? S.N. CENTRAIR has issued Service Bulletin No. 201–16, Revision 1, dated December 12, 1999.

What are the provisions of this service bulletin? The service bulletin:

- Specifies the installation of a mechanism that automatically releases the rear canopy strap when the emergency canopy lever is actuated;
- Includes Process Sheet for Fitment of the Release Unit for the Rear Canopy Strap on Glider Centrair 201 "Marianne", dated March 17, 1999. This document includes procedures for incorporating the modification; and
- Specifies an inspection to assure that this modification is accomplished correctly.

What actions did the DGAC take? The DGAC classified this service bulletin as mandatory and issued French AD Number 1995–055(A) R1, dated February 5, 2000, in order to assure the continued airworthiness of these sailplanes in France.

Was this in accordance with the bilateral airworthiness agreement? This sailplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept FAA informed of the situation described above.

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

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

- The unsafe condition referenced in this document exists or could develop on other S.N. CENTRAIR Model 201B sailplanes of the same type design;
- The actions specified in the previously-referenced service information should be accomplished on the affected sailplanes, except for requiring an inspection to ensure that the modification is accomplished correctly and;
- AD action should be taken in order to correct this unsafe condition.

What does the proposed AD require? This proposed AD would require you to install a mechanism that automatically releases the rear canopy strap when the emergency canopy lever is actuated. Accomplishment of the proposed modification would be in accordance with the procedures in S.N. Centrair Process Sheet for Fitment of the Release Unit for the Rear Canopy Strap on Glider Centrair 201 "Marianne", dated March 17, 1999 (or the instructions provided with the modification kit).

Cost Impact

How many sailplanes does the proposed AD impact? We estimate that the proposed AD affects 41 sailplanes in the U.S. registry.

What is the cost impact of the proposed AD on owners/operators of the affected sailplanes? We estimate the

following costs to accomplish the proposed modification:

Labor cost	Parts cost per sailplane	Total cost per sailplane	Total cost on U.S. sailplane operators
4 workhours × $60 per hour = $240	$150	$390	$15,990

Compliance Time of the Proposed AD

What is the compliance time of the proposed AD? The compliance time of this proposed AD is "within the next 3 months after the effective date of this AD."

Why is the compliance time presented in calendar time instead of hours time-in-service (TIS)? Although the rear canopy retaining strap not releasing properly during the emergency egress procedure occurs during flight, the condition is not a direct result of sailplane operation. The chance of this situation occurring is the same for a sailplane with 10 hours TIS as it would be for a sailplane with 500 hours TIS. A calendar time for compliance will assure that the unsafe condition is addressed on all sailplanes in a reasonable time period.

What are the differences between the French AD and the proposed AD? The French AD requires installation of a mechanism that automatically releases the rear canopy strap when the emergency canopy lever is actuated. The French AD also requires a visual inspection to ensure that the modification is incorporated correctly.

The FAA does not require this inspection because we believe that the procedures are adequate to allow the maintenance personnel to accomplish the action correctly.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

S.N. CENTRAIR: Docket No. 2000–CE–48–AD.

(a) *What sailplanes are affected by this AD?* This AD applies to Model 201B sailplanes, all serial numbers, certificated in any category.

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

(c) *What problem does this AD address?* The actions specified in this AD are intended to prevent the rear canopy retaining strap from not releasing properly during the emergency egress procedure because of the current design of the rear canopy emergency release system. This condition, if not corrected, will not allow the rear canopy to completely separate from the sailplane and could result in potential injury to the pilot during an emergency egress.

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

Actions	Compliance times	Procedures
(1) Install a mechanism that automatically releases the rear canopy strap when the emergency canopy lever is actuated.	Within the next 3 months after the effective date of this AD.	(i) Follow the procedures in S.N Centrair Process Sheet for Fitment of the Release Unit for the Rear Canopy Strap on Glider Centrair 201 "Marianne", dated March 17, 1999 (or the instructions provided with the modification kit). (ii) The document specified above is referenced in S.N. CENTRAIR Service Bulletin No. 201–16, Revision 1, dated December 12, 1999. (iii) The inspection referenced in the service bulletin is not required by this AD.
(2) Do not install a rear canopy emergency release system without incorporating the modification referenced in paragraph (d)(1) of this AD.	As of the effective date of this AD	Not Applicable.

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

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

(2) The Manager, Small Airplane Directorate approves your alternative. Send your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106.

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

(f) *Where can I get information about any already-approved alternative methods of compliance?* You can contact Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; facsimile: (816) 329–4090.

(g) *What if I need to fly the sailplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your sailplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may obtain copies of the documents referenced in this AD from S.N. CENTRAIR, Aerodome—36300 Le Blanc, France; telephone: 02.54.37.07.96; facsimile: 02.54.37.48.64. You may read these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Note 2: The subject of this AD is addressed in French AD 1999–055(A)R1, dated February 5, 2000.

Issued in Kansas City, Missouri, on September 22, 2000.

Michael K. Dahl,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–24982 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AWP–11]

Proposed Revision of Class D Airspace; Laughlin/Bullhead International Airport, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to revise Class D airspace at Laughlin/Bullhead International Airport, AZ, by including that airspace within a 4.2-mile radius of the Laughlin/Bullhead international Airport west of a line 1.8-miles west of and parallel to the north/south runway. Additional Class D airspace is required to contain circling instrument approaches to the west of the airport. A review of airspace classification and air traffic procedures has made this action necessary.

DATES: Comments must be received on or before November 13, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 00–AWP–11, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 92061.

An informational docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Richard V. Coffin Jr., Airspace Specialist Airspace Branch, AWP–520.9, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6533.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with the comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 00–AWP–11." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

The FAA is considering a revision to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class D airspace at Laughlin/Bullhead International Airport, AZ. This action establishes additional controlled airspace required for circling instrument approaches to the west of the Laughlin/Bullhead International Airport, AZ. A review of airspace classification and air traffic procedures has made this action necessary. Class D airspace is published in Paragraph 5000 of FAA Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, through September 15, 2001, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical

regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and 93) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace

* * * * *

AWP AZ D Bullhead City, AZ [Revised]

Laughlin/Bullhead International Airport, AZ
(Lat. 35°09′ 27″N, long. 114°33′ 34″W)

That airspace extending upward from the surface to and including 2,500 feet AGL within a 4.2-mile radius of the Laughlin/Bullhead International Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Los Angeles, California, on September 15, 2000.

Dawna Vicars,

Assistant Managers, Air Traffic Division, Western-Pacific Region.

[FR Doc. 00–25074 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–13–M

POSTAL SERVICE

39 CFR Part 111

Refunds and Exchanges

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service is proposing to amend the Domestic Mail Manual (DMM) to clarify the policy on unused meter stamps. We are also proposing to add policies for refunds for postage and fees paid by information-based indicia (IBI); refunds of valid, unused IBI; and refunds of the remaining balance on a postal security device (PSD) that is surrendered and withdrawn from service.

DATES: We must receive comments on or before November 28, 2000.

ADDRESSES: Mail or deliver written comments to the Manager, Postage Technology Management, USPS Headquarters, 475 L'Enfant Plaza SW, Room 8430, Washington DC 20260–2444. You can view and make copies of all written comments at this address for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Nicholas S. Stankosky, 202–268–5311.

SUPPLEMENTARY INFORMATION: We have submitted a proposal to add regulations to the Domestic Mail Manual (DMM) regarding postage paid by information-based indicia (IBI). This proposed rule defines the regulations associated with refund requests for such postage, and clarifies regulations for refunds for unused meter stamps.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rule making by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed amendments to the Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Amend the following sections of the Domestic Mail Manual as set forth below:

P POSTAGE AND PAYMENT METHODS

P000 Basic Information

P010 General Standards

* * * * *

P014 Refunds and Exchanges

* * * * *

2.0 POSTAGE AND FEES REFUNDS

[Replace current 2.1 with new 2.1 to correct references in 2.1.b and to add 2.1.c (subsequent sections are renumbered) on refunds for postage paid by information-based indicia (IBI) to read as follows:]

2.1 Refund Standards

A refund for postage and fees may be made under:

a. The standards below if postage and special or retail service fees are paid and no service is rendered, or if the amount collected was more than the lawful rate.

b. 3.0 for refund requests made at a time other than the time of mailing for refunds for postage and fees paid by meter impressions, refunds of unused meter impressions, and unused units set in meters.

c. 4.0 for refund requests made at a time other than the time of mailing for refunds for postage and fees paid by information-based indicia (IBI), refunds of valid, unused IBI, and refund of the remaining balance on a postal security device (PSD) that is surrendered and withdrawn from service.

d. 5.0 for refund requests for postage made at the time of mailing.

e. P021 for rejected personalized envelopes.

* * * * *

[Revise 2.5 to clarify the refund policy for meter stamps, to read as follows:]

2.5 Refunds for Meter Stamps

A refund for complete and legible unused meter stamps is made when they are submitted within 1 year from the dates shown on the stamps. The Postal Service charges a fee of 10 percent if the face value of the stamps is $250 or less. If the face value is more than $250, the service fee charged is $10 per hour for the actual hours needed to

process the refund, with a minimum charge of $25.

[Add new 2.6 (subsequent sections are renumbered) to read as follows:]

2.6 Refunds for Information-Based Indicia (IBI)

A refund for complete and legible valid, unused IBI on unmailed envelopes or labels is made when they are submitted to the authorized provider within 10 days from the date of mailing shown in the indicia. The provider may charge a service fee of no more than 10 percent of the face value of the IBI.

* * * * *

[Replace current 2.8 and 2.9 with new 2.9 and 2.10 to add references to postage evidencing systems that print information-based indicia to read as follows:]

2.9 Applying for Refund

Except for refunds for unused IBI and unused postage value remaining on a postal security device (see 4.0), the customer must apply for a refund on Form 3533, Application and Voucher for Refund of Postage and Fees, submitted to the postmaster, and must provide the envelope, wrapper, or a part of it showing the names and addresses of the sender and addressee, canceled postage and postal markings, or other evidence of postage and fees paid for which the refund is requested. For IBI, the product service provider processes requests for refunds.

2.10 Ruling on Refund Request

Except for refunds for IBI under 2.6, the local postmaster grants or denies other requests for refunds under 2.0. The customer may appeal an adverse decision through the postmaster to the RCSC. A mailer's request for a refund for an Optional Procedure (OP) mailing must be submitted to the RCSC manager.

For IBI, the product service provider grants or denies requests for refunds (see 4.0). The registered user may appeal an adverse decision through the manager of Postage Technology Management (PTM), USPS Headquarters.

* * * * *

[Add new 4.0 (subsequent sections are renumbered) to read as follows:]

4.0 REFUND REQUEST FOR INFORMATION-BASED INDICIA (IBI)

4.1 Unused Postage Value Remaining on a Postal Security Device (PSD)

The unused postage value remaining on a postal security device (PSD) that is surrendered and withdrawn from service can be refunded. The registered user must notify the product service provider of the intent to withdraw the PSD. The refund will be issued through the registered user's provider. To determine the remaining postage value on the PSD, the registered user has the postage evidencing system generate a refund request indicium for transmittal to the provider for verification. A refund can be issued only when the PSD is in the provider's possession. If the PSD is withdrawn from service for faulty or misregistering operation, a final postage adjustment or refund may be withheld pending the product service provider's report to the Postal Service of the cause of the faulty operation. If the PSD is damaged, postage is refunded only if the registers are legible, or can be reconstructed by the provider.

4.2 Unused Information-Based Indicia (IBI)

Unused IBI are considered for refund only if they are complete, legible, and valid, and are submitted to the authorized provider for verification with Postal Service Form 3533–PCP–X, Refund Request for Unused IBI Postage, within 10 days of the date of mailing shown in the indicia. Form 3533–PCP–X lists the indicia submitted for refund and must be signed and dated by the registered user. In support of the refund request, IBI printed on an envelope or wrapper are submitted with the part of the envelope or wrapper showing the addressee's name and address (including the window in a window envelope). For IBI printed on a label that is not affixed to an envelope or wrapper, the complete label is submitted loose. The registered user shall use the U.S. mail to send the unused postage to the provider.

4.3 Rounding

Any fraction of a cent in the total to be refunded is rounded in favor of the USPS (*e.g.*, $4.187 is rounded to $4.18).

* * * * *

Appropriate amendments to 39 CFR part 111 to reflect these changes will be published if the proposal is adopted.

Dated:

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00–25091 Filed 9–28–00; 8:45 am]

BILLING CODE 7710–12–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 063–0029b; FRL–6876–5]

Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Pinal County Air Quality Control District portion of the Arizona State Implementation Plan (SIP). These revisions concern sulfur dioxide (SO_2) emissions from fuel burning installations, sulfite pump mills, and fossil fuel fired generators. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act), and to remove one rule from the SIP.

DATES: Any comments on this proposal must arrive by October 30, 2000.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations: Arizona Department of Environmental Quality, 3033 North Central, Phoenix, AZ 95012.

Pinal County Air Quality Control District, Building F, 31 North Pinal Street, Florence, AZ 85232.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Office (Air–4), U.S. Environmental Protection Agency, Region IX, (415) 744–1197.

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules:

Air pollution agency	Rule No.	Rule title	Submitted
PCAQCD	5–22–950	Fossil Fuel Fired Steam Generator Standard Applicability	11/27/95
PCAQCD	5–22–960	Fossil Fuel Fired Steam General Sulfur Dioxide Emission Limitation.	11/27/95

Air pollution agency	Rule No.	Rule title	Submitted
PCAQCD	5–24–1024	Sulfite pulp mills—sulfur compound emissions	11/27/95
PCAQCD	7–3–2.5	Other Industries (repealed)	10/07/98

In the Rules and Regulations section of this **Federal Register**, we are approving these local rules and remove one rule in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: August 21, 2000.

Carl Kohnert,

Acting Regional Administrator, Region IX.

[FR Doc. 00–24569 Filed 9–28–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NY43b–212, FRL–6873–1]

Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve a revision to the New York State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds and oxides of nitrogen. This revision was submitted to comply with provisions of the Clean Air Act (CAA) relating to the adoption of vehicle refueling controls or comparable measure(s) in the upstate portion of New York State. The intended effect of this action is to approve a program required by the CAA which will result in emission reductions that will help achieve attainment of the national ambient air quality standard for ozone. In the "Rules and Regulations" section of this **Federal Register**, EPA is approving New York's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received on or before October 30, 2000.

ADDRESSES: All comments should be addressed to: Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.

Copies of the State submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.

New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10278, (212) 637–4249.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: August 21, 2000.

William J. Muszynski,

Acting Regional Administrator, Region 2.

[FR Doc. 00–24788 Filed 9–28–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 091900B]

RIN 0648–A027

Fisheries of the Exclusive Economic Zone Off Alaska; Rebuilding Overfished Fisheries

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

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted for Secretarial review Amendment 14 to the Fishery Management Plan for the Bering Sea/Aleutian Islands King and Tanner Crabs (FMP). This amendment contains a rebuilding plan for the overfished stock of Bering Sea snow crab. It is an action intended to ensure that conservation and management measures continue to be based upon the best scientific information available and enhance the Council's ability to achieve, on a continuing basis, optimum yield from fisheries under its authority.

DATES: Comments on the amendment must be submitted on or before November 28, 2000.

ADDRESSES: Comments may be submitted to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel. Comments also may be sent via facsimile (fax) to 907-586-7465. Comments will not be accepted if submitted via e-mail or Internet. Courier or hand delivery of comments may be made to NMFS in the Federal Building, Room 453, Juneau, AK 99801. Copies of Amendment 14 to the FMP, and the Environmental Assessment prepared for the amendment are available from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501-2252; telephone 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Gretchen Harrington, 907-586-7228 or gretchen.harrington@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS declared the Bering Sea stock of snow crab (*Chionoecetes opilio*) overfished on September 24, 1999, because the spawning stock biomass was below the minimum stock size threshold defined in Amendment 7 to the FMP (64 FR 11390, March 9, 1999). Amendment 7 specified objective and measurable criteria for identifying when all of the crab fisheries covered by the FMP are overfished or when overfishing is occurring.

On September 24, 1999, NMFS notified the Council that the stock was overfished (64 FR 54791, October 8, 1999). The Council then took action to develop a rebuilding plan within 1 year of notification as required by section 304(e)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). In June 2000, the Council adopted Amendment 14, the rebuilding plan, to accomplish the purposes outlined in the national standard guidelines to rebuild the overfished stock. Amendment 14 specifies a time period for rebuilding the stock intended to satisfy the requirements of the Magnuson-Stevens Act. Under the rebuilding plan, the Bering Sea snow crab stock is estimated to rebuild, with a 50 percent probability, within 10 years. The stock will be considered "rebuilt" when it attains the maximum sustainable yield stock size level for 2 consecutive years.

The rebuilding plan consists of a framework that references the State of Alaska's harvest strategy, bycatch control measures, and habitat protection measures. The plan uses the harvest strategy developed by the Alaska Department of Fish and Game. The harvest strategy was reviewed and adopted by the Alaska Board of Fisheries. Section 8.3 of the FMP defers development of harvest strategies to the State of Alaska, with oversight by NMFS and the Council. The rebuilding harvest strategy should result in more spawning biomass because more large male crab would be conserved and fewer juveniles and females would die due to incidental catch and discard mortality. More spawning biomass would be expected to produce larger year-classes when environmental conditions are favorable. Protection of habitat and reduction of bycatch may reduce mortality of juvenile crabs, thus allowing a higher percentage of each year-class to contribute to spawning and future landings.

The Council prepared an Environmental Assessment (EA) for Amendment 14 that describes the management background, the purpose and need for action, the management alternatives, and the environmental and the socio-economic impacts of the alternatives. A copy of the EA can be obtained from the Council (see **ADDRESSES**).

The Magnuson-Stevens Act requires that each regional fishery management council submit each FMP or FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or FMP amendment, immediately publish a notification in the **Federal Register** that the amendment is available for public review and comment. This action constitutes such notice for FMP Amendment 14. NMFS will consider the public comments received during the comment period in determining whether to approve this FMP amendment. To be considered, a comment must be received by close of business on the last day of the comment period (see **DATES**), regardless of the comment's postmark or transmission date.

Dated: September 25, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–25036 Filed 9–28–00; 8:45 am]

BILLING CODE 1510-22-S

Notices

Federal Register
Vol. 65, No. 190
Friday, September 29, 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. 00–092–1]

User Fees; Agricultural Quarantine and Inspection Services

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice pertains to user fees charged for agricultural quarantine and inspection services we provide in connection with commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international airline passengers arriving at ports in the Customs territory of the United States. The purpose of this notice is to remind the public of the user fees for fiscal year 2001 (October 1, 2000, through September 30, 2001).

FOR FURTHER INFORMATION CONTACT: For information concerning program operations, contact Mr. Colonel Locklear, Senior Staff Officer, PPQ, APHIS, 4700 River Road Unit 60, Riverdale, MD 20737–1236; (301) 734–8372.

For information concerning rate development, contact Ms. Donna Ford, User Fees Section Head, FSSB, BASEU, MRP–BS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232; (301) 734–8351.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 354.3 (referred to below as the regulations) contain provisions for the collection of user fees for agricultural quarantine and inspection (AQI) services provided by the Animal and Plant Health Inspection Service (APHIS). These services include, among other things, inspecting commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international airline passengers arriving at ports in the Customs territory of the United States from points outside the United States. (The Customs territory of the United States is defined in the regulations as the 50 States, the District of Columbia, and Puerto Rico.)

These user fees are authorized by section 2509(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a). This statute, known as the Farm Bill, was amended by section 504 of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104–127, 110 Stat. 888) on April 4, 1996.

On July 24, 1997, we published in the **Federal Register** (62 FR 39747–39755, Docket No. 96–038–3) a final rule that amended the regulations by adjusting our user fees for servicing commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international airline passengers arriving at ports in the Customs territory of the United States from points outside the United States and by setting user fees for these services for fiscal years 1997 through 2002. Additionally, on November 16, 1999, we published in the **Federal Register** (64 FR 62089–62096, Docket No. 98–073–2) another final rule that amended the regulations by updating some of the user fees. When we established the user fees for fiscal years 1997 through 2002, we stated that, prior to the beginning of the fiscal year, we would publish a notice to remind the public of the user fees for that fiscal year. This document provides notice to the public of the user fees for fiscal year 2001.

We inspect commercial vessels of 100 net tons or more.[1] As specified in § 354.3(b)(1), our user fee for inspecting commercial vessels will be $474.50 during fiscal year 2001 (October 1, 2000, through September 30, 2001).

We inspect commercial trucks[2] entering the Customs territory of the United States. Commercial trucks may pay the APHIS user fee each time they enter the Customs territory of the United States from Mexico[3] or purchase a prepaid APHIS permit for a calendar year. Since commercial trucks are also subject to Customs user fees, our regulations provide that commercial trucks must prepay the APHIS user fee if they are prepaying the Customs user fee. In that case, the required APHIS user fee is 20 times the user fee for each arrival and is valid for an unlimited number of entries during the calendar year (see § 354.3(c)(3)(i) of the regulations). The truck owner or operator, upon payment of the APHIS and the Customs user fees, receives a decal to place on the truck windshield. This is a joint decal, indicating that both the Customs and APHIS user fees for the truck have been paid for that calendar year. As specified in § 354.3(c)(1), our user fee for inspecting commercial trucks will be $4.50 for individual arrivals and, as specified in § 354.3(c)(3)(i), $90 for a calendar year 2001 decal.

We inspect commercial railroad cars[4] entering the Customs territory of the United States. These user fees may be paid per inspection or prepaid. Prepaid user fees cover 1 calendar year's worth of AQI inspections. As specified in § 354.3(d)(1), the user fee for this service will be $7.00 per loaded commercial railroad car for each arrival or, if user fees are prepaid, $140 (20 times the individual arrival fee) for each loaded railcar during fiscal year 2001 (October 1, 2000, through September 30, 2001).

We also inspect international commercial aircraft[5] arriving at ports in the Customs territory of the United States. As specified in § 354.3(e)(1), the user fee will be $64.75 during fiscal year 2001 (October 1, 2000, through September 30, 2001).

We also inspect international airline passengers[6] arriving at ports in the

[1] Those commercial vessels subject to inspections are specified in 7 CFR, chapter III, part 330 or in 9 CFR, chapter I, subchapter D of the regulations. Exemptions to these user fees are specified in § 354.3(b)(2).

[2] Those commercial trucks subject to inspections are specified in 7 CFR, chapter III, part 330 or in 9 CFR, chapter I, subchapter D of the regulations. Exemptions to these user fees are specified in § 354.3(c)(2).

[3] Section 354.3(c)(2)(i) of the regulations states that commercial trucks entering the Customs territory of the United States from Canada are exempt from paying an APHIS user fee.

[4] Those commercial railroad cars subject to inspections are specified in 7 CFR, chapter III, part 330 or in 9 CFR, chapter I, subchapter D of the regulations. Exemptions to these user fees are specified in § 354.3(d)(2).

[5] Those commercial aircraft subject to inspections are specified in 7 CFR, chapter III, part 330 or in 9 CFR, chapter I, subchapter D of the regulations. Exemptions to these user fees are specified in § 354.3(e)(2).

[6] Those international airline passengers subject to inspections are specified in 7 CFR, chapter III, part

Continued

Customs territory of the United States. As specified in § 354.3(f)(1), the international airline passenger user fee will be $3.00 during fiscal year 2001 (October 1, 2000, through September 30, 2001).

Done in Washington, DC, this 25th day of September 2000.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–25021 Filed 9–28–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration (GIPSA).

[00–B]

Pilot Programs for Official Agencies

ACTION: Notice.

SUMMARY: GIPSA is extending the current three pilot programs (timely service, open season, and barge) pending changes to the current statutory authority for such programs. These pilot programs were established in 1995 and 1998 to allow more than one official agency to provide official services within a single geographic area. These programs are scheduled to end on September 30, 2000.

FOR FURTHER INFORMATION CONTACT: Neil E. Porter, telephone 202–720–8262.

SUPPLEMENTARY INFORMATION: Sections 7(f) and 7A of the United States Grain Standards Act (Act) (7 U.S.C. 79(f)) and (7 U.S.C. 79a) were amended by the United States Grain Standards Act Amendments of 1993 (Public Law 103–156) on November 24, 1993, to authorize GIPSA's Administrator to conduct pilot programs allowing more than one official agency to provide official services within a single geographic area without undermining the declared policy of the Act. The purpose of the pilot programs is to evaluate the impact of allowing more than one official agency to provide official services within a single geographic area. These pilot programs are scheduled to end on September 30, 2000.

On September 27, 1995, GIPSA published a **Federal Register** Notice (60 FR 49828), announcing two new pilot programs (timely service and open season) to begin on November 1, 1995. The timely service pilot program allowed official agencies to provide official services to facilities outside their assigned geographic area on a case-by-case basis when these services could not be provided in a timely manner by the official agency designated to serve the area. The open season pilot program allowed official agencies to offer their services to facilities outside their assigned geographic area where no official sample-lot or official weighing services had been provided in the previous 6 months. On October 3, 1996, GIPSA published a **Federal Register** Notice (61 FR 51674), which reduced the qualification period to 3 months.

On January 15, 1998, GIPSA published a **Federal Register** Notice (63 FR 2360), announcing a pilot program allowing barges on all rivers to be sampled by probe by any official agency. This barge pilot option was initiated on March 1, 1998.

On October 1, 1998, GIPSA published a **Federal Register** Notice (63 FR 52682) extending the three pilot programs to September 30, 2000.

The pilot programs are extended pending changes to the current statutory authority for the pilot programs. GIPSA will continue to monitor and evaluate the pilot programs. If, at any time, GIPSA determines that any pilot program is having a negative impact on the offical system or is not working as intended, the program may be modified or discontinued.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: September 22, 2000.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 00–24925 Filed 9–28–00; 8:45 am]

BILLING CODE 3410–EN–U

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Publication of Depreciation Rates

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Utilities Service (RUS) hereby announces the depreciation rates for telecommunications plant for the period ended December 31, 1999.

DATES: These rates are effective for the period beginning January 1, 1999 and ending December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Jonathan P. Claffey, Deputy Assistant Administrator, Telecommunications Program, Rural Utilities Service, 1400 Independence Avenue, SW., Room 4056, STOP 1590, Washington, DC 20250–1590. Telephone: (202) 720–9556.

SUPPLEMENTARY INFORMATION: Section 206(a)(3) of the Rural Electrification Act of 1936 requires RUS to annually determine and publish average depreciation rates used by its borrowers for the purposes of depreciating telecommunications plant. The following chart provides those rates, compiled by RUS for the reporting period ended December 31, 1999:

AVERAGE DEPRECIATION RATES OF RUS BORROWERS BY EQUIPMENT CATEGORY FOR PERIOD ENDED DECEMBER 31, 1999:

Telecommunications plant category	Depreciation rate (percent)
1. Land and Support Assets:	
a. Motor vehicles	15.00
b. Aircraft	10.00
c. Special purpose vehicles	12.00
d. Garage and other work equipment	10.00
e. Buildings	3.01
f. Furniture and office equipment	10.00
g. General purpose computers	18.57
2. Central Office Switching:	
a. Digital (a)	8.33
b. Analog & electro-mechanical	10.00
c. Operator systems	8.86
d. Radio systems	9.50
e. Circuit equipment (b)	10.00
3. Information Origination/ Termination:	
a. Station apparatus	11.59
b. Customer premises equipment	10.00
c. Large private branch exchanges	12.50
d. Public telephone terminal equipment	11.10
e. Other terminal equipment	10.55
4. Cable and Wire Facilities:	
a. Aerial cable-Poles	6.67
a. Aerial cable-metal	6.00
b. Aerial cable-fiber	5.00
c. Underground cable-metal	4.81
d. Underground cable-fiber	4.82
e. Buried cable-metal	5.00
f. Buried cable-fiber	5.00
g. Conduit systems	3.02
h. Other	7.21

Christopher A. McLean,

Administrator, Rural Utilities Service.

[FR Doc. 00–25020 Filed 9–28–00; 8:45 am]

BILLING CODE 3410–15–U

330 or in 9 CFR, chapter I, subchapter D of the regulations. Exemptions to these user fees are specified in § 354.3(f)(2).

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions from Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities previously furnished by such agencies.

Comments Must be Received on or Before: October 30, 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.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Administrative/General Support Services

General Services Administration, Central Field Office, Room 286, 536 S. Clark Street, Chicago, Illinois, NPA: Chicago Lighthouse for People Who Are Blind or Visually Impaired Chicago, Illinois

Linen Rental

New Orleans Naval Air Station and New Orleans Naval Support Activity, New Orleans, Louisiana. NPA: St. Tammany Association for Retarded Citizens, Inc. Slidell, Louisiana

Moving Services

Department of the Interior, Washington, DC, NPA: Anchor Mental Health Association (Anchor Services Workshop), Washington, DC

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 result in authorizing small entities to furnish the commodities 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 proposed for deletion from the Procurement List.

The following commodities have been proposed for deletion from the Procurement List:

Door Knob Conversion Kit

5340–01–394–0238
5340–01–394–0239
5340–01–394–0237
5340–01–394–0240
5340–01–394–3874
5340–01–394–0241
5340–01–394–0242

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 00–25057 Filed 9–28–00; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: October 30, 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 11 and 18, 2000, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (65 FR 49218 and 50499) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the 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 services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the 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 services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Janitorial/Custadial

Travis VA Outpatient Clinic, Travis AFB, California

Janitarial/Custadial

Buildings 559, 1105, 2045 and 2070, Hickam Air Force Base, Hawaii

Janitarial/Custadial

Naval Support Activity, Philadelphia, Pennsylvania

Janitorial/Grounds Maintenance

U.S. Coast Guard Air Station Sacramento, McClellan AFB, California

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Louis R. Bartalot,

Deputy Directar (Operatians).

[FR Doc. 00–25058 Filed 9–28–00; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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: U.S. Census Bureau.

Title: 2001 Panel of the Survey of Income and Program Participation, Core Questions and Wave 1 Topical Modules.

Form Number(s): SIPP 21105(L) Director's Letter; SIPP/CAPI Automated Instrument.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 80,635 hours.

Number of Respondents: 78,750.

Avg Hours Per Response: 30 minutes.

Needs and Uses: The U.S. Census Bureau requests authorization from the Office of Management and Budget (OMB) to conduct the 2001 Panel of the Survey of Income and Program Participation (SIPP). This clearance request is to accommodate the core instrument for the life of the 2001 Panel, the topical modules for the Wave 1 interviews, and the reinterview instrument, which will be used during the life of the 2001 Panel. The reinterview instrument will be used for quality control purposes. We are also seeking clearance for the SIPP Methods Panel control instrument, which is the 2000 SIPP Wave 1 instrument. The experiment is conducted under the direction of the Methods Panel Team, which is committed to delivering an improved and less burdensome instrument for use in the 2004 SIPP Panel.

The SIPP is designed as a continuing series of national panels of interviewed households that are introduced every few years, with each panel having durations of 3 to 4 years. The 2001 Panel is scheduled for three years and will include nine waves beginning February 1, 2001.

The survey is molded around a central "core" of labor force and income questions that remain fixed throughout the life of a panel. The core is supplemented with questions designed to answer specific needs. These supplemental questions are included with the core and are referred to as "topical modules." The topical modules for the 2001 Panel Wave 1 are Recipiency History and Employment History. Wave 1 interviews will be conducted from February through May, 2001.

Data provided by the SIPP are being used by economic policymakers, the Congress, state and local governments, and Federal agencies that administer social welfare or transfer payment programs, such as the Department of Health and Human Services and the Department of Agriculture. The SIPP represents a source of information for a wide variety of topics and allows information for separate topics to be integrated to form a single and unified database so that the interaction between tax, transfer, and other government and private policies can be examined. Government domestic policy formulators depend heavily upon the SIPP information concerning the distribution of income received directly as money or indirectly as in-kind benefits and the effect of tax and transfer programs on this distribution. They also need improved and expanded data on the income and general economic and financial situation of the U.S. population. The SIPP has provided these kinds of data on a continuing basis since 1983, permitting levels of economic well-being and changes in these levels to be measured over time.

Affected Public: Individuals or Households.

Frequency: Every 4 months.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 USC, Section 182.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, DOC Forms Clearance Officer, (202) 482–3129, Department of Commerce, room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: September 25, 2000.

Madeleine Clayton,

Departmental Farms Clearance Officer, Office af the Chief Infarmatian Officer.

[FR Doc. 00–25013 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Bureau of Economic Analysis Advisory Committee

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of public meeting.

SUMMARY: :Pursuant to the Federal Advisory Committee Act (Public Law 92–463, as amended by Public Law 94–409, Public Law 96–523, and Public Law 97–375), we are giving notice of a meeting of the Bureau of Economic Analysis Advisory Committee. The meeting's agenda is as follows: 1. Discussion of issues and options related to further integration of the industry accounts, including the input-output and gross product originating accounts, with the regional and national accounts. 2. Presentation of research on alternative measures of personal saving and wealth accumulation. 3. Discussion of priorities in the international economic accounts area, including work currently underway and still required. 4. Discussion of topics for future agendas.

DATES: On Friday, November 17, 2000, the meeting will begin at 9:30 a.m. and adjourn at approximately 4 p.m.

ADDRESSES: The meeting will take place at BEA, 2nd floor, Conference Room C&D, 1441 L Street, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: J. Steven Landefeld, Director, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; telephone: 202–606–9600.

Public Participation: This meeting is open to the public. Because of security procedures, anyone planning to attend the meeting must contact Colleen Ryan of BEA at 202–606–9603 in advance. The meeting is physically accessible to

people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Colleen Ryan at 202–606–9603.

SUPPLEMENTARY INFORMATION: The Committee was established on September 2, 1999, to advise the Bureau of Economic Analysis (BEA) on matters related to the development and improvement of BEA's national, regional, and international economic accounts. This will be the Committee's second meeting.

Dated: September 19, 2000.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

[FR Doc. 00–25002 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–06–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges: Thane-Coat, Inc., Jerry Vernon Ford and Preston John Engebretson

In the Matters of: Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477, Jerry Vernon Ford, President, Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477, and with an address at 7707 Augustine Drive, Houston, Texas 77036, and Preston John Engebretson, Vice-President, Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477, and with an address at 8903 Bonhomme Road, Houston, Texas 77074, Respondents.

Decision and Order on Renewal of Temporary Denial Order

On April 10, 2000, I issued a Decision and Order on Renewal of Temporary Denial Order (hereinafter "Order" or "TDO"), renewing for 180 days, in a "non-standard" format, a May 5, 1997 Order naming, *inter alia*, Thane-Coat, Inc.; Jerry Vernon Ford, president, Thane-Coat, Inc.; and Preston John Engebretson, vice-president, Thane-Coat, Inc. (hereinafter referred to collectively as the "Respondents"), as persons temporarily denied all U.S. export privileges. 65 FR 21169–21170 (April 20, 2000). Unless renewed, the Order will expire on October 8, 2000.

On September 18, 2000, pursuant to Section 766.24 of the Export Administration Regulations (currently codified at 15 CFR Parts 730–774 (2000)) (hereinafter the "Regulations"), issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. 2401–2420 (1991 & Supp. 2000)) (hereinafter the "Act"),[1] the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter "BXA"), requested that I renew the Order against Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson for 180 days in a non-standard format, consistent with the terms agreed to by and between the parties in April 1998.

In its request, BXA stated that, as a result of an ongoing investigation, it had reason to believe that, during the period from approximately June 1994 through approximately July 1996, Thane-Coat, Inc., through Ford and Engebretson, and using its affiliated companies, TIC Ltd. and Export Materials, Inc., made approximately 100 shipments of U.S.-origin pipe coating materials, machines, and parts to the Dong Ah Consortium in Benghazi, Libya. These items were for use in coating the internal surface of prestressed concrete cylinder pipe for the Government of Libya's Great Man-Made River Project.[2] Moreover, BXA's investigation gave it reason to believe that the Respondents and the affiliated companies employed a scheme to export U.S.-origin products from the United States, through the United Kingdom, to Libya, a country subject to a comprehensive economic sanctions program, without the authorizations required under U.S. law, including the Regulations. The approximate value of the 100 shipments at issue was $35 million. In addition, the Respondents and the affiliated companies undertook several significant and affirmative actions in connection with the solicitation of business on another phase of the Great Man-Made River Project.

BXA has stated that it believes that the matters under investigation and the information obtained to date in that investigation support renewal of the TDO issued against the Respondents. In that regard, in April 1998, BXA and the Respondents reached an agreement, whereby BXA sought a renewal of the TDO in a "non-standard" format, denying all of the Respondents' U.S. export privileges to the United Kingdom, the Bahamas, Libya, Cuba, Iraq, North Korea, Iran, and any other country or countries that may be made subject in the future to a general trade embargo by proper legal authority. In return, the Respondents agreed that, among other conditions, at least 14 days in advance of any export that any of the Respondents intends to make of any item from the United States to any destination world-wide, the Respondents will provide to BXA's Dallas Field Office (i) notice of the intended export, (ii) copies of all documents reasonably related to the subject transaction, including, but not limited to, the commercial invoice and bill of lading, and (iii) the opportunity, during the 14-day notice period, to inspect physically the item at issue to ensure that the intended shipment is in compliance with the Export Administration Act, the Export Administration Regulations, or any order issued thereunder. BXA has sought renewal of the TDO in a "non-standard" format; respondents have not opposed renewal of the TDO in the "non-standard" format.

Based on BXA's showing, I find that it is appropriate to renew the order temporarily denying the export privileges of Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson in a "non-standard" format, incorporating the terms agreed to by and between the parties in April 1998. I find that such renewal is necessary in the public interest to prevent an imminent violation of the Regulations and to give notice to companies in the United States and abroad to cease dealing with these persons in any commodity, software, or technology subject to the Regulations and exported or to be exported to the United Kingdom, the Bahamas, Libya, Cuba, Iraq, North Korea, Iran, and any other country or countries that may be made subject in the future to a general trade embargo by proper legal authority, or in any other activity subject to the Regulations with respect to these specific countries. Moreover, I find such renewal is in the public interest in order to reduce the substantial likelihood that Thane-Coat, Inc., Ford and Engebretson will engage in activities which are in violation of the Regulations.

Accordingly, It Is Therefore Ordered:

First, that Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477, and all of its successors or assigns, officers, representatives, agents, and employees when acting on its behalf; Jerry Vernon Ford, President, Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477, and 7707 Augustine Drive, Houston, Texas 77036, and all of his successors, or assigns, representatives, agents and employees when acting on his behalf; and Preston John Engebretson, Vice-President, Thane-Coat, Inc., 12725 Royal

[1] The Act expired on August 20, 1994. Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), which has been extended by successive Presidential Notices, the most recent being that of August 3, 2000 (65 FR 48347, August 8, 2000), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. 1701–1706 (1991 & Supp. 2000)).

[2] BXA understands that the ultimate goal of this project is to bring fresh water from wells drilled in southeast and southwest Libya through prestressed concrete cylinder pipe to the coastal cities of Libya. This multibillion dollar, multiphase engineering endeavor is being performed by the Dong Ah Construction Company of Seoul, South Korea.

Drive, Stafford, Texas 77477 and 8903 Bonhomme Road, Houston, Texas 77074, and all of his successors, or assigns, representatives, agents, and employees when acting on his behalf (all of the foregoing parties hereinafter collectively referred to as the "denied persons"), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") subject to the Export Administration Regulations (hereinafter the "Regulations") and exported or to be exported from the United States to the United Kingdom, the Bahamas, Libya, Cuba, Iraq, North Korea, or Iran, or to any other country or countries that may be made subject in the future to a general trade embargo pursuant to proper legal authority (hereinafter the "Covered Countries"), or in any other activity subject to the Regulations with respect to the Covered Countries, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item that is subject to the Regulations and that is exported or to be exported from the United States to any of the Covered Countries, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States to any of the Covered Countries that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of any of the denied persons any item subject to the Regulations to any of the Covered Countries;

B. Take any action that facilitates the acquisition, or attempted acquisition by any of the denied persons of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States to any of the Covered Countries, including financing or other support activities related to a transaction whereby any of the denied persons acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from any of the denied persons of any item subject to the Regulations that has been exported from the United States to any of the Covered Countries;

D. Obtain from any of the denied persons in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States to any of the Covered Countries; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States to any of the Covered Countries, and which is owned, possessed or controlled by any of the denied persons, or service any item, of whatever origin, that is owned, possessed or controlled by any of the denied persons if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States to any of the Covered Countries. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, at least 14 days in advance of any export that any of the denied persons intends to make of any item from the United States to any destination world-wide, the denied person will provide to BXA's Dallas Field Office (i) notice of the intended export, (ii) copies of all documents reasonably related to the subject transaction, including, but not limited to, the commercial invoice and bill of lading, and (iii) the opportunity, during the 14-day notice period, to inspect physically the item at issue to ensure that the intended shipment is in compliance with the Export Administration Act, the Export Administration Regulations, or any order issued thereunder.

Fourth, that, after notice and opportunity for comment, as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to any of the denied persons by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services, may also be made subject to the provisions of this Order.

Fifth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Sixth, that, in accordance with the provisions of section 766.24(e) of the Regulations, Thane-Coat, Ford, or Engebretson may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

Seventh, that this Order is effective immediately and shall remain in effect for 180 days.

Eighth, that, in accordance with the provisions of section 766.24(d) of the Regulations, BXA may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. Any respondent may oppose a request to renew this Order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on each Respondent and shall be published in the **Federal Register**.

Entered this 21st day of September, 2000.

F. Amanda DeBusk,

Assistant Secretary for Export Enforcement.

[FR Doc. 00–25027 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1120]

GRANT OF AUTHORITY FOR SUBZONE STATUS; ASO Corporation (Adhesive Bandages); Sarasota County, Florida

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for " * * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign-Trade Zones Board (the Board) to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Manatee County Port Authority, grantee of Foreign-Trade Zone 169, has made application to the Board for authority to establish special-purpose subzone status at the adhesive

bandage facility of Aso Corporation located in Sarasota County, Florida, (FTZ Docket 24–98, filed 5–05–98);

Whereas, notice inviting public comment has been given in the **Federal Register** (63 FR 26776, 5/14/98 and 65 FR 49536, 8/14/00); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations would be satisfied, and that approval of the application would be in the public interest if approval were subject to a time limit;

Now, therefore, the Board hereby grants authority for subzone status at the adhesive bandage facility of Aso Corporation, located in Sarasota County, Florida, (Subzone 169A), at the location described in the application, for an initial period of four years (of activation), subject to extension upon review, and subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 18th day of September 2000.

Troy H. Cribb,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 00–25085 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 55–2000]

Proposed Foreign-Trade Zone—Edinburg, Texas; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the City of Edinburg, Texas, to establish a general-purpose foreign-trade zone in Edinburg, Texas, adjacent to the Hidalgo/Pharr Customs port of entry. The application was submitted pursuant to the provisions of the FTZ Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 22, 2000. The applicant is authorized to make the proposal under Senate Bill 691 of the 70th Legislature of the State of Texas (Regular Session, 1987), codified as Tex Rev. Civ. Stat. Ann. Art. 1446.01.

The proposed zone would be the second general-purpose zone in the Hidalgo/Pharr Customs port of entry area. The existing zone is FTZ 12 in McAllen, Texas (Grantee: McAllen Economic Development Corporation, Board Order 84, 35 FR 16962, 11/3/70).

The proposed new zone would involve a site (552 acres) located at the Edinburg International Airport complex, 400 East Hargill Road, 11 miles north of the City of Edinburg. The site is about 25 miles north of the Pharr/Reynosa International Bridge, one of the two bridges connecting the U.S. to Reynosa, Mexico. The applicant owns the site.

The application indicates a need for foreign-trade zone services in the Edinburg area. Several firms have indicated an interest in using zone procedures for warehousing/distribution of such items as precision instruments, apparel, electronics and medical supplies. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on November 1, 2000, at 9 a.m., University of Texas—Pan American Campus, International Trade and Technology Building, corner of Dr. Miguel Nevarez and 107, Room 1.102, Edinburg, Texas 78539.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is November 28, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to December 13, 2000).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

The University of Texas—Pan American Campus, International Trade and Technology Building, Room 1.102, Corner of Dr. Miguel Nevarez and 107, Edinburg, Texas 78539,

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: September 22, 2000.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 00–25084 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–826]

Canned Pineapple Fruit From Thailand; Preliminary Results of Sunset Review of Antidumping Duty Order

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

ACTION: Notice of preliminary results of full sunset review: Canned pineapple fruit from Thailand.

SUMMARY: On June 5, 2000, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on canned pineapple fruit ("CPF") from Thailand (65 FR 35604) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of a notice of intent to participate filed on behalf of domestic and respondent interested parties, the Department determined to conduct a full review. As a result of this review, the Department preliminarily finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the levels indicated in the Preliminary Results of Review section of this notice.

EFFECTIVE DATE: September 29, 2000.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1930 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) (*"Sunset Regulations"*) and in 19 CFR part 351 (2000) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (*"Sunset Policy Bulletin"*).

Background

On June 5, 2000, the Department initiated a sunset review of the antidumping duty order on CPF from Thailand (65 FR 35604), pursuant to section 751(c) of the Act. The Department received a notice of intent to participate on behalf of Maui Pineapple Co., Ltd. ("Maui") and the International Longshoremen's and Warehousemen's Union (the "Union") (collectively, "domestic interested parties"), within the applicable deadline (June 16, 1999) specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. Domestic interested parties claimed interested-party status under section 771(9)(C) of the Act, as U.S. producers of a domestic like product.

On July 5, 2000, we received substantive responses on behalf of domestic interested parties and Dole. Dole is an interested party pursuant to section 771(9)(A) of the Act as a foreign producer and exporter of subject merchandise. Domestic interested parties claim that they have participated in every segment of this proceeding, including the original investigation and the four administrative reviews initiated to date, pursuant to section 751(a) of the Act (*see* July 5, 2000, Substantive Response of domestic interested parties at 3).

On July 10, 2000, we received rebuttal comments on behalf of domestic interested parties in response to Dole's substantive response. On July 14 and July 27, 2000, we accepted additional comments.

Scope of Review

The product covered by this review is CPF from Thailand. CPF is defined as pineapple processed and/or prepared into various product forms, including rings, pieces, chunks, tidbits, and crushed pineapple, that is packed and cooked in metal cans with either pineapple juice or sugar syrup added. CPF is currently classifiable under subheadings 2008.20.0010 and 2008.20.0090 of the Harmonized Tariff Schedule of the United States ("HTSUS"). HTSUS 2008.20.0010 covers CPF packed in a sugar-based syrup; HTSUS 2008.20.0090 covers CPF packed without added sugar (*i.e.*, juice-packed). Although these HTSUS subheadings are provided for convenience and for customs purposes, our written description of the scope is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated September 23, 2000, which is hereby adopted by this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at http://ia.ita.doc.gov/import_admin/records/frn, under the heading "Thailand." The paper copy and electronic version of the Decision Memo are identical in content.

Preliminary Results of Review

We determine that revocation of the antidumping duty order on CPF from Thailand would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporters	Margin (percent)
Dole	1.73
TIPCO	38.68
SAICO	51.16
Malee	41.74
All Others	24.64

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Any hearing, if requested, will be held on November 15, 2000, in accordance with 19 CFR 351.310(d). Interested parties may submit case briefs no later than November 8, 2000, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than November 13, 2000. The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such briefs, no later than January 27, 2001.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: September 25, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–25082 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–602]

Industrial Phosphoric Acid From Belgium: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On June 26, 2000, the Department of Commerce ("the Department") published the preliminary results of its administrative review of the antidumping duty order on industrial phosphoric acid from Belgium. *See Notice of Preliminary Results of Antidumping Duty Administrative Review: Industrial Phosphoric Acid From Belgium,* 65 FR 39355 (June 26, 2000) ("*Preliminary Results*"). The review covers one manufacturer/exporter of this merchandise to the United States, Societe Chimique Prayon-Rupel S.A. ("Prayon"). The period of review is August 1, 1998, through July 31, 1999. We gave interested parties an opportunity to comment on the *Preliminary Results* of review but received no comments. Therefore, the final results do not differ from the *Preliminary Results* of review, in which we found the dumping margin for Prayon to be 0.60 percent.

EFFECTIVE DATE: September 29, 2000.

FOR FURTHER INFORMATION CONTACT: Frank Thomson or Howard Smith, AD/CVD Enforcement, Group II, Office IV, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–4793, and 482–5193, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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

Background

On June 26, 2000, the Department published in the **Federal Register** (65 FR 39355) the *Preliminary Results* of the administrative review of the antidumping duty order on industrial phosphoric acid from Belgium for the 98–99 review period. We invited parties to comment on our *Preliminary Results* or review. We did not receive any interested party comments on our *Preliminary Results.*

We have now completed the administrative review in accordance with section 751 of the Act and continue to find the dumping margin for Prayon to be 0.60 percent.

Effective January 1, 2000, the Department revoked the antidumping duty order on industrial phosphoric acid from Belgium, pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(1). *See Revocation of Antidumping Duty Order: Industrial Phosphoric Acid From Belgium; and Revocation Countervailing Duty Order: Industrial Phosphoric Acid from Israel,* 65 FR 37115 (June 13, 2000). Therefore, we will not issue cash deposit instructions to the U.S. Customs Service ("Customs") based on the results of this review. We have not received any requests to conduct an administrative review for the August 1999 through December 1999 period, and the deadline for such requests has passed. Since the revocation is currently in effect, current and future imports of industrial phosphoric acid from Belgium shall be entered into the United States without regard to antidumping duties. We will instruct Customs to liquidate imports during the August 1999 through December 1999 period as entered. We have already instructed Customs to liquidate all entries as of January 1, 2000 without regard to antidumping duties. This is the notice of the final results in the final review of this antidumping duty order.

Scope of the Review

The products covered by this review include shipments of IPA from Belgium. This merchandise is currently classifiable under the Harmonized Tariff Schedule ("HTS") item numbers 2809.2000 and 4163.0000. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Analysis of Comments Received

We did not receive any interested party comments on our *Preliminary Results.* Therefore, there is no Issues and Decision Memorandum for the final results of review.

Final Results of Review

We have determined that no changes to our analysis are warranted for purposes of these final results. As a result of our review, we determine that the following margin exists for the period August 1, 1998, through July 31, 1999.

Exporter/manufacturer	Weighted-average margin percentage
Prayon	0.60

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. We have calculated an importer-specific duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the importer-specific sales to the total entered value of the same sales. The rate will be assessed uniformly on all entries by that particular importer made during the POR. The Department will issue appraisement instructions directly to Customs.

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

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: September 22, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–25083 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Extension of Final Results of Antidumping Duty Administrative Review

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

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

EFFECTIVE DATE: September 29, 2000.

FOR FURTHER INFORMATION CONTACT: Greg Campbell at (202) 482–2239, Office of AD/CVD Enforcement I, Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW., Washington, DC 20230.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

Background

On July 29, 1999, the Department published a notice of initiation of administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China, covering the period June 1, 1998 to May 31, 1999 (64 FR 41075). On June 29, 2000, we issued the preliminary results of review (65 FR 41944). In our notice of preliminary results, we stated our intention to issue the final results of this review no later than November 4, 2000.

Extension of Final Results of Review

We determine that due to the numerous complex issues raised by parties in this review, it is not practicable to complete the final results

of this review within the original time limit. Therefore, the Department is extending the time limits for completion of the final results until no later than January 3, 2001.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: September 22, 2000.

Richard W. Moreland,

Deputy Assistant Secretary, Import Administration, Group I.

[FR Doc. 00–25081 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Initiation of Process to Revoke Export Trade Certificate of Review No. 86–00002.

SUMMARY: The Secretary of Commerce issued an export trade certificate of review to National Association of Export Companies, Inc. ("NEXCO"). Because this certificate holder has failed to file an annual report as required by law, the Department is initiating proceedings to revoke the certificate. This notice summarizes the notification letter sent to NEXCO.

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

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (15 U.S.C. 4011–21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III ("the Regulations") are found at 15 CFR part 325. Pursuant to this authority, a certificate of review was issued on July 9, 1986 to NEXCO.

A certificate holder is required by law (Section 308 of the Act, 15 U.S.C. 4018) to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate. The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (Sections 325.14(a) and (b) of the Regulations). Failure to submit a complete annual report may be the basis for revocation. (Sections 325.10(a) and 325.14(c) of the Regulations).

The Department of Commerce sent to NEXCO on June 29, 1999, a letter containing annual report questions with a reminder that its annual report was due on August 23, 1999. Additional reminders were sent on September 27, 1999, and on December 1, 1999. The Department has received no written response to any of these letters.

On September 25, 2000, and in accordance with Section 325.10 (c)(1) of the Regulations, a letter was sent by certified mail to notify NEXCO that the Department was formally initiating the process to revoke its certificate. The letter stated that this action is being taken because of the certificate holder's failure to file an annual report.

In accordance with Section 325.10(c)(2) of the Regulations, each certificate holder has thirty days from the day after its receipt of the notification letter in which to respond. The certificate holder is deemed to have received this letter as of the date on which this notice is published in the **Federal Register.** For good cause shown, the Department of Commerce can, at its discretion, grant a thirty-day extension for a response.

If the certificate holder decides to respond, it must specifically address the Department's statement in the notification letter that it has failed to file an annual report. It should state in detail why the facts, conduct, or circumstances described in the notification letter are not true, or if they are, why they do not warrant revoking the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the statements contained in the notification letter (Section 325.10(c)(2) of the Regulations).

If the answer demonstrates that the material facts are in dispute, the Department of Commerce and the Department of Justice shall, upon request, meet informally with the certificate holder. Either Department may require the certificate holder to provide the documents or information that are necessary to support its contentions (Section 325.10(c)(3) of the Regulations).

The Department shall publish a notice in the **Federal Register** of the revocation or modification or a decision not to revoke or modify (Section 325.10(c)(4) of the Regulations). If there is a determination to revoke a certificate, any person aggrieved by such final decision may appeal to an appropriate U.S. district court within 30 days from the date on which the Department's final determination is published in the **Federal Register** (Sections 325.10(c)(4) and 325.11 of the Regulations).

Dated: September 25, 2000.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 00–25012 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–DR–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092500E]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Law Enforcement Advisory Panel (LEAP).

DATES: This meeting will be held on October 18, 2000, from 8:30 a.m. to 12 noon.

ADDRESSES: This meeting will be held at the Adam's Mark Clearwater Beach Resort, 430 South Gulfview Boulevard, Clearwater, FL 33767; telephone: 727–443–5714.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Richard Leard, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The LEAP will convene to discuss possible actions to prohibit the sale of recreationally caught fish and to review current state and Federal marine enforcement resources, capabilities, and needs. The LEAP and the Gulf States Marine Fisheries Commission's (GSMFC) Law Enforcement Committee (LEC), which are made up of mostly the same individuals, have been developing a 5-year "Gulf of Mexico Cooperative Law Enforcement Strategic Plan—2001–06." This document contains a set of goals and objectives that the LEAP/LEC would like to accomplish during this 5-year period. Once finalized, the 5-year strategic plan will be submitted to the GSMFC and the Council. The LEAP will also review Draft Amendment 7 to the Stone Crab Fishery Management Plan (FMP) that includes options for a trap certificate program in state and Federal waters, and Draft Amendment 11 to the Shrimp FMP that includes options for

vessel permits, vessel registrations, operator permits, and a prohibition on the use of trap gear in the royal red shrimp fishery. The status of the Council's other FMPs, amendments, and regulatory actions will also be reviewed.

The LEAP consists of principal law enforcement officers in each of the Gulf states as well as NMFS, the U.S. Coast Guard, and the NOAA General Counsel. A copy of the agenda and related materials can be obtained by calling the Council office at 813–228–2815.

Although other non-emergency issues not on the agendas may come before the LEAP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meetings. Actions of the LEAP will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by October 11, 2000.

Dated: September 25, 2000.

Richard W. Surdi,

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

[FR Doc. 00–25039 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092000A]

Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas (ICCAT) Fall Meeting

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

ACTION: Notice of public meeting.

SUMMARY: In preparation for the 2000 ICCAT meeting, the Advisory Committee to the U.S. Section to ICCAT will hold its annual fall meeting in October 2000.

DATES: Open sessions will be held on October 29, 2000, from 12:15 p.m. to 6 p.m. and October 30, 2000, from 8:30 a.m. to 12 noon. Closed sessions will be held on October 30, 2000, from 2 p.m. to 6:30 p.m. and on October 31, 2000, from 8 a.m. to 1:30 p.m. Written comments should be received no later than October 25, 2000.

ADDRESSES: The meeting will be held at the NOAA Silver Spring Metro Center complex in Silver Spring, MD. The October 29 (public comment) session will be held at the NOAA Silver Spring Metro Center campus in conference room 4527 on the fourth floor of building 3 (1315 East-West Highway, Silver Spring, Maryland). The October 30 open session and both closed sessions of the Committee will be held in the Science Center in building 4 of the NOAA complex (1305 East-West Highly, Silver Spring, Maryland). Written comments should be sent to Kim Blankenbeker, Executive Secretary to the Advisory Committee, NOAA - Fisheries/SF4, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Patrick E. Moran, 301-713-2276.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in two open sessions to consider information on stock status of highly migratory species and 2000 management recommendations of ICCAT's Standing Committee on Research and Statistics (SCRS). Also in the open sessions, the Advisory Committee will review the results of recent meetings, including ICCAT's working group meeting on allocation criteria, SCRS workshops, Advisory Committee regional meetings, and the Food and Agriculture Organization's meeting concerning illegal, unregulated, and unreported fishing. The Committee will also discuss other ICCAT-related activities. Further, the Committee will review the implementation of 1999 and prior ICCAT recommendations and resolutions and will receive an overview of implementation of recommendations for research and management resulting from its Spring 2000 Species Working Group meeting. Both sessions will be open to the public. The only opportunity for public comment will be during the October 29, 2000, open session. Written comments are encouraged and, if mailed, should be received by October 25, 2000 (see **ADDRESSES**). Written comments can also be submitted during the open sessions of the Advisory Committee meeting.

The Advisory Committee will go into executive session on the afternoon of October 30, 2000, and for the entire October 31, 2000, session to discuss sensitive information relating to upcoming international negotiations. These sessions are not open to the public.

Please be reminded that NMFS expects members of the public to conduct themselves appropriately for the duration of the meeting. At the beginning of the public comment session, an explanation of the ground rules will be provided(e.g., alcohol in the meeting room is prohibited, speakers will be called to give their comments in the order in which they registered to speak, each speaker will have an equal amount of time to speak, and speakers should not interrupt one another). The session will be structured so that all attending members of the public are able to comment, if they so choose, regardless of the degree of controversy of the subject(s). Those not respecting the ground rules will be asked to leave the meeting.

Special Accommodations

The meeting locations are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Patrick E. Moran at (301) 713-2276 at least 7 days prior to the meeting date.

Dated: September 25, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–25040 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092500C]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling public meetings of its Groundfish Advisory Panel and Social Science Advisory Committee (SSAC) in October, 2000 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will held between Monday, October 16, 2000 and Tuesday, October 17, 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Danvers, MA and Peabody, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978)465-0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Monday, October 16, 2000, 10:00 a.m.—Social Sciences Advisory Committee Meeting

Location: Holiday Inn, One Newbury Street, Route 1, Peabody, MA 01960; telephone: (978) 535-4600.

The SSAC will provide guidance to the Council on proposed public meetings to gather information about the social impacts of Council management actions for the Northeast multispecies fishery since 1994.

Tuesday, October 17, 2000, 9:30 a.m.—Groundfish Advisory Panel Meeting.

Location: Sheraton Ferncroft, 50 Ferncroft Road, Danvers, MA 01923; telephone: (781) 245-9300

The Groundfish Advisory Panel will review management measures being developed for Amendment 13 to the Northeast Multispecies Plan and will develop advice on these measures for the Groundfish Oversight Committee. This will include a review of the area management and sector allocation approaches. In addition, they will develop suggestions for the exempted fisheries program, including details for observer coverage of exempted fisheries. If time permits, the Advisory Panel may also develop recommendations on the rebuilding programs for overfished stocks, advice on changes to closed areas and other refinements to the current management measures.

Although non-emergency issues not contained in this agenda may come before this Council (or committee) for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: September 25, 2000.

Richard W. Surdi,

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

[FR Doc. 00–25037 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092500D]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Ad-Hoc Allocation Committee will hold a meeting which is open to the public.

DATES: The meeting will begin on Monday, October 23, 2000, at 10 a.m., and may go into the evening until business for the day is completed. The meeting will reconvene at 8 a.m. on Tuesday, October 24, and will adjourn at approximately 5 p.m.

ADDRESSES: The meeting will be held at the Doubletree Hotel - Downtown Portland, 310 SW Lincoln, Portland, OR; telephone: (503) 221-0450.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Jim Glock, Fishery Management Coordinator, telephone: (503) 326-6352.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to develop recommendations for allocations and other management measures involved in rebuilding plans for canary rockfish, cowcod and other overfished species. The committee will review the current catch levels of lingcod, bocaccio and canary rockfish and may propose inseason adjustments; review proposed 2001 harvest levels for all groundfish species; review draft rebuilding plans for canary rockfish and cowcod. The committee will review management options for 2001, preliminary impact analysis and results of stakeholder meetings; develop recommendations for 2001 management and inseason management adjustments for 2000; and will provide direction to Council staff, Groundfish Management Team, Groundfish Advisory Subpanel, and other Council entities as needed. Committee recommendations will be presented to the Council at its October-November meeting.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326-6352 at least 5 days prior to the meeting date.

Dated: September 25, 2000.

Richard W. Surdi,

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

[FR Doc. 00–25038 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092500A]

Endangered Species; Permits

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

ACTION: Receipt of an application for a scientific research permit (1228) and for modifications to scientific research permits (1025, 1059); Issuance of a scientific research/enhancement permit (1129), and a scientific research permit (1234).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered or threatened species for the purposes of scientific research and/or enhancement: NMFS has received a permit application from Peter Weber of Berkeley, CA (WEBER) (1228); NMFS has received applications

for modifications to existing permits from the California Department of Fish and Game, Native Anadromous Fish and Watershed Branch, Sacramento, CA (CDFG)(1025)and Carl Page of Cotati, CA (PAGE)(1059); NMFS has issued scientific research permit 1234 to Mr. Joseph Hightower, of North Carolina Cooperative Fish and Wildlife Research Unit (NCCFWR) (1234); NMFS has issued a scientific research/enhancement permit to the Washington Department of Fish and Wildlife at Olympia, WA (WDFW) (1129).

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 5pm eastern standard time on October 30, 2000.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated here. 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:

Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404–6528 (707 575–6053).

Written comments or requests for a public hearing should be submitted to the Protected Resources Division in Santa Rosa, CA.

FOR FURTHER INFORMATION CONTACT: For permit 1129: Robert Koch, Portland, OR (503–230–5424, fax: 503–230–5435, e-mail: robert.koch@noaa.gov).

For permit 1234: Terri Jordan, Silver Spring, MD, (301–713–1401 x148, fax: 301–713–0376, email: Terri.Jordan@noaa.gov).

For permits 1025, 1059, and 1228: Permits Coordinator, Protected Resources Division, Santa Rosa, CA (Phone: 707–575–6053).

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:

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River (SnR);

Chinook salmon (*O. tshawytscha*): threatened SnR spring/summer, threatened SnR fall.

Steelhead (*O. mykiss*): threatened SnR.

Endangered Sacramento River Winter-run chinook salmon (*Oncorhynchus tshawytscha*);

Endangered, Southern CA Coast (SoCC) steelhead (*Oncorhynchus mykiss*); and

Shortnose sturgeon (*Acipenser brevirostrum*).

New Application Received

WEBER (1228) requests a research permit to obtain up to 50 incidental mortalities of juvenile endangered Sacramento River Winter-run chinook salmon (*Oncorhynchus tshawytscha*) per year for 5 years from NMFS-permitted researchers. The goal of WEBER'S study is to identify geochemical markers that can be used to determine the origin and outmigration history of juvenile chinook salmon in the Sacramento-San Joaquin system. If naturally occurring markers are identified, they could benefit winter-run chinook salmon by providing additional information on their life history, threats to their survival, and limiting factors in their recovery. WEBER proposes to analyze otoliths using various methods of spectrometry.

Modifications Requests Received

CDFG requests modification 4 to permit 1025 for authorization to increase capture/handle take of juvenile, endangered Sacramento River Winter-run chinook salmon associated with extant fish population studies in the Sacramento River. ESA-listed salmonids are observed or captured, anesthetized, handled for measurement, allowed to recover from anesthetic and then released. Modification 4 would increase the authorized annual capture/handle take of juvenile winter-run chinook salmon to 30,000. An increase in indirect mortalities to 750 is also requested. Modification 4 is requested to be valid for the duration of permit (1025), which expires on June 30, 2001.

PAGE requests modification 1 to permit 1059 for takes of adult and juvenile, endangered, Southern California Coast (SoCC) steelhead (Oncorhynchus mykiss) associated with presence/absence surveys, population studies, spawner surveys - including the handling and sampling of carcasses, and habitat surveys. Juvenile and adult SoCC steelhead will be trapped, measured, sampled for tissues, and released. PAGE is currently authorized to take SoCC steelhead associated with fish population and habitat studies in coastal drainages throughout California. Modification 1 of permit 1059 would decrease the observe/harass and capture/handle take of juvenile SoCC steelhead and increase the capture/handle take of adult SoCC steelhead authorized in permit 1059. The modification would also include the addition of several new study sites in coastal streams for the purpose of collecting data on the distribution and abundance of steelhead within the SoCC ESU. Modification 1 is requested to be valid for the duration of permit (1059), which expires on June 30, 2003.

Permits Issued

Notice was published on March 24, 1998 (63 FR 14069), and March 9, 1999 (64 FR 11444), that WDFW applied for a scientific research/enhancement permit. Permit 1129 was issued to WDFW on July 25, 2000. Permit 1129 authorizes WDFW annual takes of adult and juvenile, threatened, naturally produced and artificially propagated, SnR spring/summer chinook salmon associated with a hatchery supplementation program and a captive broodstock programs are for the Tucannon River spring chinook salmon population. The objectives of WDFW's supplementation and captive broodstock programs are to: (1) enhance the number of potential spawners in the natural environment; (2) preserve the genetic integrity of the stock to prevent extinction; and (3) stop the decline in run sizes and eventually, to rebuild the natural population over time. For the supplementation program, WDFW will retain a percentage of the adult salmon that return to the Tucannon River each year for broodstock and release all of the

adult salmon not retained for broodstock above the adult trap to spawn naturally. ESA-listed adult salmon retained for broodstock will be transported to WDFW's Tucannon River Fish Hatchery and/or Lyons Ferry Fish Hatchery and spawned. The resulting progeny will be reared in the hatcheries and released as smolts when ready to outmigrate to the ocean. For the captive broodstock program, ESA-listed juvenile fish will be retained in the hatcheries, reared to adulthood, and spawned in the hatchery environment as a means of protecting the genetic integrity of the run. Permit 1129 also allows a limited use of remote site incubators to reseed the uppermost reaches of the Tucannon River with spring chinook salmon eggs and fry to aid in the long-term recovery and rebuilding of the run. Annual incidental takes of endangered SnR sockeye salmon, threatened SnR fall chinook salmon, and threatened SnR steelhead associated with WDFW's hatchery operations and juvenile fish releases from WDFW's hatchery supplementation program are also authorized. Permit 1129 expires on December 31, 2003.

Notice was published on February 16, 2000 (65 FR 7854) that Mr. Joseph Hightower, of NCCFWR applied for a scientific research permit (1234). The applicant has requested a 5-month permit to take up to 10 shortnose sturgeon in the Roanoke River, North Carolina. The take is needed to answer questions regarding impacts of the Roanoke and Gaston dams on anadromous fishes are required by the Federal Energy Regulatory Commission relicensing process. No shortnose sturgeon have been recorded as being taken from the Roanoke River; however, sampling effort has been low. The North Caroline Department of Marine Fisheries captured one shortnose sturgeon in Bachelor's Bay (in western Albemarle Sound, near the mouth of the Roanoke River) in April 1998. The Final Recovery Plan for shortnose sturgeon mandates that surveys be conducted to identify and determine the status of extant populations of shortnose sturgeon. Permit 1234 was issued on September 19, 2000, authorizing take of listed species. Permit 1234 expires April 30, 2001.

Dated: September 25, 2000.

Wanda L. Cain,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–25042 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Wool Textile Products Produced or Manufactured In Guatemala

September 25, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: September 29, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for Categories 347/348 and 443 are being increased for carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Also see 64 FR 54868, published on October 8, 1999.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 25, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 4, 1999, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Guatemala and exported during the period which began on January 1, 2000 and extends through December 31, 2000.

Effective on September 29, 2000, you are directed to increase the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit[1]
347/348	2,219,448 dozen.
443	81,719 numbers.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1999.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00–25007 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Sri Lanka

September 26, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 29, 2000.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for swing, carryforward and special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Also see 64 FR 70224, published on December 16, 1999.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 26, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 10, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on January 1, 2000 and extends through December 31, 2000.

Effective September 29, 2000, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
237	411,520 dozen.
334/634	1,155,180 dozen.
335/835	231,058 dozen.
336/636/836	638,813 dozen.
338/339	2,041,739 dozen.
340/640	1,793,208 dozen.
341/641	2,767,708 dozen of which not more than 1,760,990 dozen shall be in Category 341 and not more than 1,723,501 dozen shall be in Category 641.
342/642/842	977,977 dozen.
345/845	276,963 dozen.
347/348/847	2,040,380 dozen.
350/650	176,004 dozen.
351/651	501,403 dozen.
363	18,851,176 numbers.
369–D [2]	579,681 kilograms.
369–S [3]	1,086,879 kilograms.
635	603,278 dozen.
638/639/838	1,253,469 dozen.
644	789,207 numbers.
645/646	152,667 dozen.
647/648	1,326,369 dozen.
840	266,220 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1999.

[2] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[3] Category 369–S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00–25011 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in the Republic of Turkey

September 25, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 29, 2000.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Also see 64 FR 62659, published on November 17, 1999.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 25, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 9, 1999, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Turkey and exported during the twelve-month period which began on January 1, 2000 and extends through December 31, 2000.

Effective on September 29, 2000, you are directed to adjust the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted limit [1]
Limits not in a group	
335	266,482 dozen.
350	833,056 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1999.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00–25009 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in the United Arab Emirates

September 25, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 29, 2000.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Also see 64 FR 70225, published on December 16, 1999.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 25, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 10, 1999, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in the United Arab Emirates and exported during the twelve-month period which began on January 1, 2000 and extends through December 31, 2000.

Effective on September 29, 2000, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
335/635/835	234,327 dozen.
340/640	497,797 dozen.
342/642	380,360 dozen.
351/651	261,700 dozen.
352	185,575 dozen.
369–O [2]	875,460 kilograms.
638/639	341,345 dozen.
647/648	470,846 dozen
847	187,610 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1999.

[2] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S); 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020 and 6406.10.7700 (Category 369pt.).

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.00–25010 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment of Export Visa and Certification Requirements for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Mexico

September 25, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending visa and certification requirements.

EFFECTIVE DATE: January 1, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

Pursuant to the North America Free Trade Agreement, the existing export visa and certification requirements are being canceled for textile and apparel products no longer subject to restrictions or consultation levels which are exported from Mexico on and after January 1, 2001.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Also see 58 FR 69350, published on December 30, 1993.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 25, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This amends, but does not cancel, the directive issued to you on December 27, 1993, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directed you to prohibit entry of certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico for which the government of the United Mexican States has not issued an appropriate visa.

Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854) and Executive Order 11651 of March 3, 1972, as amended; and pursuant to the North America Free Trade Agreement (NAFTA) between the Governments of the United States, the United Mexican States and Canada, effective on January 1, 2001, the visa and certification requirements in the above referenced directive will not apply to Categories 219, 313, 314, 315, 317, 338/339/638/639, 340/640, 347/348/647/648, 633 and 643, as they are no longer subject to restrictions or consultation levels. Therefore, effective on and after January 1, 2001, you are directed to cancel the visa and certification requirements for goods in these categories exported on and after January 1, 2001.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1). This letter will be published in the **Federal Register**.

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00–25008 Filed 9–28–00; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF THE DEFENSE

Department of the Army

Availability of U.S. Patents for Non-Exclusive, Exclusive, or Partially-Exclusive Licensing

AGENCY: Army Research Laboratory, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the

availability of the following U.S. patent for non-exclusive, partially exclusive or exclusive licensing. The listed patent has been assigned to the United States of America as represented by the Secretary of the Army, Washington, D.C.

These patents cover a wide variety of technical arts including: A device to estimate mental decisions made in response to a display stimulus and a method of stimulating a subsurface hydrocarbon reservoir with a well.

Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99–502) and Section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the U.S. patent listed below in a non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by this patent.

Title: Automatic Aiding of Human Cognitive Functions with Computerized Displays.

Inventor: Christopher C. Smyth.

Patent Number: 6,092,058.

Issued Date: July 18, 2000.

Title: Liquid Gun Propellant Stimulation.

Inventor: George A. Gazonas.

Patent Number: 6,098,516.

Issued Date: August 8, 2000.

FOR FURTHER INFORMATION CONTACT: Michael Rausa, Technology Transfer Office , AMSRL–CS–TT, U.S. Army Research Laboratory, Aberdeen Proving Ground, MD 21005–5055 tel: (410) 278–5028; fax: (410) 278–5820.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–25070 Filed 9–28–00; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of U.S. Patents for Non-Exclusive, Exclusive, or Partially-Exclusive Licensing

AGENCY: Army Research Laboratory, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of the following U.S. patent for non-exclusive, partially exclusive or exclusive licensing. The listed patent has been assigned to the United States of America as represented by the Secretary of the Army, Washington, D.C.

These patents cover a wide variety of technical arts including: An apparatus for determining the thickness of a wall or coal seam and a traveling array antenna, which operates at microwave/millimeter frequencies.

Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99–502) and Section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the U.S. patent listed below in a non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by this patent.

Title: High Performance Traveling Wave Antenna for Microwave and Millimeter Wave Applications.

Inventors: Thomas Koscica and Duc Huynh.

Patent Number: 6,094,172.

Issued Date: July 25, 2000.

Title: Acoustic Navigation Aid for Autonomous Coal Miner.

Inventors: Donald E. Wortman and John D. Bruno.

Patent Number: 6,094,986.

Issued Date: August 1, 2000.

FOR FURTHER INFORMATION CONTACT: Norma Cammaratta, Technology Transfer Office, AMSRL–CS–TT, U.S. Army Research Laboratory, Adelphi, MD 20783–1197 tel: (301) 394–2952; fax: (301) 394–5818.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–25069 Filed 9–28–00; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, 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 October 30, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting 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 Lauren_Wittenberg@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 Group, 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: September 25, 2000.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Type of Review: Reinstatement.

Title: Safe and Drug-Free Schools and Communities National Programs—Federal Activities Discretionary Grants Program.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Not-for-profit institutions; Individuals or household (primary).

Reporting and Recordkeeping Hour Burden:

Responses: 400.

Burden Hours: 11,200.

Abstract: This program supports the development or enhancement, implementation, and evaluation of innovative programs that (1) provide models or proven effective practices that will assist schools and communities around the Nation to improve their programs funded under the SDFSCA; and (2) develop, implement, evaluate, and disseminate new or improved

approaches to creating safe and orderly learning environments in schools.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, 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 Kathy Axt at her internet address Kathy_Axt@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. 00–24976 Filed 9–28–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Pantex Plant, TX

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

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

DATES: Tuesday, October 31, 2000, 1 p.m.–5 p.m.

ADDRESSES: The Wellington Room, I–40 and Georgia in Wellington Square, Amarillo, Potter County, Texas.

FOR FURTHER INFORMATION CONTACT: Jerry S. Johnson, Assistant Area Manager, Department of Energy, Amarillo Area Office, P.O. Box 30030, Amarillo, TX 79120. Phone (806) 477–3125; Fax (806) 477–5896 or e-mail: jjohnson@pantex.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1:00 Agenda Review/Approval of Minutes
1:15 Co-Chair Comments
1:30 Task Force/Subcommittee Reports
2:15 Ex-Officio Reports
2:30 Updates—Occurrence Reports—DOE
3:00 Break
3:15 Presentation on Lightening Enhancement
4:00 Public Comments
4:45 Closing Comments
5:00 Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jerry Johnson's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and every reasonable provision will be made to accommodate the request in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: Minutes of this meeting will be available for public review and copying at the Pantex Public Reading Rooms located at the Amarillo College Lynn Library and Learning Center, 2201 South Washington, Amarillo, TX phone (806) 371–5400. Hours of operation are from 7:45 a.m. to 10 p.m. Monday through Thursday; 7:45 a.m. to 5 p.m. on Friday; 8:30 a.m. to 12 noon on Saturday; and 2 p.m. to 6 p.m. on Sunday, except for Federal holidays. Additionally, there is a Public Reading Room located at the Carson County Public Library, 401 Main Street, Panhandle, TX phone (806) 537–3742. Hours of operation are from 9 a.m. to 7 p.m. on Monday; 9 a.m. to 5 p.m. Tuesday through Friday; and closed Saturday and Sunday as well as Federal holidays. Minutes will also be available by writing or calling Jerry S. Johnson at the address or telephone number listed above.

Issued at Washington, DC on September 22, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–25003 Filed 9–28–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket Nos. FE C&E 00–15, C&E 00–16, C&E 00–17, and C&E 00–18; Certification Notice–189]

Office of Fossile Energy; Notice of Filings of Coal Capability of LSP-Nelson Energy, LLC, Union Power Partners, L.P., Ennis-Tractebel Power Company, L.L.C. and Badger Generating Company, LLC; Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of Filing.

SUMMARY: LSP-Nelson Energy, LLC, Union Power Partners, L.P., Ennis-Tractebel Power Company, L.L.C. and Badger Generating Company, LLC submitted coal capability self-certifications pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G–039, FE–27, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 et seq.), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source.

In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of the proposed new baseload powerplants have filed a self-certification in acccordance with section 201(d).

Owner: LSP-Nelson Energy, LLC (C&E 00–15).

Operator: LSP-Nelson Energy, LLC.

Location: Nelson Township, Lee County, IL.

Plant Configuration: Combined-cycle.
Capacity: 1,100 MW.
Fuel: Natural gas.
Purchasing Entities: One or more wholesale power purchasers.
In-Service Date: Spring of 2003.

Owner: Union Power Partners, L.P. (C&E 00–16).
Operator: Union Power Partners, L.P.
Location: Union County, AK.
Plant Configuration: Combined-cycle.
Capacity: 2,600 MW.
Fuel: Natural gas.
Purchasing Entities: Interconnected utilities within the Southeastern Electric Reliability Council.
In-Service Date: June 2002.

Owner: Ennis-Tractebel Power Company, L.L.C. (C&E 00–17).
Operator: Ennis-Tractebel Power Company, L.L.C.
Location: Ellis County, TX.
Plant Configuration: Combined-cycle.
Capacity: 350 MW.
Fuel: Natural gas.
Purchasing Entities: Texas Utilities Electric Company and others.
In-Service Date: December 1, 2001.

Owner: Badger Generating Company, LLC (C&E 00–18).
Operator: Badger Generating Company, LLC.
Location: Kenosh or Racine County, Wisconsin.
Plant Configuration: Combined-cycle.
Capacity: 1050 MW.
Fuel: Natural gas.
Purchasing Entities: Into the competitive wholesale power market at market-based rates.
In-Service Date: 2003.

Issued in Washington, DC., September 25, 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. 00–25006 Filed 9–28–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency Information Collection Activities: Submission for OMB Review; Comment Request.

SUMMARY: The EIA has submitted the energy information collections listed at the end of this notice to the Office of Management and Budget (OMB) for review and a three-year extension under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq*).

DATES: Comments must be filed on or before October 30, 2000. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to the OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–3084. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Herbert Miller, Statistics and Methods Group, (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mr. Miller may be contacted by telephone at (202) 426–1103, FAX at (202) 426–1081, or e-mail at Herbert.Miller@eia.doe.gov.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collections submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (*i.e.*, the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (*i.e*, new, revision, extension, or reinstatement); (5) response obligation (*i.e.*, mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (*i.e.*, the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Forms EIA–800–804, 807, 810–814, 816, 817, 819M, and 820, "Petroleum Supply Reporting System"
2. Energy Information Administration
3. OMB Number 1905–0165
4. Three-year extension
5. Mandatory
6. EIA's Petroleum Supply Reporting System collects information needed for determining the supply and disposition of crude oil, petroleum products, and natural gas liquids. The data are published by EIA and are used by public and private analysts. Respondents are operators of petroleum refineries, blending plants, bulk terminals, crude oil and product pipelines, natural gas plant facilities, tankers, barges, and oil importers.
7. Business or other for-profit; State, local or tribal government; Federal government
8. 53,970 hours (2,342 respondents × 19.26 responses per year × 1.2 hours)

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, D.C., September 22, 2000.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 00–25004 Filed 9–28–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: submission for OMB review; Comment request.

SUMMARY: The EIA has submitted the energy information collections listed at the end of this notice to the Office of Management and Budget (OMB) for review and a three-year extension under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq*).

DATES: Comments must be filed on or before October 30, 2000. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to the OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–3084. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland, Statistics and Methods Group, (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670.

Ms. Sutherland may be contacted by telephone at (202) 426–1068, FAX at (202) 426–1081, or e-mail at Grace.Sutherland@eia.doe.gov.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collections submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (*i.e.*, the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (*i.e*, new, revision, extension, or reinstatement); (5) response obligation (*i.e.*, mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (*i.e.*, the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Forms EIA–14, 182, 782A/B/C, 821, 856, 863, 877, 878, and 888, "Petroleum Marketing Program."

2. Energy Information Administration.

3. OMB Number 1905–0174.

4. Three-year extension.

5. Mandatory.

6. EIA's Petroleum Marketing Program collects basic data necessary to meet EIA's legislative mandates as well as the needs of EIA's public and private customers. Data collected include costs, sales, prices, and distribution of crude oil and petroleum products. The data are used for analyses, publications, and multifuel reports. Respondents are refiners, first purchasers, gas plant operators, resellers/retailers, motor gasoline wholesalers, suppliers, distributors and importers.

7. Business or other for-profit.

8. 125,513 (33,914 respondents × 4 responses per year × .93 hours).

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, D.C., September 22, 2000.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 00–25005 Filed 9–28–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–332–000]

ANR Pipeline Company; Notice of Technical Conference

September 25, 2000.

On June 15, 2000, ANR Pipeline Company (ANR) filed in compliance with Order No. 637. A technical conference to address ANR's filing was held on September 20, 2000.

Take notice that an additional session of the technical conference will be held on Wednesday, October 11, 2000 at 10 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC.

All interested persons and Staff are permitted to attend.

David P. Boergers,

Secretary.

[FR Doc. 00–24993 Filed 9–28–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–552–000]

Florida Gas Transmission Company; Notice of Proposed Changes In FERC Gas Tariff

September 25, 2000.

Take notice that on September 19, 2000, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, with an effective date October 19, 2000, the following tariff sheets:

Fourth Revised Sheet No. 129A
Fourth Revised Sheet No. 163C
Second Revised Sheet No. 163D
Third Revised Sheet No. 163H

FGT states that in the instant filing, FGT is proposing changes to certain tariff provisions as contained in FGT's General Terms and Conditions (GT&C) to increase the minimum tolerance levels used in determining non-compliance with FGT's operational tools from 100 MMBtu to 500 MMBtu as described below. Specifically, FGT is proposing to increase the Alert Day Tolerance Percentage as contained in section 13.D of the GT&C, Alert Days, and the tolerance levels for Operational Purchases and Sales, Deferred Exchanges and Pack and Draft as contained in Section 17.C of the GT&C, Operational Controls. Under FGT's current tariff provisions, non-compliance with these tariff provisions is defined as overages/underages in excess of 2% or 100 MMBtu, whichever is greater, except for Pack and Draft, where non-compliance is defined as overages/underages in excess of 5% or 100 MMBtu, whichever is greater. These fixed volume tolerance levels impact only small volume transactions where the fixed volume is greater than the percentage tolerance levels.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal 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. 00–24995 Filed 9–28–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–492–001]

Mid Louisiana Gas Company; Notice of Compliance Filing

September 25, 2000.

Take notice that on September 20, 2000, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, with an effective date of March 27, 2000.

Sub Fifth Revised Sheet No. 97
Sub Second Revised Sheet No. 97A
Sub Third Revised Sheet No. 98

Mid Louisiana states that the revised tariff sheets are being made to comply with the conditions contained in the Commission's September 15, 2000 Letter Order in this docket that accepted

its filing to eliminate from its tariff provisions that are inconsistent with the Commission's decision in Order Nos. 637 and 637–A to remove the rate ceiling for short term capacity release transactions.

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. 00–24992 Filed 9–28–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–493–001]

Midcoast Interstate Transmission, Inc.; Notice of Compliance Filing

September 25, 2000.

Take notice that on September 20, 2000, Midcoast Interstate Transmission, Inc. (Midcoast) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, with an effective date of March 27, 2000.

Sub Third Revised Sheet No. 88A
Sub Fifth Revised Sheet No. 89
Sub Third Revised Sheet No. 90
Sub Fourth Revised Sheet No. 92
Sub Fourth Revised Sheet No. 103

Midcoast states that the filing is being filed to comply with the conditions contained in the Commission's September 12, 2000 Letter Order in this docket that accepted its filing to eliminate from its tariff provisions that are inconsistent with the Commission's decision in Order Nos. 637 and 637–A to remove the rate ceiling for short term capacity release transactions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NW., 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. 00–24991 Filed 9–28–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–554–000]

Pine Needle LNG Company, LLC; Notice of Filing

September 25, 2000.

Take notice that on September 20, 2000, Pine Needle LNG Company, LLC (Pine Needle) tendered for filing a motion that dealt with compliance with section 284.12(c)(3) of the Commission's regulations and certain Gas industry Board Standards. Pine Needle's filing also requested action with respect to Commission Order No. 587–L, which requires pipelines to permit shippers to offset imbalances of different contracts and to trade imbalances by November 1, 2000. Order No. 587–L also requires pipelines to file the necessary tariff changes no earlier than 60 days prior to November 1, 2000. The issues raised by Pine Needle in their September 20, 2000 filing regarding Commission Order No. 587–L will be addressed in the above-docketed proceeding.

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 asssistance).

David P. Boergers,

Secretary.

[FR Doc. 00–24985 Filed 9–28–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–551–000]

Sea Robin Pipeline Company; Notice of Proposed Changes In FERC Gas Tariff

September 25, 2000.

Take notice that on September 18, 2000, Sea Robin Pipeline Company (Sea Robin) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the revised tariff sheets listed on Appendix A attached to the filing, to be effective November 1, 2000.

Sea Robin states that the purpose of this filing, made in accordance with the provisions of Section 154.204 of the Commission's Regulations, is to reflect tariff changes necessitated by the transition to the MessengerSM system and to conform certain business practices to GISB standards and the MessengerSM operating system. On March 15, 2000, Trunkline Gas Company (Trunkline) acquired Sea Robin from Southern Natural Gas Company (SONAT). In conjunction with this transaction, Trunkline entered into a Transition Agreement to ensure the smooth operation of the Sea Robin pipeline system for a period of up to eleven months from the closing date. Trunkline now intends to assume daily operations and transfer all Sea Robin functions currently performed by SONAT to the MessengerSMelectronic communication system on November 1, 2000. Shippers will continue to use SONAT's electronic interface system (SoNet Premier) until Trunkline implements the MessengerSM system for Sea Robin.

Specifically, these modifications: (1) Replace references to the SoNet Premier bulletin board with MessengerSM; (2) change dispatching and emergency addresses and telephone numbers in the form of service arrangements from SONAT's offices in Birmingham, Alabama to Sea Robin's office in Houston, Texas; (3)(provide that quantities of gas be stated in Dth rather than Mcf; (4) add processing language to Section 23 of the General Terms and

Conditions and remove the Liquefiables Transportation Agreement and corresponding rates, definition and references; (5) revise Sections 1.31 and 2.4(b) of the General Terms and Conditions to reflect the predetermined allocation methodology types required by GISB Standard 2.3.16; (6) conform the time line for invoice adjustments in the General Terms and Conditions Section 8.3 to GISB Standard 3.3.15; (7) delete the requirement in Section 24 of the General Terms and Conditions that shippers execute a written agreement/amendment after shipper has executed the agreement electronically via MessengerSM; and (8) delete from Rate Schedule FTS, Section 3 which provides for a 24 hour notice requirement prior to bumping flowing interruptible service which conflicts with the four daily nomination and scheduling cycles prescribed by GISB.

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

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. 00–24994 Filed 9–28–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–032]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

September 25, 2000.

Take notice that on September 15, 2000, Tennessee Gas Pipeline Company (Tennessee), tendered for filing a FT–A Service Agreement. Tennessee requests that the Commission approve the FT–A Service Agreement to be effective November 1, 2000.

Tennessee states that the filed FT–A Service Agreement reflects a negotiated rate transaction between Tennessee and United Cities Gas Company for transportation under Rate Schedule FT–A beginning November 1, 2000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before October 2, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the 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. 00–24987 Filed 9–28–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–255–012]

TransColorado Gas Transmission Company; Notice of Tariff Filing

September 25, 2000.

Take notice that on September 19, 2000, TransColorado Gas Transmission Company (TransColorado) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with an effective date of September 16, 2000:

Twelfth Revised Sheet No. 21
Eighth Revised Sheet No. 22

TransColorado states that the filing is being made in compliance with the Commission's letter order issued March 20, 1997, in Docket No. RP97–255–000. The tendered tariff sheets revised TransColorado's Tariff to implement a new negotiated-rate firm transportation service agreements between Dominion Exploration & Production and an amendment in TransColorado's present contract with Questar Energy Trading. TransColorado requested waiver of 18 CFR 154.207 so that the tendered tariff sheets may become effective September 16, 2000.

TransColorado stated 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 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. 00–24990 Filed 9–28–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–553–000]

Transcontinental Gas Pipe Line Corporation; Notice of Filing

September 25, 2000.

Take notice that on September 20, 2000, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing a motion that dealt with compliance with section 284.12(c)(3) of the Commission's regulations and certain Gas Industry Board Standards. Transco's filing also requested action with respect to Commission Order No. 587–L, which requires pipelines to permit shippers to offset imbalances of different contracts and to trade imbalances by November 1, 2000. Order No. 587–L also requires pipelines to file the necessary tariff changes no earlier than 60 days prior to November 1, 2000. The issues raised by Transco in their September 20, 2000 filing regarding Commission Order No. 587–L will be addressed in the above-docketed proceeding.

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. 00–24986 Filed 9–28–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–540–003]

Transcontinental Gas Pipe Line Corporation; Notice of Amendment

September 25, 2000.

Take notice that on September 20, 2000, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP98–540–003 a request to amend, pursuant to section 7(c) of the Natural Gas Act, a certificate of public convenience and necessity issued in the referenced proceeding on April 26, 2000.[1] In the amendment, Transco requests authorization to (a) phase the construction of the MarketLink project to satisfy phased in-service dates requested by the project shippers, and (b) redesign the recourse rate based on phased construction of the project, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Transco states that the name, address, and telephone number of the person to whom correspondence and communication concerning this application should be addressed is:

Virginia C. Levenback, Senior Counsel, Transcontinental Gas Pipe Line Corporation, Post Office Box 1396 (77056–6106), Houston, Texas 77251–1396, (713) 215–2810.

Transco states that it is not proposing in its amendment to change the overall facilities certificated by the Commission in this proceeding, only to phase that construction. Transco proposes to construct and operate the following certificated facilities in Phase 1 of its MarketLink project:

(1) 12.46 miles of 36-inch diameter pipeline loop between milepost (MP) 161.29 in Lycoming County, Pennsylvania and MP 173.75 in Clinton County, Pennsylvania (Haneyville Loop);

(2) 4.17 miles of 42-inch diameter pipeline between MP 25.20 and MP 29.37 in Warren County, New Jersey (Clinton Loop);

(3) 5.46 miles of 42-inch diameter pipeline loop between MP 1802.73 in Middlesex County, New Jersey and MP 1808.19 in Union County, New Jersey (Woodbridge Loop);

(4) The installation of one new 15,000 horsepower (hp), turbine-driven compressor unit and impeller replacements on three existing turbine-driven compressor units at Transco's existing Compressor Station 517, located at MP 115.18 in Columbia County, Pennsylvania;

(5) The installation of one 15,000 horsepower (hp), electric motor-driven compressor unit and impeller replacements on two existing 7,000 hp electric motor-driven compressor units at Transco's existing Compressor Station 205, located at MP 1773.30 in Mercer County, New Jersey;

(6) Modification of inlet/outlet headers at existing Compressor Station 200 at MP 1722.24 in Chester County, Pennsylvania to provide flow control under certain operating conditions on Transco's Trenton-Woodbury Line; and

(7) Modifications to reduce pressure in Transco's 42-inch Mainline E from 800 psig to 638 psig at Transco's existing Linden Regulator Station, located at MP 1808.19 in Union County, New Jersey.

Transco states that the construction of the Phase I facilities will create an additional 166,000 dts/d of firm transportation capacity by a proposed in-service date of November 1, 2001.

Transco states that it has executed firm service agreements under Rate Schedule FT for Phase I MarketLink service commencing on November 1, 2001 with the following shippers: Aquila Energy Marketing Corporation (25,000 dts/d); Consolidated Edison Energy, as Agent for Consolidated Edison of New York, Inc. (30,000 dts/d); ConEdison Energy (10,000 dts/d); St. Lawrence Cement Co., L.L.C. (1,000 dts/d); and Williams Energy Marketing & Trading Company (100,000 dts/d).

Transco also states that it proposes to construct and operate the following certificated facilities in Phase II of the MarketLink project:

(1) 4.90 miles of 36-inch diameter pipeline loop between MP 173.75 and MP 178.65 in Clinton County, Pennsylvania (Haneyville Loop);

(2) 4.44 miles of 42-inch diameter loop between MP 138.30 and MP 142.74 in Lycoming County, Pennsylvania; and 1.79 miles of 36-inch diameter pipeline loop between MP 142.74 and MP 144.53 in Lycoming County, Pennsylvania (Williamsport Loop);

(3) 7.0 miles of 42-inch diameter between MP 39.28 and milepost 115.18 in Columbia County, Pennsylvania (Benton Loop);

(4) 6.98 miles of 42-inch diameter loop between MP 18.22 in Hunterton County, New Jersey and MP 25.20 in Warren County, New Jersey (Clinton Loop);

(5) 7.1 miles of 36-inch diameter loop between MP 18.96 and MP 26.06 in Burlington County, New Jersey (Bordentown Loop); and

(6) The replacement of an existing 6.3 miles of 12-inch diameter pipeline loop between MP 30.53 and MP 36.83 in Burlington County, New Jersey, with a 36-inch diameter pipeline loop. The 12-inch pipeline segment will be removed and the 36-inch replacement pipeline will be installed in the same trench (Mt. Laurel Replacement).

Transco states that the construction of Phase 2 facilities will create an additional 130,000 dts/d of firm transportation capacity by a proposed in-service date of November 1,2002.

Transco also states that it has firm service agreements under Rate Schedule FT for Phase 2 MarketLink service with the following shippers: PPL EnergyPlus, LLC (30,000dts/d); and Virginia Power Energy Marketing (100,000 dts/d).

Transco states that it will file subsequent amendments to construct additional phases of the project as shippers finalize their own arrangements and as their precedent agreements are converted to firm service agreements. Transco states that such filing will match the certificated facilities to be constructed to serve that phase of the market and will establish a revised recourse rate. Transco anticipates that all MarketLink facilities certificated by the Commission in its April 26, 2000 order will be constructed and placed in service by November 1, 2004.

Transco states that the estimated costs of the proposed Phase I facilities is

[1] 91 FERC ¶ 61,102 (2000).

$123.3 million and that the estimated costs of the proposed Phase II facilities is $119.6 million. Transco states that the initial recourse rate for Phase I MarketLink service is a separately stated incremental monthly reservation rate of $11.9394 per dt. According to Transco, the initial recourse rate will be revised to $12.7346 per dt after the Phase II facilities are constructed and placed in service. Such revised recourse rate will then apply to Phase I and II MarketLink service until subsequent phases of the MarketLink project are placed in service. Transco states that the proposed recourse rates are based upon a straight-fixed variable rate design.

Transco further states that the MarketLink shippers will also be charged fuel retention, electric power, and other applicable surcharges applicable under Transco's Rate Schedule FT, as approved by the Commission from time to time. The electric power unit rate and fuel retention will be the generally applicable levels under Rate Schedule FT for Transco's Rate Zone 6.

Any person desiring to be heard or to make any protest with reference to said Application should on or before October 16, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 18 CFR 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. 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 Commission and will receive copies of all documents issued by the Commission, filed by the applicant, or filed by all other intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, and 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 Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing listing, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all 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 intervener status.

Take further notice that pursuant to the authority contained in and subject to the Jurisdiction conferred upon the Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this Application if no petition 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 abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission, on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

David P. Boergers,

Secretary.

[FR Doc. 00–24996 Filed 9–28–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Settlement Agreement and Soliciting Comments

September 25, 2000.

Take notice that the following settlement agreement has been filed with the Commission and is available for public inspection:

a. *Type:* Settlement Offer on New License Application.

b. *Project No.:* 1864–005.

Project Name: Bond Falls.

Applicant: Upper Peninsula Power Company.

c. *Date Settlement Agreement Filed:* July 11, 2000.

d. *Location:* On the Ontonagon River, in Ontonagon and Gogebic Counties, Michigan. About 74 acres of the Ottawa National Forest are included within the project boundary.

e. *Filed Pursuant to:* Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

f. *Applicant's Contact:* Mr. Robert Meyers, Upper Peninsula Power Company, 500 North Washington St., P.O. Box 357, Ishpeming, MI 49849, (906) 485–2419.

g. *FERC Contact:* Patrick Murphy (202) 219–2659, Email: patrick.murphy@ferc.fed.us.

h. *Deadline Dates:* comments due: October 25, 2000, reply comments due: November 9, 2000.

i. All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. A Settlement Agreement was filed with the Commission on July 11, 2000. The agreement is the final, executed bond Falls Hydroelectric Project Settlement Agreement for the relicensing of Project No. 1864. The purpose of the Settlement is to resolve among the signatory parties all issues associated with issuance of a new license for the project regarding project operation; upstream fish passage; downstream fish protection; woody debris management; water quality; instream flows; wildlife enhancement; land-based recreation; endangered and sensitive species management; project boundaries; land management; and future dam responsibility. Comments and reply comments on the Offer of Settlement are due on the dates listed above. Interested parties that have already filed comments on the settlement do not need to file their comments again for them to be considered by the Commission.

k. Copies of the offer of settlement are available for inspection and reproduction at the Commission's Public Reference Room, located at 888

First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance) or at the address listed in item f above.

David P. Boergers,

Secretary.

[FR Doc. 00–24988 Filed 9–28–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Offer of Settlement and Soliciting Comments

September 25, 2000.

Take notice that the following offer of settlement has been filed with the Commission and is available for public inspection:

a. Type: Office of Settlement on New License Application.

b. Project No.: 2069–003.

Project Name: Childs Irving.

Applicant: Arizona Public Service Company.

c. Date Offer of Settlement Filed: September 15, 2000.

d. Location: On Fossil Creek, in Yavapai and Gila counties, Arizona. About 327 acres are included within the Coconino National Forest and about 17 acres are included within the Tonto National Forest.

e. Filed Pursuant to: Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

f. Applicant's Contact: Larry Johnson, Arizona Public Service Company, P.O. Box 53999, Phoenix, AZ 85072–3999; (480) 350–3131.

g. FERC Contact: Dianne Rodman (202) 219–2830, Email: dianne.rodman@ferc.fed.us

h. Deadline Dates: comments due: October 25, 2000; reply comments due: November 9, 2000.

i. All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. Arizona Public Service Company filed the offer of settlement on behalf of itself and the Yavapai-Apache Nation, American Rivers, the Center for Biological Diversity, Northern Arizona Audubon Society, Arizona Riparian Council, and the Arizona Chapter of the Nature Conservancy. The offer of settlement proposes surrendering the license for the project, removing most of the project structures, and restoring the site. Comments and reply comments on the offer of settlement are due on the dates listed above. Interested entities that have already filed comments on the offer of settlement do not need to file their comments again for them to be considered by the Commission.

k. Copies of the offer of settlement are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance) or at the address listed in item f above.

David P. Boergers,

Secretary.

[FR Doc. 00–24989 Filed 9–28–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6611–3]

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 September 18, 2000 Through September 22, 2000

Pursuant to 40 CFR 1506.9.

EIS No. 200330, Final Supplement, FHW, WA, North Spokane Corridor (formerly known as the North Spokane Freeway) New Information Concerning Transportation Improvements through the City of Spokane and Spokane County and between I–90, Funding, Spokane County, WA, Due: October 30, 2000, Contact: Gene Fong (360) 753–9480.

EIS No. 200331, Draft Supplement, AFS, WA, Huckleberry Land Exchange Consolidate Ownership and Enhance Future Conservation and Management, Updated Information, Proposal to Exchange Land and Mineral Estates, Federal Land and Non Federal Land, Mt. Baker-Snoqualmie National Forest, Skagit Snohomish, King, Pierce, Kittitas, and Lewis Counties, WA, Due: November 13, 2000, Contact: Everett White (425) 744–3442.

EIS No. 200332, Revised Draft EIS, IBR, CA, Coachella Canal Lining Water Project, Revised and Updated Information, Approval of the Transfers and Exchanges of Conserved Coachella Canal Water, Construction, Operation and Funding, Riverside and Imperial Counties, CA, Due: November 21, 2000, Contact: Don Mitchell (760) 398–2651.

EIS No. 200333, Revised Draft EIS, JUS, TX, AZ, NM, CA, Programmatic EIS—U.S. Immigration and Naturalization Service (INS) and U.S. Joint Task Force-Six (JTF–6), Revised to Address Potential Impacts of Ongoing Activities from Brownsville, Texas to San Diego, California, Due: November 13, 2000, Contact: Eric Verwers (817) 978–0202.

EIS No. 200334, Final 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: October 30, 2000, Contact: Janet Bair (702) 647–5230.

Amended Notices

EIS No. 200322, Revised Draft EIS, FAA, CA, Metropolitan Oakland International Airport (MOIA), Airport Development Plan (ADP), Reevaluation of the Forecasts and Planning Assumptions in the ADP, Airport Layout Plan Approval, Funding and COE Section 404 and 10 Permits Issuance, Port of Oakland, Alameda County, CA, Due: November 06, 2000, Contact: Joseph R. Rodriguez (650) 876–2805. Revision of FR notice published on 09/22/2000: CEQ Comment Date corrected from 10/30/2000 to 11/06/2000.

Dated: September 26, 2000.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 00–25055 Filed 9–28–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6611–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section

309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D–FHW–D40306–WV Rating EC2, King Coal Highway Project Construction, from the vicinity of Williamson to the vicinity of Bluefield, COE Section 404 Permit, Mingo, McDowell Mercer, and Wyoming Counties, WV.

Summary: EPA expressed concern with the potential impacts to streams, wetlands, and community resources.

ERP No. D–FHW–D40309–WV Rating EC1, Shawnee Highway Project, Construction between the Ghent Interchange of I–787 in the North and McDowell County 14 or McDowell County 17 in the South, Funding, McDowell, Raleigh and Wyoming Counties, WV.

Summary: EPA expressed concerns of about the potential impacts to residential, business, community, and forest resources.

ERP No. D–FHW–G40159–TX Rating EC2, US Highway 183 Alternate Project, Improvements from RM–620 to Approximately Three Miles North of the City of Leander, Williamson County, TX.

Summary: EPA expressed concerns about impacts to air quality; water quality; and cumulative impacts. EPA requests that additional information regarding the preferred alternative and these potential impacts be provided in the final EIS.

ERP No. D–FHW–H59000–NB Rating LO, Antelope Valley Study, Implementation of Stormwater Management, Transportation Improvements and Community Revitalization, Major Investment Study, City of Lincoln, Lancaster County, NB.

Summary: EPA expressed a lack of objections to the proposal.

ERP No. DB–FHW–D50004–00 Rating EO2, Woodrow Wilson Bridge Improvements, Updated Information concerning the Changes and Discusses in differences between Alternative 4A of the September 1997 FEIS and Current Design Alternative 4A, I–95/I–495 (Capital Beltway), Telegraph Road to MD–210, Funding, COE Section 10 and 404 Permits and CGD Bridge Permit Issuance, City of.

Summary: EPA expressed objections due to significant impacts to terrestrial and aquatic resources. EPA requested that critical issues regarding compensatory mitigation, forest impacts, dredged material disposal, remediation of temporary impacts, and secondary and cumulative impacts be resolved prior to the final supplemental EIS.

ERP No. RD–APH–A82126–00 Rating EO2, Regulation—Importation of Unmanufactured Wood Articles from Mexico, With Consideration for Cumulative Impacts of Methyl Bromide Use, Proposed Rule.

Summary: EPA had environmental objections to the proposed regulation based on concerns about the unnecessary use of methyl bromide, how the increases in methyl bromide use are described in comparison to current uses, the cumulative impact analysis, the adequacy of the alternatives considered, the efficacies and costs of treatments, and the lack of identification of target pests of the program.

Final EISs

ERP No. F–BLM–J01010–WY Horse Creek Coal Lease Application (Federal Coal Lease Application WYW–141435), Implementation, Campbell and Converse Counties, WY.

Summary: While most of EPA's concerns were addressed, EPA continues to be concerned about mitigation of potentially harmful levels of nitrogen oxides resulting from the blasting of coal and overburden.

Dated: September 26, 2000.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 00–25056 Filed 9–28–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6879–1]

Meeting of the Mobile Sources Technical Review Subcommittee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Act, Public Law 92–463, notice is hereby given that the Mobile Sources Technical Review Subcommittee of the Clean Air Act Advisory Committee will meet in a regular quarterly session. This is an open meeting. The theme will be "In-Use." The meeting may include presentations on the impact and significance of such sources on air quality and public health from several perspectives, *e.g.*, EPA, CARB and the regulated industry, an update on EPA's emissions database and a discussion of possible initiatives. The preliminary agenda for this meeting and draft minutes from the previous one are available from the Subcommittee's website at: www.epa.gov/oar/caaac/mobile_sources-caaac.html.

DATES: Wednesday, October 11, 2000 from 8:30 a.m. to 3:30 p.m. Registration begins at 8:00 a.m.

ADDRESSES: The meeting will be held at the DaimlerChrysler Technology Center, 800 Chrysler Drive E. (Exit 78 on I–75 North).

FOR FURTHER INFORMATION CONTACT:

For technical information: Mr. John T. White, Alternate Designated Federal Officer, Certification and Compliance Division, U.S. EPA, 2000 Traverwood Drive, Ann Arbor, MI 48105, Ph: 734/214–4353, FAX: 734/214–4821, email: white.johnt@epa.gov;

For logistical and administrative information: Ms. Mary F. Green, FACA Management Officer, U.S. EPA, 2000 Traverwood Drive, Ann Arbor, Michigan, Ph: 734/214–4411, Fax: 734/214–4053, email: green.mary@epa.gov.

Background on the work of the Subcommittee is available at: http://transaq.ce.gatech.edu/epatac.

For more current information: www.epa.gov/oar/caaac/mobile_sources-caaac.html.

Individuals or organizations wishing to provide comments to the Subcommittee should submit them to Mr. White at the address above by October 4, 2000. The Mobile Sources Technical Review Subcommittee expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

SUPPLEMENTARY INFORMATION: During this meeting, the Subcommittee may also hear progress reports from some of its workgroups as well as updates and announcements on activities of general interest to attendees, *e.g.*, status of relevant EPA regulations and an update on the reorganization of the Office of Transportation and Air Quality.

Dated: September 25, 2000.

Margo Tsirigotis Oge,

Director, Office of Transportation and Air Quality.

[FR Doc. 00–25047 Filed 9–28–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34138C; FRL–6748–4]

Pesticides; Availability of Interim Risk Management Decisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of the interim risk management decision for one organophosphate pesticide, profenofos. This decision document has been developed as part of the public participation process that EPA and USDA are now using to involve the public in the reassessment of pesticide tolerances under the Food Quality Protection Act (FQPA), and the reregistration of individual organophosphate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

FOR FURTHER INFORMATION CONTACT: Carmelita White, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–7038; e-mail address: white.carmelita@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the interim risk management decision for profenofos, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. Since other entities also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the **Federal Register**—Environmental Documents.You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. In addition, copies of the pesticide interim risk management decision document released to the public may also be accessed at http: www.epa.gov/REDs.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–34138C for profenofos. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. What Action is the Agency Taking?

EPA has assessed the risks of profenofos and reached an Interim Reregistration Eligibility Decision (IRED) for this organophosphate pesticide. Provided that risk mitigation measures are adopted, profenofos fits into its own risk cup— its individual, aggregate risks are within acceptable levels. Profenofos also is eligible for reregistration, pending a full reassessment of the cumulative risk from all organophosphate pesticides. Profenofos residues in food and drinking water do not pose risk concerns, and there are no residential uses for profenofos, so no relevant mitigation measures are warranted at this time. With mitigation measures, profenofos' worker and ecological risks also are expected to be below levels of concern for reregistration.

The interim risk management decision on profenofos was made through the organophosphate pilot public participation process, which increases transparency and maximizes stakeholder involvement in EPA's development of risk assessments and risk management decisions. The pilot public participation process was developed as part of the EPA–USDA Tolerance Reassessment Advisory Committee (TRAC), which was established in April 1998, as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. A goal of the pilot public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development of organophosphate pesticide risk assessments and risk management decisions. EPA and USDA began implementing this pilot process in August 1998, to increase transparency and opportunities for stakeholder consultation.

EPA worked extensively with affected parties to reach the decisions presented in the interim risk management decision document, which concludes the pilot public participation process for profenofos. As part of the pilot public participation process, numerous opportunities for public comment were offered as these interim risk management decisions were being developed. The profenofos interim risk management decision therefore is issued in final, without a formal public comment period. The docket remains open, however, and any comments submitted in the future will be placed in the public docket.

The risk assessments for profenofos were released to the public through notices in the **Federal Register** on August 10, 1998, 63 FR 43175 (FRL–6024–3) and June 16, 1999, 64 FR 32229 (FRL–6087–9).

EPA's next step under the Food Quality Protection Act (FQPA) is to complete a cumulative risk assessment and risk management decision encompassing all the organophosphate pesticides, which share a common mechanism of toxicity. The interim risk management decision on profenofos cannot be considered final until this cumulative assessment is complete. Further risk mitigation may be necessary at that time.

To effect risk mitigation as quickly as possible. The time frame for making the changes described in the interim risk management decision document is shorter than that in a usual Reregistration Eligibility Decision. All labels need to be amended to include the above mitigation and submitted to the Agency within 90 days after issuance of the interim risk management decision document. When the cumulative risk assessment for all organophosphate pesticides has been completed, EPA will issue its final tolerance reassessment decision for

profenofos, and further risk mitigation measures may be needed.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: September 20, 2000.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 00–25054 Filed 9–28–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–60056; FRL–6743–5]

Intent to Suspend Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of issuance of Notices of Intent to Suspend.

SUMMARY: This Notice, pursuant to section 6(f)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*, announces that EPA has issued Notices of Intent to Suspend pursuant to sections 3(c)(2)(B) and 4 of FIFRA. The Notices were issued following issuance of Section 4 Reregistration Requirements Notices by the Agency and the failure of registrants subject to the Section 4 Reregistration Requirements Notices to take appropriate steps to secure the data required to be submitted to the Agency. This Notice includes the text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information. Table A of this Notice further identifies the registrants to whom the Notices of Intent to Suspend were issued, the date each Notice of Intent to Suspend was issued, the active ingredient(s) involved, and the EPA registration numbers and names of the registered product(s) which are affected by the Notices of Intent to Suspend. Moreover, Table B of this Notice identifies the basis upon which the Notices of Intent to Suspend were issued. Finally, matters pertaining to the timing of requests for hearing are specified in the Notices of Intent to Suspend and are governed by the deadlines specified in section 3(c)(2)(B). As required by section 6(f)(2), the Notices of Intent to Suspend were sent by certified mail, return receipt requested, to each affected registrant at its address of record.

FOR FURTHER INFORMATION CONTACT: Harold Day, Office of Compliance (2225A), Agriculture and Ecosystem Division, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, (202) 564–4133.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

II. Text of a Notice of Intent to Suspend

The text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information, follows:

United States Environmental Protection Agency

Office of Prevention, Pesticides and Toxic Substances

Washington, DC 20460
Certified Mail
Return Receipt Requested
SUBJECT: Suspension of Registration of Pesticide Product(s) Containing Methoxychlor for Failure to Comply with the Methoxychlor Section 4 Phase 5 Reregistration Eligibility Document Data Call-In Notice Dated December 9, 1988

Dear Sir/Madam:

This letter gives you notice that the pesticide product registrations listed in Attachment I will be suspended 30 days from your receipt of this letter unless you take steps within that time to prevent this Notice from automatically becoming a final and effective order of suspension. The Agency's authority for suspending the registrations of your products is section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Upon becoming a final and effective order of suspension, any violation of the order will be an unlawful act under section 12(a)(2)(J) of FIFRA.

You are receiving this Notice of Intent to Suspend because you have failed to comply with the terms of the Phase 5 Reregistration Eligibility Document Data Call-In Notice imposed pursuant to section 4(g)(2)(b) and section (3)(2)(B) of FIFRA.

The specific basis for issuance of this Notice is stated in the Explanatory Appendix (Attachment III) to this Notice. The affected products and the requirements which you failed to satisfy are listed and described in the following three attachments:

Attachment I Suspension Report—Product List

Attachment II Suspension Report—Requirement List

Attachment III Suspension Report—Explanatory Appendix

The suspension of the registration of each product listed in Attachment I will become final unless at least one of the following actions is completed.

1. You may avoid suspension under this Notice if you or another person adversely affected by this Notice properly request a hearing within 30 days of your receipt of this Notice. If you request a hearing, it will be conducted in accordance with the requirements of section 6(d) of FIFRA and the Agency's procedural regulations in 40 CFR part 164.

Section 3(c)(2)(B), however, provides that the only allowable issues which may be addressed at the hearing are whether you have failed to take the actions which are the bases of this Notice and whether the Agency's decision regarding the disposition of existing stocks is consistent with FIFRA. Therefore, no substantive allegation or legal argument concerning other issues, including but not limited to the Agency's original decision to require the submission of data or other information, the need for or utility of any of the required data or other information or deadlines imposed, and the risks and benefits associated with continued registration of the affected product, may be considered in the proceeding. The Administrative Law Judge shall by order dismiss any objections which have no bearing on the allowable issues which may be considered in the proceeding.

Section 3(c)(2)(B)(iv) of FIFRA provides that any hearing must be held and a determination issued within 75 days after receipt of a hearing request. This 75–day period may not be extended unless all parties in the proceeding stipulate to such an extension. If a hearing is properly requested, the Agency will issue a final order at the conclusion of the hearing governing the suspension of your products.

A request for a hearing pursuant to this Notice must (1) include specific objections which pertain to the allowable issues which may be heard at the hearing, (2) identify the registrations for which a hearing is requested, and (3) set forth all necessary supporting facts pertaining to any of the objections which you have identified in your request for a hearing. If a hearing is requested by any person other than the registrant, that person must also state specifically why he asserts that he would be adversely affected by the suspension action described in this Notice. Three copies of the request must

be submitted to: Hearing Clerk, 1900, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and an additional copy should be sent to the signatory listed below. The request must be *received* by the Hearing Clerk by the 30th day from your receipt of this Notice in order to be legally effective. The 30–day time limit is established by FIFRA and cannot be extended for any reason. Failure to meet the 30–day time limit will result in automatic suspension of your registration(s) by operation of law and, under such circumstances, the suspension of the registration for your affected product(s) will be final and effective at the close of business 30 days after your receipt of this Notice and will not be subject to further administrative review.

The Agency's Rules of Practice at 40 CFR 164.7 forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. Accordingly, the following EPA offices, and the staffs thereof, are designated as judicial staff to perform the judicial function of EPA in any administrative hearings on this Notice of Intent to Suspend: The Office of the Administrative Law Judges, the Office of the Judicial Officer, the Administrator, the Deputy Administrator, and the members of the staff in the immediate offices of the Administrator and Deputy Administrator. None of the persons designated as the judicial staff shall have any *ex parte* communication with trial staff or any other interested person not employed by EPA on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

2. You may also avoid suspension if, within 30 days of your receipt of this Notice, the Agency determines that you have taken appropriate steps to comply with the Section 4 Phase 5 Reregistration Eligibility Document Data Call-In Notice requirements. In order to avoid suspension under this option, you must satisfactorily comply with Attachment II, Requirement List, for each product by submitting all required supporting data/information described in Attachment II and in the Explanatory Appendix (Attachment III) to the following address (preferably by certified mail):

Office of Compliance (2225A),
Agriculture and Ecosystems Division,
U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

For you to avoid automatic suspension under this Notice, the Agency must also determine within the applicable 30–day period that you have satisfied the requirements that are the bases of this Notice and so notify you in writing. You should submit the necessary data/information as quickly as possible for there to be any chance the Agency will be able to make the necessary determination in time to avoid suspension of your product(s).

The suspension of the registration(s) of your company's product(s) pursuant to this Notice will be rescinded when the Agency determines you have complied fully with the requirements which were the bases of this Notice. Such compliance may only be achieved by submission of the data/information described in the attachments to the signatory below.

Your product will remain suspended, however, until the Agency determines you are in compliance with the requirements which are the bases of this Notice and so informs you in writing.

After the suspension becomes final and effective, the registrant subject to this Notice, including all supplemental registrants of product(s) listed in Attachment I, may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Persons other than the registrant subject to this Notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Nothing in this Notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I in any manner which would have been unlawful prior to the suspension.

If the registrations of your products listed in Attachment I are currently suspended as a result of failure to comply with another Section 4 Data Requirements Notice or Section 3(c)(2)(B) Data Call-In Notice, this Notice, when it becomes a final and effective order of suspension, will be in addition to any existing suspension, i.e., all requirements which are the bases of the suspension must be satisfied before the registration will be reinstated.

You are reminded that it is your responsibility as the basic registrant to notify all supplementary registered distributors of your basic registered product that this suspension action also applies to their supplementary registered products and that you may be held liable for violations committed by your distributors. If you have any questions about the requirements and procedures set forth in this suspension notice or in the subject Section 4 Data Requirements Notice, please contact Francisca Liem at (202) 564–2365.

Sincerely yours,

Director, Agriculture and Ecosystems Division, Office of Compliance

Attachments:

Attachment I—Product List

Attachment II—Requirement List

Attachment III—Explanatory Appendix

III. Registrants Receiving and Affected by Notices of Intent to Suspend; Date of Issuance; Active Ingredient and Products Affected

The following is a list of products for which a letter of notification has been sent:

TABLE A.—LIST OF PRODUCTS

Registrant Affected	EPA Registration Number	Active Ingredient	Name of Product	Date Issued
Amvac Chemical Corporation	00548100317	Methoxychlor	Methoxychlor-2	6/26/00
	00548100320		Hornfly Dust	6/26/00
	00548100326		Methoxychlor 50 Wp	6/26/00
Bonide Products Inc.	00000400165	Methoxychlor	Bonide Methoxychlor 25% E Insecticide	6/26/00
	00000400184		Bonide Bulb Dust	6/26/00

TABLE A.—LIST OF PRODUCTS—Continued

Registrant Affected	EPA Registration Number	Active Ingredient	Name of Product	Date Issued
Cape Fear Chemicals Inc	00334200092	Methoxychlor	Tiger Livestock Dust	6/26/00
Clarke Mosquito Control Products Inc.	00832900001	Methoxychlor	25% Methoxychlor Spray	6/26/00
Drexel Chemical Company	1971327	Methoxychlor	Drexel Methoxychlor Technical	6/26/00
	1971332		Methoxychlor 50 W.P.	6/26/00
	1971334		Methoxychlor 2 E.C. Emulsifiable Insecticide	6/26/00
	19713118		Methoxychlor 4L Insecticide	6/26/00
Gustafson Llc	00750100015	Methoxychlor	Gustafson Methoxychlor 300	6/26/00
Prentiss Drug & Chemical Company Inc.	00065500615	Methoxychlor	Prentox Mosquito Yard Spray Concentrate	6/26/00
	00065500741		Prentox Methoxychlor 50w	6/26/00
	00065500742		Prentox 2 Lb. Methoxychlor Spray	6/26/00
Protexall Products Inc.	00497200010	Methoxychlor	Screen Pruf Aerosol	6/26/00
Riverdale Chemical Co.	00022800101	Methoxychlor	Riverdale Double M Insecticide Alfalfa Spray	6/26/00
	00022800105		Riverdale Methoxychlor Emulsifiable Concentrate	6/26/00
	00022800188		Riverdale Rose & Floral Spray	6/26/00
Rockland Corporation	00057200056	Methoxychlor	Rockland Methoxychlor 2-E	6/26/00
	00057200341		Rockland Methoxychlor 25	6/26/00
Schering Plough Veterinary, Inc.	00617500045	Methoxychlor	Horse Spray & Rub	6/26/00
Southern Agricultural Insecticides, Inc.	00082900236	Methoxychlor	Sa-50 Fruit Spray Concentrate	6/26/00
Universal Cooperatives, Inc.	00138600352	Methoxychlor	Methoxychlor Emulsifiable Concentrate	6/26/00
Verdant Brands, Inc.	00076900651	Methoxychlor	Smcp Methoxychlor 2e Emulsifiable Concentrate	6/26/00
	00076900871		Pratt 50w Methoxychlor for Forest & Shade Trees	6/26/00
	00076900901		Science Multi-Purpose Spray	6/26/00
	00076900903		Science Garden Insect Spray	6/26/00
	00076900914		Science 50% Methoxychlor Wettable Powder	6/26/00
	00076900915		Science Gladiolus & Bulb Dust	6/26/00
	00076900947		Pratt Ec 2 Methoxychlor Insect Spray	6/26/00
	00076900955		Pratt Methoxy-Diazinon 20-10 E.c.	6/26/00
	00588700077		Black Leaf Liquid Fruit Tree Spray	6/26/00

IV. Basis for Issuance of Notice of Intent; Requirement List

The following companies failed to submit the following requirement data or information:

TABLE B.—LIST OF REQUIREMENTS

Active Ingredient	Registrant Affected	Requirement Name	Original Due–Date
Methoxychlor	Amvac Chemical Corporation	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue--Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00

TABLE B.—LIST OF REQUIREMENTS—Continued

Active Ingredient	Registrant Affected	Requirement Name	Original Due–Date
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/3/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02
Methoxychlor	Bonide Products Inc.	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/3/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02
Methoxychlor	Cape Fear Chemicals Inc.	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/3/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02

TABLE B.—LIST OF REQUIREMENTS—Continued

Active Ingredient	Registrant Affected	Requirement Name	Original Due–Date
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02
Methoxychlor	Clarke Mosquito Control Products Inc.	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guidellne Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quall (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/3/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02
Methoxychlor	Drexel Chemical Company	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/0/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No. 83-4)	9/3/02
Methoxychlor	Gustafson LLC	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00

TABLE B.—LIST OF REQUIREMENTS—Continued

Active Ingredient	Registrant Affected	Requirement Name	Original Due–Date
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/0/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02
Methoxychlor	Prentiss Drug & Chemical Company Inc.	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/3/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02
Methoxychlor	Protexall Products Inc.	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1).	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/3/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02

TABLE B.—LIST OF REQUIREMENTS—Continued

Active Ingredient	Registrant Affected	Requirement Name	Original Due–Date
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02
Methoxychlor	Riverdale Chemical Co.	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/3/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02
Methoxychlor	Rockland Corporation	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/3/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02
Methoxychlor	Schering Plough Veterinary, Inc.	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00

TABLE B.—LIST OF REQUIREMENTS—Continued

Active Ingredient	Registrant Affected	Requirement Name	Original Due-Date
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/3/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02
Methoxychlor	Southern Agricultural Insecticides, Inc.	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/3/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02
Methoxychlor	Universal Cooperatives, Inc.	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01

TABLE B.—LIST OF REQUIREMENTS—Continued

Active Ingredient	Registrant Affected	Requirement Name	Original Due–Date
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/3/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02
Methoxychlor	Verdant Brands, Inc.	Leaching and Adsorption/Desorption (Guideline Reference No: 163-1)	12/3/99
		Photodegradation—Soil (Guideline Reference No: 161-3)	12/3/99
		Teratogenicity—Rat (Guideline Reference No: 83-3(a))	3/3/00
		Teratogenicity—Rabbit (Guideline Reference No: 83-3(b))	3/3/00
		Aerobic Soil Metabolism (Guideline Reference No: 162-1)	9/3/00
		Anaerobic Soil Metabolism (Guideline Reference No: 162-2)	3/3/00
		Soil Field Dissipation (Guideline Reference No: 164-1)	9/3/00
		Nature of Residue—Plants (Guideline Reference No: 171-4(a))	3/3/00
		Nature of Residue—Livestock (Guideline Reference No: 171-4(b))	3/3/00
		Storage Stability (Guideline Reference No: 171-4(e))	3/3/00
		Magnitude of Residue—Meat/Milk/Poultry/Eggs (Guideline Reference No: 171-4(j))	3/3/00
		Crop Field Trials (Guideline Reference No: 171-4(k))	9/3/00
		Avian Reproduction—Quail (Guideline Reference No: 71-4(a))	3/3/01
		Avian Reproduction—Duck (Guideline Reference No: 71-4(b))	3/3/01
		General Metabolism (Guideline Reference No: 85-1)	9/3/01
		Chronic Toxicity—Rodent (Guideline Reference No: 83-1(a))	9/3/02
		Chronic Toxicity—Non-rodent (Guideline Reference No: 83-1(b))	9/3/02
		Oncogenicity—Rat (Guideline Reference No: 83-2(a))	9/3/02
		Oncogenicity—Mouse (Guideline Reference No: 83-2(b))	9/3/02
		2-Generation Reproduction—Rat (Guideline Reference No: 83-4)	9/3/02

V. Attachment III Suspension Report

A. Explanatory Appendix

A discussion of the basis for the Notices of Intent to Suspend follows:

Methoxychlor

On December 9, 1988, EPA issued the Guidance for the Reregistration of Pesticide Products Containing Methoxychlor as the Active Ingredient (i.e., Methoxychlor Registration Standard). The Registration Standard included a Data Call-In Notice (DCI) issued pursuant to FIFRA section 3(c)(2)(B), which required registrants of products containing methoxychlor used as the active ingredient to develop and submit certain data. The Administrator had determined these data to be necessary to support continued registration of pesticide products containing methoxychlor as the active ingredient. Failure to comply with the requirements of a Data Call-In Notice is a basis for suspension under section 3(c)(2)(B) of FIFRA.

Kincaid Enterprises Inc. (Kincaid) was the sole registrant who committed to produce the generic data for methoxychlor. You received the Registration Standard dated December 9, 1988, as evidenced by your signed Generic Data Exemption Statement (GDE) dated (see supplemental table below for specific date). You requested a Generic Data Exemption in your response to the DCI and were granted the GDE. The DCI in the 1988 Methoxychlor Registration Standard states that a registered product is exempt from the requirement to submit or cite "generic" data concerning an active ingredient if the active ingredient in the product is derived exclusively from purchased, registered pesticide products containing the active ingredient so long as certain conditions are met and remain satisfied. Both the DCI and your GDE statement made clear that if the registrant(s) who have committed to generate and submit the required generic data fail to take appropriate steps to meet the data requirements or are no longer in compliance with the data requirements, the Agency will consider that both they and you are not in compliance and will normally initiate proceedings to suspend the registrations of their product(s) and your product(s), unless you commit to submit and submit the required data in the specfied time frame. Both the DCI and the GDE also state that in such cases, the Agency generally will not grant a time extension for submitting the data.

On April 7, 1998, the Agency issued a Notice of Intent to Suspend to Kincaid because of their failure to submit certain data required by the DCI. On May 13, 1998, Kincaid requested a hearing by filing a hearing request with the Agency. On September 3, 1998, Kincaid and the Agency entered into a settlement agreement that specified the outstanding data requirements from the 1988 DCI

and set forth a new schedule for their submission. Kincaid agreed in the Settlement Agreement that if it failed to comply with any of the terms and conditions relating to any of the requirements for data generation and submission, the Agency would request that the Administrative Law Judge (ALJ) issue an order suspending the registrations of Kincaid's affected products without any opportunity for a hearing. On September 14, 1998, the ALJ issued an accelerated decision and order incorporating the Settlement Agreement. The Judge's accelerated decision and order incorporating the Settlement Agreement was entered into the public docket for the matter.

Subsequently, on December 3, 1999, Kincaid failed to satisfy certain data requirements as required by the DCI and the ALJ's order/Settlement Agreement. The Agency requested that the ALJ enter a suspension order and a suspension order was entered for all methoxychlor pesticide product registrations held by Kincaid and became effective on January 14, 2000. The studies that were required to be submitted by December 3, 1999, were Guideline No. 163-1 (Leaching/adsorption/desorption) and Guideline No. 161-3 (Photodegradation-soil).

Subsequently, Kincaid missed a second deadline of March 3, 2000, for a number of other studies. The Agency filed a request to the ALJ that he amend the January 14, 2000 suspension order to include these studies and, on April 12, 2000, the ALJ amended the January 14, 2000 suspension order to include the following studies as additional bases for suspension. The studies are: Guideline No. 83-3(a) (Teratogenicity—rat); Guideline No. 83-3(b) (Teratogenicity—rabbit); Guideline 171-4(a) (Nature of residue—plants); Guideline No. 171-4(b) (Nature of residue—livestock); Guideline No. 171-4(e) (Storage Stability); Guideline No. 171-4(j) (Magnitude of residue—meat, milk); and Guideline No. 162-2 (Anaerobic soil metabolism).

Because Kincaid failed to submit the above referenced data inviolation of the 1988 DCI and the Accelerated Decision and Order incorporating the Settlement Agreement and is no longer in compliance with the DCI, registrants of methoxychlor end-use products who were previously eligible for the GDE are also in noncompliance with the 1988 DCI requirements as amended by the Accelerated Decision and Order incorporating the Settlement Agreement.

On April 14, 2000, the Agency mailed to you a certified letter return receipt requested which revoked your GDE for the methoxychlor products listed in Attachment I and notified you that you had 30 days from your receipt of that letter to satisfy the overdue data requirements referred to above and commit to satisfy the overdue data requirements set forth in the 1988 DCI and the Accelerated Decision and Order incorporating the Settlement Agreement or the Agency would issue a Notice of Intent to Suspend (NOITS) affecting your methoxychlor products. On (see supplemental table below for specific date), the Agency received the green card which evidenced your receipt of the revocation letter.

Because the Agency has not received an adequate or appropriate response from you as a methoxychlor registrant, the Agency is issuing this Notice of Intent to Suspend.

B. Supplemental Table

The following table provides green card receipt dates for Generic Data Exemption (GDE) and letter dates revoking the GDE for registrants for methoxychlor.

Registrant Name	Company Number	GDE Date(s)	Letter Date(s)
AMVAC Chemical Corporation	5481	5/1/89	4/25/00
AMVAC Chemical Corporation	5481	11/7/89	4/25/00
Bonide Products Inc.	4	1/31/89	4/21/00
Cape Fear Chemicals Inc.	3342	2/8/89	4/24/00
Drexel Chemical Company	713	3/30/89	4/25/00
Gustafson LLC	501	2/21/89	4/24/00
Clarke Mosquito Control Products, Inc.	8329	4/5/89	2/24/00
Prentiss Drug & Chemical Co. Inc.	655	3/17/89	4/21/00
Protexall Products, Inc	4972	1/16/89	4/21/00
Riverdale Chemical Co.	228	4/26/89	4/24/00
Rockland Corporation	572	3/10/89	4/24/00
S. Agricultural Insecticides. Inc	829	1/19/89	4/24/00
Schering Plough Veterinary Inc.	6175	1/12/89	4/27/00
Universal Cooperatives, Inc.	1386	4/03/89	4/24/00
Verdant Brands, Inc.	769	1/19/89	4/25/00
Verdant Brands, Inc.	769	2/27/89	4/25/00
Verdant Brands, Inc.	769	3/30/89	4/25/00
Verdant Brands, Inc.	5887	4/4/89	4/25/00

VI. Conclusions

EPA has issued Notices of Intent to Suspend on the dates indicated. Any further information regarding these Notices may be obtained from the contact person noted above.

List of Subjects

Environmental protection.

Dated: September 18, 2000.

Richard Colbert,

Director, Agriculture and Ecosystems Division, Office of Compliance.

[FR Doc. 00–24780 Filed 9–28–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–60057; FRL–6589–4]

Intent to Suspend Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of issuance of Notices of Intent to Suspend.

SUMMARY: This Notice, pursuant to section 6(f)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*, announces that EPA has issued Notices of Intent to Suspend pursuant to sections 3(c)(2)(B) and 4 of FIFRA. The Notices were issued following issuance of Section 4 Reregistration Requirements Notices by the Agency and the failure of registrants subject to the Section 4 Reregistration Requirements Notices to take appropriate steps to secure the data required to be submitted to the Agency. This Notice includes the text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information. Table A of this Notice further identifies the registrants to whom the Notices of Intent to Suspend were issued, the date each Notice of Intent to Suspend was issued, the active ingredient(s) involved, and the EPA registration numbers and names of the registered product(s) which are affected by the Notices of Intent to Suspend. Moreover, Table B of this Notice identifies the basis upon which the Notices of Intent to Suspend were issued. Finally, matters pertaining to the timing of requests for hearing are specified in the Notices of Intent to Suspend and are governed by the deadlines specified in section 3(c)(2)(B). As required by section 6(f)(2), the Notices of Intent to Suspend were sent by certified mail, return receipt requested, to each affected registrant at its address of record.

FOR FURTHER INFORMATION CONTACT: Harold Day, Office of Compliance (2225A), Agriculture and Ecosystem Division, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, (202) 564–4133.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

II. Text of a Notice of Intent to Suspend

The text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information, follows:

United States Environmental Protection Agency

Office of Prevention, Pesticides and Toxic Substances

Washington, DC 20460
Certified Mail
Return Receipt Requested
SUBJECT: Suspension of Registration of Pesticide Product(s) Containing Aliphatic Alcohols, C1-C5, Benomyl, Bromacil, and Ortho-Benzyl-Para-Chlorophenol for Failure to Comply with the Section 4 Phase 5 Reregistration Eligibility Document Data Call-In Notice

Dear Sir/Madam:

This letter gives you notice that the pesticide product registrations listed in Attachment I will be suspended 30 days from your receipt of this letter unless you take steps within that time to prevent this Notice from automatically becoming a final and effective order of suspension. The Agency's authority for suspending the registrations of your products is sections 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Upon becoming a final and effective order of suspension, any violation of the order will be an unlawful act under section 12(a)(2)(J) of FIFRA.

You are receiving this Notice of Intent to Suspend because you have failed to comply with the terms of the Phase 5 Reregistration Eligibility Document Data Call-In Notice imposed pursuant to section 4(g)(2)(b) and section (3)(2)(B) of FIFRA.

The specific basis for issuance of this Notice is stated in the Explanatory Appendix (Attachment III) to this Notice. The affected products and the requirements which you failed to satisfy are listed and described in the following three attachments:

Attachment I Suspension Report—Product List

Attachment II Suspension Report—Requirement List

Attachment III Suspension Report—Explanatory Appendix

The suspension of the registration of each product listed in Attachment I will become final unless at least one of the following actions is completed.

1. You may avoid suspension under this Notice if you or another person adversely affected by this Notice properly request a hearing within 30 days of your receipt of this Notice. If you request a hearing, it will be conducted in accordance with the requirements of section 6(d) of FIFRA and the Agency's procedural regulations in 40 CFR part 164.

Section 3(c)(2)(B), however, provides that the only allowable issues which may be addressed at the hearing are whether you have failed to take the actions which are the bases of this Notice and whether the Agency's decision regarding the disposition of existing stocks is consistent with FIFRA. Therefore, no substantive allegation or legal argument concerning other issues, including but not limited to the Agency's original decision to require the submission of data or other information, the need for or utility of any of the required data or other information or deadlines imposed, and the risks and benefits associated with continued registration of the affected product, may be considered in the proceeding. The Administrative Law Judge shall by order dismiss any objections which have no bearing on the allowable issues which may be considered in the proceeding.

Section 3(c)(2)(B)(iv) of FIFRA provides that any hearing must be held and a determination issued within 75 days after receipt of a hearing request. This 75–day period may not be extended unless all parties in the proceeding stipulate to such an extension. If a hearing is properly requested, the Agency will issue a final order at the conclusion of the hearing governing the suspension of your products.

A request for a hearing pursuant to this Notice must (1) include specific objections which pertain to the allowable issues which may be heard at the hearing, (2) identify the registrations for which a hearing is requested, and (3) set forth all necessary supporting facts pertaining to any of the objections which you have identified in your request for a hearing. If a hearing is requested by any person other than the registrant, that person must also state

specifically why he asserts that he would be adversely affected by the suspension action described in this Notice. Three copies of the request must be submitted to: Hearing Clerk, 1900, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and an additional copy should be sent to the signatory listed below. The request must be *received* by the Hearing Clerk by the 30th day from your receipt of this Notice in order to be legally effective. The 30–day time limit is established by FIFRA and cannot be extended for any reason. Failure to meet the 30–day time limit will result in automatic suspension of your registration(s) by operation of law and, under such circumstances, the suspension of the registration for your affected product(s) will be final and effective at the close of business 30 days after your receipt of this Notice and will not be subject to further administrative review.

The Agency's Rules of Practice at 40 CFR 164.7 forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. Accordingly, the following EPA offices, and the staffs thereof, are designated as judicial staff to perform the judicial function of EPA in any administrative hearings on this Notice of Intent to Suspend: The Office of the Administrative Law Judges, the Office of the Judicial Officer, the Administrator, the Deputy Administrator, and the members of the staff in the immediate offices of the Administrator and Deputy Administrator. None of the persons designated as the judicial staff shall have any *ex parte* communication with trial staff or any other interested person not employed by EPA on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

2. You may also avoid suspension if, within 30 days of your receipt of this Notice, the Agency determines that you have taken appropriate steps to comply with the Section 4 Phase 5 Reregistration Eligibility Document Data Call-In Notice requirements. In order to avoid suspension under this option, you must satisfactorily comply with Attachment II, Requirement List, for each product by submitting all required supporting data/information described in Attachment II and in the Explanatory Appendix (Attachment III) to the following address (preferably by certified mail):

Office of Compliance (2225A),
Agriculture and Ecosystems Division,
U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

For you to avoid automatic suspension under this Notice, the Agency must also determine within the applicable 30–day period that you have satisfied the requirements that are the bases of this Notice and so notify you in writing. You should submit the necessary data/information as quickly as possible for there to be any chance the Agency will be able to make the necessary determination in time to avoid suspension of your product(s).

The suspension of the registration(s) of your company's product(s) pursuant to this Notice will be rescinded when the Agency determines you have complied fully with the requirements which were the bases of this Notice. Such compliance may only be achieved by submission of the data/information described in the attachments to the signatory below.

Your product will remain suspended, however, until the Agency determines you are in compliance with the requirements which are the bases of this Notice and so informs you in writing.

After the suspension becomes final and effective, the registrant subject to this Notice, including all supplemental registrants of product(s) listed in Attachment I, may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Persons other than the registrant subject to this Notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Nothing in this Notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I in any manner which would have been unlawful prior to the suspension.

If the registrations of your products listed in Attachment I are currently suspended as a result of failure to comply with another Section 4 Data Requirements Notice or Section 3(c)(2)(B) Data Call-In Notice, this Notice, when it becomes a final and effective order of suspension, will be in addition to any existing suspension, i.e., all requirements which are the bases of the suspension must be satisfied before the registration will be reinstated.

You are reminded that it is your responsibility as the basic registrant to notify all supplementary registered distributors of your basic registered product that this suspension action also applies to their supplementary registered products and that you may be held liable for violations committed by your distributors. If you have any questions about the requirements and procedures set forth in this suspension notice or in the subject Section 4 Data Requirements Notice, please contact Francisca Liem at (202) 564–2365.

Sincerely yours,

Director, Agriculture and Ecosystems Division, Office of Compliance

Attachments:

Attachment I—Product List

Attachment II—Requirement List

Attachment III—Explanatory Appendix

III. Registrants Receiving and Affected by Notices of Intent to Suspend; Date of Issuance; Active Ingredient and Products Affected

The following is a list of products for which a letter of notification has been sent:

TABLE A-LIST OF PRODUCTS

Registrant Affected	EPA Registration Number	Active Ingredient	Name of Product	Date Issued
Breen Laboratories	00028300003	Aliphatic Alcohols, C1-C5	Solu Styril Germicide Solution	3/1/99
Haag Laboratories Inc.	00231100004	Ortho-Benzyl-Para-Chlorophenol	Gld Germicidal Liquid Detergent	3/6/00

TABLE A-LIST OF PRODUCTS—Continued

Registrant Affected	EPA Registration Number	Active Ingredient	Name of Product	Date Issued
Hi-Yield Chemical Company	03491100027	Benomyl	Hi-Yield Benomyl Systemic Fungicide	4/15/98
KC Laboratories	06316300001	Ortho-Benzyl-Para-Chlorophenol	Phenosol	3/6/00
	06316300002	Ortho-Benzyl-Para-Chlorophenol	Microcide	3/6/00
Russall Products Co. Inc.	03489200004	Bromacil	Russall Weed Killer #1	3/6/00
Voluntary Purchasing Group, Inc.	00740100225	Benomyl	Ferti Lome Systemic Fungicide With Benomyl	4/15/98
	00740100407		American Brand Benomyl Systemic Fungicide	4/15/98

IV. Basis for Issuance of Notice of Intent; Requirement List

The following companies failed to submit the following required data or information:

TABLE B-LIST OF REQUIREMENTS

Registrant Affected	Active Ingredient	Requirement Name	Original Due-Date
Breen Laboratories	Aliphatic Alcohols, C1-C5	90-Day Response	6/22/98
		Chemical Identity (Guideline Reference No: 61-1)	6/22/98
		Beginning Material and Manufacturing Process (Guideline Reference No: 61-2(a))	6/22/98
		Preliminary Analysis of Product Samples (Guideline Reference No: 62-1)	6/22/98
		Certification of Ingredient Limits (Guideline Reference No: 62-2)	6/22/98
		Analytical Method to Verify Certified Limits (Guideline Reference No: 62-3)	6/22/98
		pH (Guideline Reference No: 63-12)	6/22/98
		Oxidizing/Reducing Action (Guideline Reference No: 63-14)	6/22/98
		Viscosity (Guideline Reference No: 63-18)	6/22/98
		Color (Guideline Reference No: 63-2)	6/22/98
		Corrosion Characteristics (Guideline Reference No: 63-20)	6/22/98
		Physical State (Guideline Reference No: 63-3)	6/22/98
		Density, Bulk Density, or Specific Gravity (Guideline Reference No: 63-7)	6/22/98
		Odor (Guideline Reference No: 63-4)	6/22/98
		Discussion of Impurities (Guideline Reference No: 61-2(b))	6/22/98
		Flammability (Guideline Reference No: 63-15)	6/22/98
		Explodability (Guideline Reference No: 63-16)	6/22/98
		Storage Stability (Guideline Reference No: 63-17)	6/22/98
		Miscibility (Guideline Reference No: 63-19)	6/22/98
		Dielectric Breakdown Voltage (Guideline Reference No: 63-21)	6/22/98
		Products for Use on Hard Surfaces (Guideline Reference No: 91-2)	6/22/98
		Products Requiring Confirmatory Data (Guideline Reference No: 91-3)	6/22/98
		Products for Use on Fabrics and Textiles (Guideline Reference No: 91-4)	6/22/98
		Air Sanitizers (Guideline Reference No: 91-5)	6/22/98
		Products for Control of Microbial Pests (Guideline Reference No: 91-7)	6/22/98
		Products for Treating Water Systems (Guideline Reference No: 91-8)	6/22/98
Haag Laboratories Inc.	Ortho-Benzyl-Para-Chlorophenol	Chemical Identity (Guideline Reference No: 61-1)	7/13/97
		Beginning Material and Manufacturing Process (Guideline Reference No: 61-2(a)).	7/13/97
		Discussion of Impurities (Guideline Reference No: 61-2(b))	7/13/97
		Preliminary Analysis of Product Samples (Guideline Reference No: 62-1)	7/13/97
		Certification of Ingredient Limits (Guideline Reference No: 62-2)	7/13/97
		Analytical Method to Verify Certified Limits (Guideline Reference No: 62-3)	7/13/97
		pH (Guideline Reference No: 63-12)	7/13/97

TABLE B-LIST OF REQUIREMENTS—Continued

Registrant Affected	Active Ingredient	Requirement Name	Original Due-Date
		Stability (Guideline Reference No: 63-13)	7/13/97
		Flammability (Guideline Reference No: 63-15)	7/13/97
		Storage Stability (Guideline Reference No: 63-17)	7/13/97
		Viscosity (Guideline Reference No: 63-18)	7/13/97
		Color (Guideline Reference No: 63-2)	7/13/97
		Corrosion Characteristics (Guideline Reference No: 63-20)	7/13/97
		Physical State (Guideline Reference No: 63-3)	7/13/97
		Odor (Guideline Reference No: 63-4)	7/13/97
		Density, Bulk Density, or Specific Gravity (Guideline Reference No: 63-7)	7/13/97
		Acute Oral Toxicity—Rat (Guideline Reference No: 81-1)	7/13/97
		Acute Dermal Toxicity—Rabbit/Rat (Guideline Reference No: 81-2)	7/13/97
		Acute Inhalation Toxicity—Rat (Guideline Reference No: 81-3)	7/13/97
		Primary Eye Irritation—Rabbit (Guideline Reference No: 81-4)	7/13/97
		Primary Dermal Irritation (Guideline Reference No: 81-5)	7/13/97
		Dermal Sensitization (Guideline Reference No: 81-6)	7/13/97
		Confidential Statement of Formula (CSF) Form	7/13/97
Hi-Yield Chemical Company	Benomyl	Dislodgeable Foliar Residue: Crop (Guideline Reference No: 132-1)	6/16/94
		Dermal Passive Dosimetry Exposure (Guideline Reference No: 133-3)	6/16/94
		Worker Reentry Exposure (WRE); Crop-Grapes; Site-CA (Guideline Reference No: 133-3)	6/16/94
		Inhalation Passive Dosimetry Exposure (Guideline Reference No: 133-4)	6/16/94
		Inhalation Exposure: Mixer/Loader/Applicator (Guideline Reference No: 232)	6/16/94
KC Laboratories	Benomyl	Chemical Identity (Guideline Reference No: 61-1)	7/13/97
		Beginning Material and Manufacturing Process (Guideline Reference No: 61-2(a))	7/13/97
		Discussion of Impurities (Guideline Reference No: 61-2(b))	7/13/97
		Preliminary Analysis of Product Samples (Guideline Reference No: 62-1)	7/13/97
		Certification of Ingredient Limits (Guideline Reference No: 62-2)	7/13/97
		Analytical Method to Verify Certified Limits (Guideline Reference No: 62-3)	7/13/97
		Color (Guideline Reference No: 63-2)	7/13/97
		Physical State (Guideline Reference No: 63-3)	7/13/97
		Odor (Guideline Reference No: 63-4)	7/13/97
		Density, Bulk Density, or Specific Gravity (Guideline Reference No: 63-7)	7/13/97
		pH (Guideline Reference No: 63-12)	7/13/97
		Stability (Guideline Reference No: 63-13)	7/13/97
		Oxidizing/Reducing Action (Guideline Reference No: 63-14)	7/13/97
		Flammability (Guideline Reference No: 63-15)	7/13/97
		Explodability (Guideline Reference No: 63-16)	7/13/97
		Storage Stability (Guideline Reference No: 63-17)	7/13/97
		Viscosity (Guideline Reference No: 63-18)	7/13/97
		Miscibility (Guideline Reference No: 63-19)	7/13/97
		Corrosion Characteristics (Guideline Reference No: 63-20)	7/13/97
		Dielectric Breakdown Voltage (Guideline Reference No: 63-21)	7/13/97
		Acute Oral Toxicity—Rat (Guideline Reference No: 81-1)	7/13/97
		Acute Dermal Toxicity—Rabbit/Rat (Guideline Reference No: 81-2)	7/13/97
		Acute Inhalation Toxicity—Rat (Guideline Reference No: 81-3)	7/13/97
		Primary Eye Irritation—Rabbit (Guideline Reference No: 81-4)	7/13/97
		Primary Dermal Irritation (Guideline Reference No: 81-5)	7/13/97
		Dermal Sensitization (Guideline Reference No: 81-6)	7/13/97
		Products for Use on Hard Surfaces (Guideline Reference No: 91-2)	7/13/97
		Products for Control of Microbial Pests (Guideline Reference No: 91-7)	7/13/97
		Confidential Statement of Formula (CSF) Form	7/13/97
		8-Month Response	7/13/97
Russall Products Co. Inc.	Bromacil	Chemical Identity (Guideline Reference No: 61-1)	9/9/97
		Beginning Material and Manufacturing Process (Guideline Reference No: 61-2(a))	9/9/97

TABLE B-LIST OF REQUIREMENTS—Continued

Registrant Affected	Active Ingredient	Requirement Name	Original Due-Date
		Discussion of Impurities (Guideline Reference No: 61-2(b))	9/9/97
		Preliminary Analysis of Product Samples (Guideline Reference No: 62-1)	9/9/97
		Certification of Ingredient Limits (Guideline Reference No: 62-2)	9/9/97
		Analytical Method to Verify Certified Limits (Guideline Reference No: 62-3)	9/9/97
		Physical State (Guideline Reference No: 63-3)	9/9/97
		Density, Bulk Density, or Specific Gravity (Guideline Reference No: 63-7)	9/9/97
		Oxidizing/Reducing Action (Guideline Reference No: 63-14)	9/9/97
		Flammability (Guideline Reference No: 63-15)	9/9/97
		Explodability (Guideline Reference No: 63-16)	9/9/97
		Storage Stability (Guideline Reference No: 63-17)	9/9/97
		Miscibility (Guideline Reference No: 63-19)	9/9/97
		Corrosion Characteristics (Guideline Reference No: 63-20)	9/9/97
		Dielectric Breakdown Voltage (Guideline Reference No: 63-21)	9/9/97
		Acute Oral Toxicity—Rat (Guideline Reference No: 81-1)	9/9/97
		Acute Dermal Toxicity—Rabbit/Rat (Guideline Reference No: 81-2)	9/9/97
		Acute Inhalation Toxicity—Rat (Guideline Reference No: 81-3)	9/9/97
		Primary Eye Irritation—Rabbit (Guideline Reference No: 81-4)	9/9/97
		Primary Dermal Irritation (Guideline Reference No: 81-5)	9/9/97
		Dermal Sensitization (Guideline Reference No: 81-6)	9/9/97
		Confidential Statement of Formula (CSF) Form	9/9/97
		90-Day Response	9/9/97
		8-Month Response	9/9/97
Voluntary Purchasing Group, Inc.	Benomyl	Dislodgeable Foliar Residue: Crop (Guideline Reference No: 132-1)	6/16/94
		Dermal Passive Dosimetry Exposure (Guideline Reference No: 133-3)	6/16/94
		Worker Reentry Exposure (WRE); Crop-Grapes; Site-CA (Guideline Reference No: 133-3)	6/16/94
		Inhalation Passive Dosimetry Exposure (Guideline Reference No: 133-4)	6/16/94
		Dermal Exposure: Mixer/Loader/Applicator (Guideline Reference No: 231)	6/16/94
		Inhalation Exposure: Mixer/Loader/Applicator (Guideline Reference No: 232)	6/16/94

V. Attachment III Suspension Report—Explanatory Appendix

A discussion of the basis for the Notices of Intent to Suspend follows:

A. Aliphatic Alcohols, C1-C5

On August 17, 1995, the Agency issued an Aliphatic Alcohols Reregistration Eligibility Document Data Call-In Notice imposed pursuant to section 4(g)(2)(b) and (3)(c)(2)(B) of FIFRA which required registrants of products containing aliphatic alcohols to develop and submit certain data. These data/information were determined to be necessary to satisfy reregistration data requirements of section 4(g). Failure to comply with the requirements of a Phase 5 Reregistration Eligibility Document Data Call-In Notice is a basis for suspension under section 3(c)(2)(B) of FIFRA.

The Aliphatic Alcohols Phase 5 Reregistration Eligibility Document Data Call-In Notice, dated August 17, 1995, required each affected registrant to submit data/information to the Agency to address each of the data requirements. Those data/information were required to be received by the Agency within 8 months of the registrant's receipt of the Notice. While you have submitted some of the required data, the 90–day response as well as the product chemistry and efficacy studies have not been submitted to date. By a June 11, 1998 letter, the Agency gave Breen Laboratories 10 days from Breen's receipt of the letter to submit the outstanding data or the Agency might begin the registration suspension process. Because you have not responded to that letter or numerous phone calls to submit adequate information and the 90–day response listed in Attachment I, the Agency is issuing this Notice of Intent to Suspend.

B. Benomyl

On June 16, 1992, EPA issued a Data Call-In Notice the under authority of FIFRA section 3(c)(2)(B) which required registrants of products containing benomyl used as an active ingredient to develop and submit data. These data/information were determined to be necessary to maintain the continued registration of affected products. Failure to comply with the requirements of a Data Call-In Notice is a basis for suspension under section (3)(c)(2)(B) of FIFRA.

The Benomyl Data Call-In Notice dated June 16, 1992, required each affected registrant to submit materials relating to the election of the options to address each of the data requirements. That submission was required to be received by the Agency within 90 days of the registrant's receipt of the Notice. On July 1, 1992, the Agency received your response in which you claimed a Generic Data Exemption (GDE).

On May 24, 1995, E.I. DuPont de Nemours & Company, submitted a request to amend their benomyl registrations to delete uses on turf and lawn grasses. The Agency approved this

request and published a notice to this effect in the September 13, 1995 Federal Register. These use deletions became effective on December 12, 1995. DuPont's current benomyl registrations and labels do not include any uses of benomyl on turf and lawn grasses. Since the basic manufacturer of benomyl, E.I. DuPont de Nemours and Company, has deleted from their benomyl registrations all uses on turf and lawn grasses, the responsibility for generating the necessary data to support these uses shifted to remaining end-use registrants.

On December 2, 1996, you were sent and received a letter in reference to your GDE which you sought in your response to the Benomyl Data Call-In issued in 1992. In this letter you were informed that the basic registrant, E.I. DuPont de Nemours, was no longer supporting the use of benomyl on turf and lawn grasses and had deleted all turf and lawn grass uses from its registrations and labels. Pursuant to FIFRA section 3(c)(2)(B), your GDE for your affected products was revoked. The letter also gave you some options, including submitting data specified in the Data Call-In. The letter required you to inform the Agency of your election of one of these options within 30 days of your reciept of the Agency's letter. You received the Agency's December 2, 1996 letter on December 9, 1996, as evidenced by a return receipt green card. The Agency has not received from you the required election of options, nor the required data or amendments to delete the affected uses from your registrations and labels.

Because the Agency has not received a response from you, as a benomyl end-use registrant, to undertake the required testing, or any other appropriate response, the Agency is initiating this Notice of Intent to Suspend the benomyl registrations described in Attachment II. This action is required under FIFRA in these circumstances.

C. Bromacil

The Bromacil Registration Eligibility Document Data Call-In Notice for bromacil was issued May 22, 1997. The 90–day responses were due on September 9, 1997, and the 8–month responses were due on January 17, 1998. An Agency letter dated October 23, 1997, was mailed to Russall Products Company requiring within 20 days of receipt of the letter submission of the overdue 90–day response for Russall's bromacil product registration. The letter was received on October 28, 1997, as evidenced by the U.S. Postal Service return receipt. The Agency has not received a 90–day response either from Russall. Likewise, an Agency letter dated February 10, 1998, was mailed certified mail return receipt requested to Russall stating that both the 90–day and 8–month responses were overdue. The letter required Russall to submit the 90–day and 8–month responses within 20 days of reciept of the letter. Russall received the February 10, 1998 letter on February 18, 1998, as evidenced by a U.S. Postal Service return receipt. The Agency has not received any 8–month responses.

On October 5, 1998, Karen Jones, of EPA's Special Review and Reregistration Division/Product Reregistration Branch, spoke with Martin Derise, the contact person for Russall Products Company, regarding Russall's overdue 90–day and 8–month responses to the Bromacil Data Call-In. During this phone conversation, Mr. Derise informed Ms. Jones that Dr. J.B. Ruck & Associates is the consultant handling the reregistration of their bromacil product. On several occasions during the last year, Dr. Ruck indicated Russall Products plans to voluntarily cancel the bromacil product. The Agency has not received the voluntary cancellation.

On October 19, 1999, the Agency sent another letter to Dr. Ruck (a courtesy copy of the letter was also sent to Mr. Derise via certified mail) requesting that the voluntary cancellation or the 90–day and 8 month responses be submitted within 20 days of receipt of the letter. In the same letter, the Agency also notified Russall Products Company that failure to submit a response would result in a Notice of Intent to Suspend for Russall's Bromacil product registration. Dr. Ruck received the October 19, 1999 letter on October 22, 1999, and Mr. Derise received the letter on October 22, 1999.

To date, the Agency has not received either the voluntary cancellation or the 90–day or 8–month responses. Based on the 1997 Bromacil Data Call-In, Russall Products Company is not in compliance; therefore, the Agency is issuing this Notice of Intent to Suspend.

D. Ortho-Benzyl-Para-Chlorophenol

Haag Laboratories, Inc.

On November 15, 1996, EPA issued the Phase 5 Registration Eligibility Document Data Call-In Notice imposed pursuant to sections 4(g)(2)(B) and 3(c)(2)(B) of FIFRA which required the registrants of products containing 2-benzyl-4-chlorophenol used as the active ingredient to develop and submit certain data. These data/information were determined to be necessary to satisfy reregistration data requirements of section 4(g). Failure to comply with the requirements of a Phase 5 Reregistration Eligibility Document Data Call-In Notice is a basis for suspension under section 3(c)(2)(B) of FIFRA.

The 2-Benzyl-4-chlorophenol Phase 5 Registration Eligibility Document Data Call-In Notice dated November 15, 1996, required each affected registrant to submit data/information to the Agency to address each of the data requirements. Those data/information were required to be received by the Agency within 8 months of the registrant's receipt of the Notice. You received the Data Call-In Notice on November 18, 1996, as evidenced by the U.S. Postal Service return receipt.

The Agency received on February 25, 1997, your 90–day response to the 2-benzyl-4-chlorophenol RED for the product, EPA registration Number 2311-4. The response which included the "Requirements Status and Registrant's Response" form dated February 18, 1997, indicated Haag Laboratories, Inc.'s commitment to generate and submit data by the specified due dates, for all product chemistry, acute toxicity, and efficacy data requirements with the exception of certain waivers which were requested for Product Chemistry Guidelines 63-14, Oxidizing or Reducing Action; 63-16, Explodability; 63-19, Miscibility; and 63-21, Dialectric Breakdown Voltage. The Agency approved the product chemistry waiver requests and so informed you.

In a facsimile dated March 20, 1997, Haag Laboratories, Inc. submitted a cover letter citing MRID 265974 and Northview Laboratories, Inc.'s "Report of Analysis," in support of the efficacy data requirement for Guideline 91-2, AOAC Tuberculocidal Activity study.

The 8–month response to the 2-benzyl-4-chlorophenol RED was due to the Agency on July 13, 1997. No additional data have been provided to date to address other product-specific data requirements. In an Agency letter dated April 26, 1999, Haag Laboratories, Inc. was given 30 days to submit the required responses and required data. You received that letter on April 29, 1999. The Agency has not received the remaining required product-specific data (8–month responses).

Since Haag Laboratories, Inc. has not provided the required 8–month responses, including the data required to meet those requirements listed in Attachment II within the required time, the Agency is issuing this Notice of Intent to Suspend.

Ortho-Benzyl-Para-Chlorophenol

KC Laboratories

On November 15, 1996, EPA issued the Phase 5 Registration Eligibility Document Data Call-In-Notice imposed

pursuant to sections 4(g)(2)(B) and 3(c)(2)(B) of FIFRA which required the registrants of the products containing 2-benzyl-4-chlorophenol used as the active ingredient to develop and submit certain data. These data/information were determined to be necessary to satisfy reregistration data requirements of section 4(g). Failure to comply with the requirements of a Phase 5 Reregistration Eligibility Document Data Call-In-Notice is a basis for suspension under section 3(c)(2)(B) of FIFRA. You received this notice on November 18, 1996, as evidenced by the U.S. Postal Service return receipt.

The Agency received on February 21, 1997, the 90-day response to the 2-Benzyl-4-chlorophenol Data Call-In for EPA Registration Number 63163–1. The response which included the "Requirements Status and Registrant's Response" form dated February 12, 1997, indicated KC Laboratories' commitment to generate and submit all product chemistry, acute toxicity and efficacy data required by the 2-benzyl-4-chlorophenol, RED, Product Specific Data Call-In Notice by dates required by the Notice.

The 8–month response including all the required data set forth in the 2-Benzyl-4-chlorophenol Data Call-In was required to be submitted to the Agency by July 13, 1997. In an Agency letter dated April 27, 1999, KC Laboratories was given 30 days from its receipt of the letter to submit the 8–month response and required data. KC Laboratories received this letter on May 3, 1999, as evidenced by the U.S. Postal Service return receipt. To date, the Agency has not received the product specific data (8–month response).

To date October 1, 1999, the Agency has not received the required 8–month response. Based on the 1996 2-Benzyl-4-chlorophenol Data Call-In, KC Laboratories is not in compliance; therefore, the Agency is issuing this Notice of Intent to Suspend.

VI. Conclusions

EPA has issued Notices of Intent to Suspend on the dates indicated. Any further information regarding these Notices may be obtained from the contact person noted above.

List of Subjects

Environmental protection.

Dated: September 18, 2000.

Richard Colbert,

Director, Agriculture and Ecosystems Division, Office of Compliance.

[FR Doc. 00–24782 Filed 9–28–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–60055; FRL–6743–8]

Intent to Suspend Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of issuance of Notices of Intent to Suspend.

SUMMARY: This Notice, pursuant to section 6(f)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*, announces that EPA has issued Notices of Intent to Suspend pursuant to sections 3(c)(2)(B) and 4 of FIFRA. The Notices were issued following issuance of Section 4 Reregistration Requirements Notices by the Agency and the failure of registrants subject to the Section 4 Reregistration Requirements Notices to take appropriate steps to secure the data required to be submitted to the Agency. This Notice includes the text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information. Table A of this Notice further identifies the registrants to whom the Notices of Intent to Suspend were issued, the date each Notice of Intent to Suspend was issued, the active ingredient(s) involved, and the EPA registration numbers and names of the registered product(s) which are affected by the Notices of Intent to Suspend. Moreover, Table B of this Notice identifies the basis upon which the Notices of Intent to Suspend were issued. Finally, matters pertaining to the timing of requests for hearing are specified in the Notices of Intent to Suspend and are governed by the deadlines specified in section 3(c)(2)(B). As required by section 6(f)(2), the Notices of Intent to Suspend were sent by certified mail, return receipt requested, to each affected registrant at its address of record.

FOR FURTHER INFORMATION CONTACT: Harold Day, Office of Compliance (2225A), Agriculture and Ecosystem Division, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, (202) 564–4133.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

II. Text of a Notice of Intent to Suspend

The text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information, follows:

United States Environmental Protection Agency

Office of Prevention, Pesticides and Toxic Substances

Washington, DC 20460
Certified Mail
Return Receipt Requested
SUBJECT: Suspension of Registration of Pesticide Product(s) Containing Dichlobenil for Failure to Comply with the Dichlobenil Section 4 Phase 5 Reregistration Eligibility Document Data Call-In Notice Dated October 1998

Dear Sir/Madam:

This letter gives you notice that the pesticide product registrations listed in Attachment I will be suspended 30 days from your receipt of this letter unless you take steps within that time to prevent this Notice from automatically becoming a final and effective order of suspension. The Agency's authority for suspending the registrations of your products is section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Upon becoming a final and effective order of suspension, any violation of the order will be an unlawful act under section 12(a)(2)(J) of FIFRA.

You are receiving this Notice of Intent to Suspend because you have failed to comply with the terms of the Phase 5 Reregistration Eligibility Document Data Call-In Notice imposed pursuant to section 4(g)(2)(b) and section (3)(2)(B) of FIFRA.

The specific basis for issuance of this Notice is stated in the Explanatory Appendix (Attachment III) to this Notice. The affected products and the requirements which you failed to satisfy are listed and described in the following three attachments:

Attachment I Suspension Report—Product List

Attachment II Suspension Report—Requirement List

Attachment III Suspension Report—Explanatory Appendix

The suspension of the registration of each product listed in Attachment I will become final unless at least one of the following actions is completed.

1. You may avoid suspension under this Notice if you or another person adversely affected by this Notice properly request a hearing within 30 days of your receipt of this Notice. If you request a hearing, it will be conducted in accordance with the

requirements of section 6(d) of FIFRA and the Agency's procedural regulations in 40 CFR part 164.

Section 3(c)(2)(B), however, provides that the only allowable issues which may be addressed at the hearing are whether you have failed to take the actions which are the bases of this Notice and whether the Agency's decision regarding the disposition of existing stocks is consistent with FIFRA. Therefore, no substantive allegation or legal argument concerning other issues, including but not limited to the Agency's original decision to require the submission of data or other information, the need for or utility of any of the required data or other information or deadlines imposed, and the risks and benefits associated with continued registration of the affected product, may be considered in the proceeding. The Administrative Law Judge shall by order dismiss any objections which have no bearing on the allowable issues which may be considered in the proceeding.

Section 3(c)(2)(B)(iv) of FIFRA provides that any hearing must be held and a determination issued within 75 days after receipt of a hearing request. This 75–day period may not be extended unless all parties in the proceeding stipulate to such an extension. If a hearing is properly requested, the Agency will issue a final order at the conclusion of the hearing governing the suspension of your products.

A request for a hearing pursuant to this Notice must (1) include specific objections which pertain to the allowable issues which may be heard at the hearing, (2) identify the registrations for which a hearing is requested, and (3) set forth all necessary supporting facts pertaining to any of the objections which you have identified in your request for a hearing. If a hearing is requested by any person other than the registrant, that person must also state specifically why he asserts that he would be adversely affected by the suspension action described in this Notice. Three copies of the request must be submitted to: Hearing Clerk, 1900, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and an additional copy should be sent to the signatory listed below. The request must be *received* by the Hearing Clerk by the 30th day from your receipt of this Notice in order to be legally effective. The 30–day time limit is established by FIFRA and cannot be extended for any reason. Failure to meet the 30–day time limit will result in automatic suspension of your registration(s) by operation of law and, under such circumstances, the suspension of the registration for your affected product(s) will be final and effective at the close of business 30 days after your receipt of this Notice and will not be subject to further administrative review.

The Agency's Rules of Practice at 40 CFR 164.7 forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. Accordingly, the following EPA offices, and the staffs thereof, are designated as judicial staff to perform the judicial function of EPA in any administrative hearings on this Notice of Intent to Suspend: The Office of the Administrative Law Judges, the Office of the Judicial Officer, the Administrator, the Deputy Administrator, and the members of the staff in the immediate offices of the Administrator and Deputy Administrator. None of the persons designated as the judicial staff shall have any *ex parte* communication with trial staff or any other interested person not employed by EPA on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

2. You may also avoid suspension if, within 30 days of your receipt of this Notice, the Agency determines that you have taken appropriate steps to comply with the Section 4 Phase 5 Reregistration Eligibility Document Data Call-In Notice requirements. In order to avoid suspension under this option, you must satisfactorily comply with Attachment II, Requirement List, for each product by submitting all required supporting data/information described in Attachment II and in the Explanatory Appendix (Attachment III) to the following address (preferably by certified mail):

Office of Compliance (2225A), Agriculture and Ecosystems Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

For you to avoid automatic suspension under this Notice, the Agency must also determine within the applicable 30–day period that you have satisfied the requirements that are the bases of this Notice and so notify you in writing. You should submit the necessary data/information as quickly as possible for there to be any chance the Agency will be able to make the necessary determination in time to avoid suspension of your product(s).

The suspension of the registration(s) of your company's product(s) pursuant to this Notice will be rescinded when the Agency determines you have complied fully with the requirements which were the bases of this Notice. Such compliance may only be achieved by submission of the data/information described in the attachments to the signatory below.

Your product will remain suspended, however, until the Agency determines you are in compliance with the requirements which are the bases of this Notice and so informs you in writing.

After the suspension becomes final and effective, the registrant subject to this Notice, including all supplemental registrants of product(s) listed in Attachment I, may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Persons other than the registrant subject to this Notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Nothing in this Notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I in any manner which would have been unlawful prior to the suspension.

If the registrations of your products listed in Attachment I are currently suspended as a result of failure to comply with another Section 4 Data Requirements Notice or Section 3(c)(2)(B) Data Call-In Notice, this Notice, when it becomes a final and effective order of suspension, will be in addition to any existing suspension, i.e., all requirements which are the bases of the suspension must be satisfied before the registration will be reinstated.

You are reminded that it is your responsibility as the basic registrant to notify all supplementary registered distributors of your basic registered product that this suspension action also applies to their supplementary registered products and that you may be held liable for violations committed by your distributors. If you have any questions about the requirements and procedures set forth in this suspension notice or in the subject section 4 Data Requirements Notice, please contact Francisca Liem at (202) 564–2365.

Sincerely yours,

Director, Agriculture and Ecosystems Division, Office of Compliance

Attachments:
Attachment I—Product List
Attachment II—Requirement List
Attachment III—Explanatory Appendix

III. Registrants Receiving and Affected by Notices of Intent to Suspend; Date of Issuance; Active Ingredient and Products Affected

The following is a list of products for which a letter of notification has been sent:

TABLE A.—LIST OF PRODUCTS

Registrant Affected	EPA Registration Number	Active Ingredient	Name of Product	Date Issued
Toby's Chemical Co. Inc.	06815300001	Dichlobenil	Dichlojell Root Killer Cream	8/10/00
Voluntary Purchasing Group, Inc.	00740100395	Dichlobenil	American Brand Casoron Granules	8/10/00

IV. Basis for Issuance of Notice of Intent; Requirement List

The following companies failed to submit the following requirement data or information:

TABLE B.—LIST OF REQUIREMENTS

Active Ingredient	Registrant Affected	Requirement Name	Original Due–Date
Dichlobenil	Toby's Chemical Co. Inc.	Chemical Identity (Guideline Reference No: 61-1)	7/1/99
		Beginning Material and Manufacturing Process (Guideline Reference No: 61-2(a))	7/1/99
		Discussion of Impurities (Guideline Reference No: 61-2(b))	7/1/99
		Preliminary Analysis of Product Samples (Guideline Reference No: 62-1)	7/1/99
		Certification of Ingredient Limits (Guideline Reference No: 62-2)	7/1/99
		Analytical Method to Verify Certified Limits (Guideline Reference No: 62-3)	7/1/99
		Color (Guideline Reference No: 63-2)	7/1/99
		Physical State (Guideline Reference No: 63-3)	7/1/99
		Density, Bulk Density, or Specific Gravity (Guideline Reference No: 63-7)	7/1/99
		pH (Guideline Reference No: 63-12)	7/1/99
		Stability (Guideline Reference No: 63-13)	7/1/99
		Oxidizing/Reducing Action (Guideline Reference No: 63-14)	7/1/99
		Flammability (Guideline Reference No: 63-15)	7/1/99
		Explodability (Guideline Reference No: 63-16)	7/1/99
		Storage Stability (Guideline Reference No: 63-17)	7/1/99
		Viscosity (Guideline Reference No: 63-18)	7/1/99
		Miscibility (Guideline Reference No: 63-19)	7/1/99
		Corrosion Characteristics (Guideline Reference No: 63-20)	7/1/99
		Dielectric Breakdown Voltage (Guideline Reference No: 63-21)	7/1/99
		Acute Oral Toxicity—Rat (Guideline Reference No: 81-1)	7/1/99
		Acute Dermal Toxicity—Rabbit/Rat (Guideline Reference No: 81-2)	7/1/99
		Acute Inhalation Toxicity—Rat (Guideline Reference No: 81-3)	7/1/99
		Primary Eye Irritation—Rabbit (Guideline Reference No: 81-4)	7/1/99
		Primary Dermal Irritation (Guideline Reference No: 81-5)	7/1/99
		Dermal Sensitization (Guideline Reference No: 81-6)	7/1/99
		90-Day Response	7/1/99
		Confidential Statement of Formula (CSF) Form	7/1/99
		8-Month Response	7/1/99
Dichlobenil	Voluntary Purchasing Group, Inc.	Chemical Identity (Guideline Reference No: 61-1)	7/1/99
		Beginning Material and Manufacturing Process (Guideline Reference No: 61-2(a))	7/1/99
		Discussion of Impurities (Guideline Reference No: 61-2(b))	7/1/99
		Preliminary Analysis of Product Samples (Guideline Reference No: 62-1)	7/1/99
		Certification of Ingredient Limits (Guideline Reference No: 62-2)	7/1/99
		Analytical Method to Verify Certified Limits (Guideline Reference No: 62-3)	7/1/99
		Color (Guideline Reference No: 63-2)	7/1/99
		Physical State (Guideline Reference No: 63-3)	7/1/99

TABLE B.—LIST OF REQUIREMENTS—Continued

Active Ingredient	Registrant Affected	Requirement Name	Original Due–Date
		Density, Bulk Density, or Specific Gravity (Guideline Reference No: 63-7)	7/1/99
		pH (Guideline Reference No: 63-12)	7/1/99
		Stability (Guideline Reference No: 63-13)	7/1/99
		Oxidizing/Reducing Action (Guideline Reference No: 63-14)	7/1/99
		Flammability (Guideline Reference No: 63-15)	7/1/99
		Explodability (Guideline Reference No: 63-16)	7/1/99
		Storage Stability (Guideline Reference No: 63-17)	7/1/99
		Viscosity (Guideline Reference No: 63-18)	7/1/99
		Miscibility (Guideline Reference No: 63-19)	7/1/99
		Corrosion Characteristics (Guideline Reference No: 63-20)	7/1/99
		Dielectric Breakdown Voltage (Guideline Reference No: 63-21)	7/1/99
		Acute Oral Toxicity—Rat (Guideline Reference No: 81-1)	7/1/99
		Acute Dermal Toxicity—Rabbit/Rat (Guideline Reference No: 81-2)	7/1/99
		Acute Inhalation Toxicity—Rat (Guideline Reference No: 81-3)	7/1/99
		Primary Eye Irritation—Rabbit (Guideline Reference No: 81-4)	7/1/99
		Primary Dermal Irritation (Guideline Reference No: 81-5)	7/1/99
		Dermal Sensitization (Guideline Reference No: 81-6)	7/1/99
		90-Day Response	7/1/99
		Confidential Statement of Formula (CSF) Form	7/1/99
		8-Month Response	7/1/99

V. Attachment III Suspension Report—Explanatory Appendix

A discussion of the basis for the Notices of Intent to Suspend follows:

Dichlobenil

A. Toby Chemical Co.

In October 1998, the Agency issued the Phase 5 Reregistration Eligibility Document Data Call-In Notice imposed pursuant to sections 4(g)(2)(B) and 3(c)(2)(B) of FIFRA which required the registrants of products containing Dichlobenil used as an active ingredient to develop and submit certain data. These data/information were determined to be necessary to satisfy reregistration data requirements of section 4(g). Failure to comply with the requirements of a Phase 5 Registration Eligibility Document Call-In Notice is a basis for suspension under section 3(c)(2)(b) of FIFRA. You received this notice on November 2, 1998, as evidenced by the U.S. Postal Service green card return receipt. This Data Call-In Notice required the registrant to submit a 90–day response indicating their intent to submit the required data and the 8–month response submitting the required data.

On May 10, 1999, Brazos Associates, Inc., agent for General Chemical Co., notified the Agency that the product Dichlojell (EPA Registration No. 68153–1), transferred from Toby Chemical Co. to General Chemical Co. Brazos Associates indicated in the May 10, 1999 letter that General Chemical Co. has elected to let this product go into suspension rather than develop and submit the required product chemistry and acute toxicity data required to support its product's reregistration with the Agency. However, since no official request has been received by the Agency from Brazos Associates to affectuate a transfer of the registration to General Chemical Co., and, hence, no registration transfer has been completed by the Agency, Toby Chemical Co. is still considered the registrant of record for the registration.

Since Toby Chemical Co. has not submitted the 90–day or 8–month response, nor the required data by the July 1, 1999, due date, the Agency is issuing this Notice of Intent to Suspend.

B. Voluntary Purchasing Group, Inc.

In October 1988, the Agency issued a Phase 5 Reregistration Eligibility Document Data Call-In Notice imposed pursuant to sections 4(g)(2)(B) and 3(c)(2)(B) of FIFRA which required the registrants of products containing Diclobenil used as an active ingredient to develop and submit certain data. These data/information were determined to be necessary to satisfy reregistration data requirements of section 4(g). Failure to comply with the requirements of a Phase 5 Reregistration Eligibility Document Call-In Notice is a basis for suspension under section 3(c)(2)(B) of FIFRA. Voluntary Purchasing Group, Inc. received this document on October 29, 1998, as evidenced by the U.S. Postal Service green card return receipt. This Data Call-In Notice required the registrant to submit a 90–response indicating their intent to submit the required data and an 8–month response submitting the required data.

On March 12, 1999, Brazos Associates, Inc., agent for Voluntary Purchasing Group, Inc., requested that the Agency suspend the product, American Brands Casoron Granules (EPA Registration Number 7401–395). The registrant through its agent indicated that it was not submitting the product-specific data required to support the product's reregistration with the Agency.

Since neither the 90–day or 8–month responses, nor the required data were submitted by the July 1, 1999 due date, the Agency is issuing this Notice of Intent to Suspend.

VI. Conclusions

EPA has issued Notices of Intent to Suspend on the dates indicated. Any further information regarding these Notices may be obtained from the contact person noted above.

List of Subjects

Environmental protection.

Dated: September 18, 2000.

Richard Colbert,

Director, Agriculture and Ecosystems Division, Office of Compliance.

[FR Doc. 00–24781 Filed 9–28–00; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission; Comments Requested

September 20, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before November 28, 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 Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Number: 3060–0029.

Title: Application for TV Broadcast Station License.

Form Number: FCC 302–TV.

Type of Review: Revision of currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions.

Number of Respondents: 93.

Estimated time per response: 4–10 hours (1–2 hours respondent/2–6 hours consulting engineer).

Frequency of Response: Reporting, on occasion.

Total annual burden: 224.

Costs to Respondents: $61,390.

Needs and Uses: Licensees and permittees of TV broadcast stations are required to file FCC Form 302–TV to obtain a new or modified station license, and/or to notify the Commission of certain changes in the licensed facilities of these stations.

The Commission has substantially revised the FCC 302–TV to facilitate electronic filing by replacing narrative exhibits with the use of certifications and an engineering technical box. The Commission also deleted and narrowed overly burdensome questions. The FCC 302–TV has been supplemented with detailed instructions to explain processing standards and rule interpretations to help ensure that applicants certify accurately. These changes will streamline the Commission's processing of FCC 302–TV applications.

The data is used by FCC staff to confirm that the station has been built to terms specified in the outstanding construction permit, and to update FCC station files. Data is then extracted from FCC 302–TV for inclusion in the subsequent license to operate the station.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–24961 Filed 9–28–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

September 20, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(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 October 30, 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, Washington, 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.: 3060–0949.

Title: Interstate Telephone Service Provider Worksheet.

Form No.: FCC Form 159–W.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, businesses or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 4,500.

Estimated Time Per Response: .25 hours.

Frequency of Response: On occasion and annual reporting requirement.

Total Annual Burden: 1,125 hours.

Total Annual Cost: N/A.

Needs and Uses: The information supplied will assist applicants in determining the correct amount of regulatory fees owed the Commission, and will facilitate FCC verification that the correct fee amount has been paid. This form will be filed annually, but only by those parties who are required to pay the interstate telephone operator service provider fee.

OMB Control No.: 3060–0512.

Title: ARMIS Annual Summary Report.

Report No.: FCC Report 43–01.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 150.

Estimated Time Per Response: 135 hours.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 20,250 hours.

Total Annual Cost: N/A.

Needs and Uses: ARMIS was implemented to facilitate the timely and efficient analysis of revenue requirements, rates of return and price caps; to provide an improved basis for audits and other oversight functions; and to enhance the Commission's ability to quantify the effects of alternative policy. The ARMIS Report 43–01 contains financial and operating data and is used to monitor the incumbent local exchange carriers ("ILECs") and to perform routine analyses of costs and revenues. ARMIS Report 43–01 facilitates the annual collection of results of accounting, rate base, and cost allocation requirements prescribed in Parts 32, 36, 64, 65 and 69 of the Commission's Rules.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–24962 Filed 9–28–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

September 19, 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 October 30, 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, Washington, 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.: 3060–0513.

Title: ARMIS Joint Cost Report.

Report No.: FCC Report 43–03.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 150.

Estimated Time Per Response: 83 hours.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 12,450 hours.

Total Annual Cost: N/A.

Needs and Uses: ARMIS was implemented to facilitate the timely and efficient analysis of revenue requirements, rates of return and price caps; to provide an improved basis for audits and other oversight functions; and to enhance the Commission's ability to quantify the effects of alternative policy. The ARMIS Joint Cost Report, FCC Report 43–03, contains financial and operating data. The FCC Report 43–03 details the incumbent local exchange carriers ("ILECs") regulated and nonregulated cost and revenue allocations by study area pursuant to Part 64 of the Commission's rules.

The information contained in FCC Report 43–03 provides the necessary details to enable the Commission to fulfill its regulatory responsibilities. Automated reporting of these data greatly enhances the Commission's ability to analyze and process the extensive amounts of data that it needs to administer its rules.

OMB Control No.: 3060–0804.

Title: Universal Service—Health Care Providers Universal Service Program.

Form No.: FCC Forms 465, 466, 466–A, 467, and 468.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and not-for-profit institutions.

Number of Respondents: 5,255.

Estimated Time Per Response: 1.8 hours (average).

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Total Annual Burden: 9,755 hours.

Total Annual Cost: N/A.

Needs and Uses: The Commission adopted rules providing support for all telecommunications services, Internet access, and internal connections for all eligible health care providers. Health care providers who want to participate in the universal service program must file several forms, including FCC Forms 465, 466, 466–A, 467 and 468. The information is used to determine eligibility for the program.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–24963 Filed 9–28–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

September 22, 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 current 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 November 28, 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., Washington, 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.

OMB Control No.: 3060–0951.

Title: Service of Petitions for Preemption, 47 CFR Section 1.1204(b) Note, Section 1.1206(a), Note 1.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit, and not-for-profit institutions.

Number of Respondents: 125.

Estimated Time Per Response: 15 minutes.

Frequency of Response: Third party disclosure requirement, on occasion reporting requirement.

Total Annual Burden: 30 hours.

Total Annual Cost: $0.

Needs and Uses: These provisions supplement the procedures for filing petitions seeking Commission preemption of state and local government regulation of telecommunications services. They require that such petitions, whether in the form of a petition for rulemaking or a petition for declaratory ruling, be served on all state and local governments (the actions for which are cited as a basis for requesting preemption.) Thus, in accordance with these provisions, persons seeking preemption must serve their petitions not only on the state or local government whose authority would be preempted, but also on other state or local governments whose actions are cited in the petition.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–24965 Filed 9–28–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

September 22, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before November 28, 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 Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0761..

Title: Closed Captioning of Video Programming.

Form Number: n/a.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; Business and other for-profit entities.

Number of Respondents: 4,300.

Estimated Time Per Response: .5–5 hours estimated for both the petition and complaint process.

Total Annual Burden: 5,740 hours.

Total Annual Costs: $42,100.

Needs and Uses: The information collection requirements reported under this control number are used by video programming providers to request exemptions from the Commission's closed captioning rules and by the Commission to enforce the rules through a complaint process.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–25016 Filed 9–28–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

September 20, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 30, 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 Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *lesmith@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *lesmith@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0511.

Title: ARMIS Access Report.

Form Number: FCC Report 43–04.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 150.

Estimate Time Per Response: 621 hours.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 93,150 hours.

Total Annual Costs: None.

Needs and Uses: The Access Report is needed to administer the results of the FCC's jurisdictional separations and access charge procedures in order to analyze revenue requirements, joint cost allocations, jurisdictional separations, and access charges.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–24966 Filed 9–28–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

September 13, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 30, 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 Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to *lesmith@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *lesmith@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0441.

Title: Section 90.621(b)(4), Selection and Assignment of Frequencies.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; and State, local, or tribal Governments.

Number of Respondents: 250.

Estimate Time Per Response: 0.5 to 1.5 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 425 hours.

Total Annual Costs: $15,000.

Needs and Uses: The Commission requires applicants wishing to locate co-channel systems less than 70 miles from an existing system operating on the same channel to make a specific request and provide certain information about the co-channel to satisfy the mileage separation requirements, as provided under 47 U.S.C. 154(i) and 390(j), as amended. If the requested distance falls within the parameters of the Table provided in the rules, no waiver of the short spacing rule is required. If the request is for a distance less than those prescribed in the Table, a waiver of the short spacing rules is required from the Commission. Incumbent licensees seeking to utilize an 18 dBMU signal strength interference countour and that are unsuccessful in obtaining the consent of affected co-channel incumbents, may submit to any certified frequency coordinator of 800 MHz band channels an engineering study showing that interference will not occur, together with proof that the incumbent licensee has sought consent. The incumbent may then provide to the Commission in their modification applications a statement from a certified frequency coordinator that no harmful interference will occur to a co-channel licensee.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–24967 Filed 9–28–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10 a.m. (EDT) October 10, 2000.

PLACE: 4th Floor, Conference Room 4506, 1250 H Street NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the September 11, 2000, Board member meeting.

2. Thrift Savings Plan activity report by the Executive Director.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: September 26, 2000.

Elizabeth S. Woodruff,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 00–25135 Filed 9–26–00; 4:59 pm]

BILLING CODE 6760–01–M

GENERAL ACCOUNTING OFFICE

Advisory Council on Government Auditing Standards, Notice of Meeting

The Advisory Council on Government Auditing Standards will meet Monday, October 16, 2000, from 8:30 a.m. to 4:45 p.m., and Tuesday, October 17, 2000, from 8:30 a.m. to 4:30 p.m. in room 7C13 of the General Accounting Office building, 441 G Street, NW., Washington, DC.

The Advisory Council on Government Auditing Standards will hold a meeting to discuss issues that may impact government auditing standards. The meeting is open to the public. Any interested person who plans to attend

the meeting as an observer should present a copy of this meeting notice and a form of picture identification to the GAO Security Desk on the day of the meeting to obtain access to the GAO Building. Council discussions and reviews are open to the public. Members of the public will be provided an opportunity to address the Council with a brief (five minute) presentation on the afternoon of Tuesday, October 17.

For further information or to notify the Council of your intention to address the Council, please contact Marcia Buchanan, Assistant Director, Government Auditing Standards, 202–512–9321.

Marcia B. Buchanan,

Assistant Director.

[FR Doc. 00–24968 Filed 9–28–00; 8:45 am]

BILLING CODE 1610–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Minority Health; Notice of a Cooperative Agreement With the Asian and Pacific Islander American Health Forum Inc.

AGENCY: Office of the Secretary, Office of Minority Health, DHHS.

ACTION: Notice of a Single Source Cooperative Agreement with the Asian and Pacific Islander American Health Forum Inc.

Project Title: Cooperative Agreement to Improve the Health Status of Minority Populations.

OMB Catalog of Federal Domestic Assistance: The Catalog of Federal Domestic Assistance number for this cooperative agreement is 93.004.

Authority: This cooperative agreement is authorized under Section 1707 (e)(1) of the Public Health Service Act, as amended.

The Office of Minority Health (OMH), Office of Public Health and Science, announces it is continuing to support a single source umbrella cooperative agreement with the Asian and Pacific Islander American Health Forum, Inc., (APIAHF) for it to expand and enhance its activities in promoting policy, developing community capacity building for health advocacy, providing health and U.S. Census data analysis and information dissemination, and convening regional and national conferences on Asian American and Pacific Islander (AAPI) health to develop action agendas that will address improving the health status of AAPI communities. This cooperative agreement will continue the broad programmatic framework in which specific projects can be supported by various governmental agencies.

The OMH expects substantial programmatic involvement in this project with the APIAHF to assist in identifying health-related information, including HIV/AIDS; serve as liaison for identifying speakers, facilitators, and consultants for leadership development and training for AAPI communities; and assist in the identification of information on HHS activities, events, and reports for dissemination to the AAPI communities in order to increase their knowledge and involvement.

This cooperative agreement will be continued for an additional 5-year project period with 12-month budget periods. Depending upon the types of projects and availability of funds, it is anticipated that this cooperative agreement will receive approximately $100,000 per year. The continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

During the last 5 years, APIAHF has successfully demonstrated the ability to work with its partners, including health departments, community-based organizations (CBOs), private sector organizations, and foundations. It has developed leadership skills within AAPI communities and improved technological capacity in CBOs for information dissemination. The OMH believes APIAHF is uniquely qualified to accomplish the purpose of this cooperative agreement and that no organization other than APIAHF could fulfill the program objectives for the reasons cited below. It has:

- Developed and expanded an infrastructure to coordinate the advocacy for various medical intervention and health promotion programs within local communities and service delivery organizations that deal extensively with AAPI health issues.
- Established linkages with leaders and experts in the advocacy, development, and promotion of policies for AAPI health issues.
- Developed the resources and the capability to accurately collect, analyze, and disseminate health and population data on AAPIs to assist in program planning, needs assessment, defining geographic service areas and scope of services, program evaluation, and policy development.
- Promoted leadership development in AAPI communities to address HIV/AIDS prevention and care.
- Established an Asian and Pacific Islander HIV/AIDS Information Network to improve communication channels with stakeholders, including the AAPI community, researchers, and policy-makers, in order to enhance their awareness of AAPI HIV/AIDS and related issues and to increase the HIV/AIDS programmatic capacities of AAPI organizations.
- Promoted coalition-building and developed health care capacity within local AAPI communities.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this cooperative agreement, contact Ms. Cynthia Amis, Office of Minority Health, 5515 Security Lane, Suite 1000, Rockville, Maryland 20852 or telephone (301) 594–0769.

Dated: September 21, 2000.

Nathan Stinson, Jr.,

Deputy Assistant Secretary for Minority Health.

[FR Doc. 00–24969 Filed 9–28–00; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice for Comment on the Draft Report of the National Bioethics Advisory Commission (NBAC), Ethical and Policy Issues in International Research

SUMMARY: Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is given for comment on a draft report written by the National Bioethics Advisory Commission (NBAC). The Commission will consider all comments it receives as part of its ongoing deliberations in finalizing this report.

Purpose of the Report

The purpose of this report is to consider the ethical, legal, and policy issues that arise when research that is subject to U.S. regulations, is sponsored or conducted in other countries. NBAC's goal is to identify these issues and determine whether they are unique to international settings and deserve particular attention from policymakers. In this report NBAC is discussing issues such as: recruitment of subjects, informed consent, and the risks and potential benefits of conducting research. In addition, the Commission comments on the obligations of research sponsors to research participants, communities, and countries before, during, and after a trial. The draft report considers how and to what extent cultural and other factors influence these issues. Finally, NBAC analyzes

many national and international guidelines and statements to make recommendations about possible ways to enhance international collaborative research.

Providing Comments to the Draft Report

You may provide written comments electronically or through mail or fax. Electronic submissions (by email or by website) are preferred as they will be processed more efficiently. The following are addresses for submitting comments: e-mail: nbac@od.nih.gov, NBAC website: www.bioethics.gov, mail: 6705 Rockledge Drive, Suite 700, Bethesda, Maryland 20892–7979, fax: (301) 480–6900.

If your comments are not postmarked by November 13, 2000, we can not guarantee they will be given full consideration.

To Receive a Copy of this Draft Report Contact: National Bioethics Advisory Commission, 6705 Rockledge Drive, Suite 700, Bethesda, Maryland 20892–7979, telephone (301) 402–4242, fax number (301) 480–6900, or visit the website at www.bioethics.gov.

SUPPLEMENTARY INFORMATION: The President established the National Bioethics Advisory Commission (NBAC) on October 3, 1995 by Executive Order 12975 as amended. The mission of the NBAC is to advise and make recommendations to the National Science and Technology Council, its Chair, the President, and other entities on bioethical issues arising from the research on human biology and behavior, and from the applications of that research.

Dated: September 25, 2000.

Eric M. Meslin,

Executive Director, National Bioethics Advisory Commission.

[FR Doc. 00–25018 Filed 9–28–00; 8:45 am]

BILLING CODE 4167–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Provision of Services in Interstate Child Support.

OMB No.: 0970–0085.

Description: Pub. L. 104–193, The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 amended 42 U.S.C. 666 to require State Child Support Enforcement (CSE) programs to enact the Uniform Interstate Family Support Act (UIFSA) into State law by January 1, 1998. To ensure standardization among States, section 311(b) of UIFSA requires the States to use standard interstate forms, as mandated by Federal law. 45 CFR 303.7 requires CSE programs to transmit child support case information on standard interstate forms when referring cases to other States for processing. The forms, which promote uniformity and standardization, are expiring and we are taking the opportunity to make minor revisions to them, to among other things, reflect that UIFSA is now the law for all 54 CSE programs.

Respondents: States.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Transmittal #1	54	10,861.20	.42	246,332.02
Transmittal #2	54	2,715.30	.08	11,730.01
Transmittal #3	54	543.05	.17	4,985
Uniform Petition	54	5,430.60	.12	35,190.29
General Testimony	54	6,516.72	.33	116,127.95
Affidavit/Paternity	54	2,715.30	.25	36,656.55
Locate Data Sheet	54	375	.08	1,620
Notice/Control Order	54	8,145.75	.17	74,777.98
Registration Statement	54	7,168.39	.17	65,805.82

Estimated Total Annual Burden Hours: 593,226.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: September 21, 2000.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 00–24977 Filed 9–28–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 94N–0371]

Rami Elsharaiha; Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the act) permanently debarring Mr. Rami Elsharaiha from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases

this order on a finding that Mr. Elsharaiha was convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the act. Mr. Elsharaiha failed to request a hearing and, therefore, has waived his opportunity for a hearing concerning this action.

EFFECTIVE DATE: September 29, 2000.

ADDRESSES: Submit applications for termination of debarment to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Christine F. Rogers, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5640.

SUPPLEMENTARY INFORMATION:

I. Background

On March 4, 1994, the U.S. District Court for the District of Maryland entered judgment against Mr. Elsharaiha for one count of making false declarations before a grand jury, a Federal felony offense under 18 U.S.C. 1623.

As a result of this conviction, FDA published in the **Federal Register** of January 19, 1999 (64 FR 2905), a notice proposing to permanently debar Mr. Elsharaiha from providing services in any capacity to a person that has an approved or pending drug product application, and offering him an opportunity for a hearing on the proposal. The proposal was based on a finding, under section 306(a)(2)(B) of the act (21 U.S.C. 355a(a)(2)(B)), that he was convicted of a felony under Federal law for conduct relating to the regulation of a drug product. Mr. Elsharaiha was provided 30 days to file objections and request a hearing. Mr. Elsharaiha did not request a hearing. His failure to request a hearing constitutes a waiver of his opportunity for a hearing and a waiver of any contentions concerning his debarment.

II. Findings and Order

Therefore, the Director of the Center for Drug Evaluation and Research, under section 306(a)(2)(B) of the act, and under authority delegated to her (21 CFR 5.99), finds that Mr. Rami Elsharaiha has been convicted of a felony under Federal law for conduct relating to the regulation of a drug product.

As a result of the foregoing finding, Mr. Rami Elsharaiha is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective September 29, 2000, (21 U.S.C. 335a(c)(1)(B) and (c)(2)(A)(ii) and 21 U.S.C. 321(dd)). Any person with an approved or pending drug product application who knowingly uses the services of Mr. Elsharaiha, in any capacity, during his period of debarment, will be subject to civil money penalties. If Mr. Elsharaiha, during his period of debarment, provides services in any capacity to a person with an approved or pending drug product application, he will be subject to civil money penalties. In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Mr. Elsharaiha during his period of debarment.

Any application by Mr. Elsharaiha for termination of debarment under section 306(d)(4) of the act should be identified with Docket No. 94N–0371 and sent to the Dockets Management Branch (address above). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j). Publicly available submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 11, 2000.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 00–25087 Filed 9–28–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–2674]

Jay Marcus; Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the act) debarring Mr. Jay Marcus for 5 years from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Mr. Marcus was convicted of a felony under Federal law for conspiracy to defraud the United States. Mr. Marcus failed to request a hearing and, therefore, has waived his opportunity for a hearing concerning this action.

EFFECTIVE DATE: September 29, 2000.

ADDRESSES: Submit applications for termination of debarment to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Christine F. Rogers, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION:

I. Background

On October 21, 1994, the U.S. District Court for the District of Maryland accepted Mr. Marcus' plea of guilty to one count of conspiracy to defraud the United States under 18 U.S.C. 371 and sentenced Mr. Marcus for the crime.

As a result of this conviction, FDA published in the **Federal Register** of October 15, 1999 (64 FR 55944), a proposal to debar Mr. Marcus for a period of 5 years from providing services in any capacity to a person that has an approved or pending drug product application. The proposal also offered Mr. Marcus an opportunity for a hearing on the proposal. The debarment proposal was based on a finding, under section 306(b)(2)(B)(i) of the act (21 U.S.C. 355a(b)(2)(B)(i)), that Mr. Marcus was convicted of a felony under Federal law for conspiracy to defraud the United States. Mr. Marcus was provided 30 days to file objections and request a hearing. Mr. Marcus did not request a hearing. His failure to request a hearing constitutes a waiver of his opportunity for a hearing and a waiver of any contentions concerning his debarment.

II. Findings and Order

Therefore, the Director, Center for Drug Evaluation and Research, under section 306(b)(2)(B)(i) of the act, and under authority delegated to her (21 CFR 5.99), finds that Mr. Jay Marcus has been convicted of a felony under Federal law for conspiracy to defraud the United States.

As a result of the foregoing finding, Mr. Jay Marcus is debarred for a period of 5 years from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 507, 512, or 802 of the act (21 U.S.C. 355, 357, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective September 29, 2000 (21 U.S.C. 335a(c)(1)(B) and (c)(2)(A)(iii) and 21 U.S.C. 321(dd)). Any person with an approved or

pending drug product application who knowingly uses the services of Mr. Marcus in any capacity during his period of debarment, will be subject to civil money penalties. If Mr. Marcus, during his period of debarment, provides services in any capacity to a person with an approved or pending drug product application, he will be subject to civil money penalties. In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Mr. Marcus during his period of debarment.

Any application by Mr. Marcus for termination of debarment under section 306(d)(4) of the act should be identified with Docket No. 99N–2674 and sent to the Dockets Management Branch (address above). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j). Publicly available submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 11, 2000.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 00–25086 Filed 9–28–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 94N–0424]

Mohammad Uddin; Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the act) permanently debarring Mr. Mohammad Uddin from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Mr. Uddin was convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the act. Mr. Uddin failed to request a hearing and, therefore, has waived his opportunity for a hearing concerning this action.

EFFECTIVE DATE: September 29, 2000.

ADDRESSES: Submit applications for termination of debarment to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Christine F. Rogers, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION:

I. Background

On November 19, 1993, the United States District Court for the District of Maryland entered judgment against Mr. Uddin for one count of obstruction of an agency proceeding, a Federal felony offense under 18 U.S.C. 1505.

As a result of this conviction, FDA published in the **Federal Register** of January 12, 1999 (64 FR 1809), a notice proposing to permanently debar Mr. Uddin from providing services in any capacity to a person that has an approved or pending drug product application and offering him an opportunity for a hearing on the proposal. The proposal was based on a finding, under section 306(a)(2)(B) of the act (21 U.S.C. 355a(a)(2)(B)), that he was convicted of a felony under Federal law for conduct relating to the regulation of a drug product. Mr. Uddin was provided 30 days to file objections and request a hearing. Mr. Uddin did not request a hearing. His failure to request a hearing constitutes a waiver of his opportunity for a hearing and a waiver of any contentions concerning his debarment.

II. Findings and Order

Therefore, the Director, Center for Drug Evaluation and Research, under section 306(a)(2)(B) of the act, and under authority delegated to her (21 CFR 5.99), finds that Mr. Mohammad Uddin has been convicted of a felony under Federal law for conduct relating to the regulation of a drug product.

As a result of the foregoing finding, Mr. Mohammad Uddin is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under section 505, 512, or 802 of the act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective September 29, 2000 (sections 306(c)(1)(B) and (c)(2)(A)(ii) and 201(dd) of the act (21 U.S.C. 321(dd))). Any person with an approved or pending drug product application who knowingly uses the services of Mr. Uddin, in any capacity, during his period of debarment, will be subject to civil money penalties. If Mr. Uddin, during his period of debarment, provides services in any capacity to a person with an approved or pending drug product application, he will be subject to civil money penalties. In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Mr. Uddin during his period of debarment.

Any application by Mr. Uddin for termination of debarment under section 306(d)(4) of the act should be identified with Docket No. 94N–0424 and sent to the Dockets Management Branch (address above). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j). Publicly available submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 11, 2000.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 00–25088 Filed 9–28–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98F–0290]

The Dow Chemical Co.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 8B4586) proposing that the food additive regulations be amended to provide for the safe use of certain olefin basic copolymers, derived from ethylene and alpha monomers with eight or fewer carbon atoms, as articles or as components of articles intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3086.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 7, 1998 (63 FR 25212), FDA announced that a food additive petition (FAP 8B4586) had been filed by the Dow Chemical Co., 2030 Dow Center, Midland, MI 48674. The petition proposed to amend the food additive

regulations in § 177.1520 *Olefin polymers* (21 CFR 177.1520) to provide for the safe use of certain olefin basic copolymers derived from ethylene and alpha monomers with eight or fewer carbon atoms, as articles or as components of articles intended for use in contact with food. The Dow Chemical Corporation has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: September 8, 2000.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–24959 Filed 9–28–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4557–N–39]

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: *Air Force:* Ms. Barbara Jenkins, Air Force Real Estate Agency (Area-MI), Bolling Air Force Base, 112 Luke Ave., Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; *GSA:* Mr. Brian K. Polly, Assistance Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–0052; *Energy:* Mr. Tom Knox, Department of Energy, Office of Contract & Resource Management, MA–52, Washington, DC 20585; (202) 586–8715; *Interior:* Ms. Linda Tribby, Department of the Interior, 1849 C Street, NW, Mail Stop 5512–MIB, Washington, DC 20240; (202) 219–0728; *Navy:* Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374–5065; (202) 685–9200; (These are not toll-free numbers).

Dated: September 25, 2000.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 9/29/00

Suitable/Available Properties

Buildings (by State)

Connecticut

Bldg. 392
Naval Sub Base New London
Groton Co: CT 06349–
Landholding Agency: Navy
Property Number: 77200030065
Status: Unutilized
Comment: 996 sq. ft., needs repair, possible asbestos/lead paint, most recent use—storage, off-site use only

Missouri

Fed. Bldg.
319 Lamine Road
Sedalia Co: Pettis MO 65301–
Landholding Agency: GSA
Property Number: 54200030008
Status: Surplus
Comment: 11,152 sq. ft., historical district, most recent use—office
GSA Number: 7–G–MO–0632

Durwood G. Hall Fed. Bldg.
302 Joplin Street
Joplin Co: Jasper MO 64801–
Landholding Agency: GSA
Property Number: 54200030009

Status: Surplus
Comment: 19,128 sq. ft. historical district, presence of asbestos, most recent use—office
GSA Number: 7–G–MO–0635

New Jersey

Module 4, C63
Princeton Plasma Physics Lab
Princeton Co: Mercer NJ 08540–
Landholding Agency: Energy
Property Number: 41200030002
Stateus: Excess
Comment: modular unit, 693 sq. ft., most recent use—office, off-site use only

Pennsylvania

Bldg. 5
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030071
Status: Unutilized
Comment: 286,824 sq. ft., needs rehab, presence of asbestos, most recent use—warehouse, off-site use only

Bldg. 47
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030072
Status: Unutilized
Comment: 16,343 sq. ft., presence of asbestos, most recent use—office, off-site use only

Bldg. 55
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030073
Status: Unutilized
Comment: 5603 sq. ft., needs repair, presence of asbestos, most recent use—store, off-site use only

Bldg. 531
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030074
Status: Unutilized
Comment: 5102 sq. ft., presence of asbestos, most recent use—office, off-site use only

Bldg. 996
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030075
Status: Unutilized
Comment: 1800 sq. ft., presence of asbestos, most recent use—storage, off-site use only

West Virginia

Former Army Rsv Ctr
201 Kanawha Avenue
Rainelle Co: WV 25962–1107
Landholding Agency: GSA
Property Number: 54200030006
Status: Excess
Comment: Needs repair, possible asbestos/lead paint
GSA Number: 4–D–WV–536

Land (by State)

Pennsylvania

Site 686
Bonneauville Comm Annex
Gettysburg Co: Adams PA 17325–
Landholding Agency: Air Force
Property Number: 18200030017
Status: Excess
Comment: 14 acres, most recent use—ground wave emergency network

Unsuitable Properties

Buildings (by State)

New Jersey

Module 5, C56
Princeton Plasma Physics Lab
Princeton Co: Mercer NJ 08540–
Landholding Agency: Energy
Property Number: 41200030003
Status: Excess
Reason: Extensive deterioration

Pennsylvania

Bldg. 9
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030066
Status: Unutilized
Reason: Extensive deterioration

Bldg. 51
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030067
Status: Unutilized
Reason: Extensive deterioration

Bldg. 52
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030068
Status: Unutilized
Reason: Extensive deterioration

Bldg. 84
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030069
Status: Unutilized
Reason: Extensive deterioration

Bldg. 950
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030070
Status: Unutilized
Reason: Extensive deterioration

Land (by State)

Washington

3.8 acres
West side of Esquatzel Coulee Wasteway
Mesa Co: Franklin WA 99343–
Landholding Agency: Interior
Property Number: 61200030011
Status: Excess
Reason: Landlocked

Wisconsin

0.51 acre
Portion, Fox River Proj.
Kaukauna Co: Outgamie WI 00000–
Landholding Agency: GSA
Property Number: 54200030007
Status: Excess
Reason: Landlocked
GSA Number: 1–D–WI–533–A

[FR Doc. 00–24952 Filed 9–28–00; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4463–N–05]

Mortgage and Loan Insurance Programs Under the National Housing Act—Debenture Interest Rates

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, (HUD).

ACTION: Notice of change in debenture interest rates.

SUMMARY: This notice announces changes in the interest rates to be paid on debentures issued with respect to a loan or mortgage insured by the Federal Housing Commissioner under the provisions of the National Housing Act (the "Act"). The interest rate for debentures issued under section 221(g)(4) of the Act during the 6-month period beginning July 1, 2000 is 7½ percent. The interest rate for debentures issued under any other provision of the Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committed or endorsed during the 6-month period beginning July 1, 2000, is 6½ percent.

FOR FURTHER INFORMATION CONTACT: James B. Mitchell, Department of Housing and Urban Development, 451 7th Street, SW., Room 6164, Washington, DC 20410. Telephone (202) 708–3944, extension 2612, or TDD (202) 708–4594 for hearing- or speech-impaired callers. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 224 of the National Housing Act (24 U.S.C. 1715o) provides that debentures issued under the Act with respect to an insured loan or mortgage (except for debentures issued pursuant to section 221(g)(4) of the Act) will bear interest at the rate in effect on the date the commitment to insure the loan or mortgage was issued, or the date the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. This provision is implemented in HUD's regulations at 24 CFR 203.405, 203.479, 207.259(e)(6),

and 220.830. Each of these regulatory provisions states that the applicable rates of interest will be published twice each year as a notice in the **Federal Register**.

Section 224 further provides that the interest rate on these debentures will be set from time to time by the Secretary of HUD, with the approval of the Secretary of the Treasury, in an amount not in excess of the annual interest rate determined by the Secretary of the Treasury pursuant to a statutory formula based on the average yield of all outstanding marketable Treasury obligations of maturities of 15 or more years.

The Secretary of the Treasury (1) has determined, in accordance with the provisions of Section 224, that the statutory maximum interest rate for the period beginning July 1, 2000, is 6½ percent and (2) has approved the establishment of the debenture interest rate by the Secretary of HUD at 6½ percent for the 6-month period beginning July 1, 2000. This interest rate will be the rate borne by debentures issued with respect to any insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4)) with an insurance commitment or endorsement date (as applicable) within the last 6 months of 2000.

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed sine January 1, 1980:

Effective interest rate	On or after	Prior to
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	Jan. 1, 1982.
12¾	Jan. 1, 1982	Jan. 1, 1983.
10¼	Jan. 1, 1983	July 1, 1983.
10⅜	July 1, 1983	Jan. 1, 1984.
11½	Jan. 1, 1984	July. 1, 1984.
13⅜	July 1, 1984	Jan. 1, 1985.
11⅝	Jan. 1, 1985	July 1, 1985.
11⅛	July 1, 1985	Jan. 1, 1986.
10¼	Jan. 1, 1986	July 1, 1986.
8¼	July 1, 1986	Jan. 1, 1987.
8	Jan. 1, 1987	July 1, 1987.
9	July 1, 1987	Jan. 1, 1988.
9⅛	Jan. 1, 1988	July 1, 1988.
9⅜	July 1, 1988	Jan. 1, 1989.
9¼	Jan. 1, 1989	July 1, 1989.
9	July 1, 1989	Jan. 1, 1990.
8⅛	Jan. 1, 1990	July 1, 1990.
9	July 1, 1990	Jan. 1, 1991.
8¾	Jan. 1, 1991	July 1, 1991.
8½	July 1, 1991	Jan. 1, 1992.
8	Jan. 1, 1992	July 1, 1992.
8	July 1, 1992	Jan. 1, 1993.
7¾	Jan. 1, 1993	July 1, 1993.
7	July 1, 1993	Jan. 1, 1994.
6⅝	Jan. 1, 1994	July 1, 1994.
7¾	July 1, 1994	Jan. 1, 1995.
8⅜	Jan. 1, 1995	July 1, 1995.
7¼	July 1, 1995	Jan. 1, 1996.
6½	Jan. 1, 1996	July 1, 1996.
7¼	July 1, 1996	Jan. 1, 1997.
6¾	Jan. 1, 1997	July 1, 1997.
7⅛	July 1, 1997	Jan. 1, 1998.
6⅜	Jan. 1, 1998	July 1, 1998.
6⅛	July 1, 1998	Jan. 1, 1999.
5½	Jan. 1, 1999	July 1, 1999.
6⅛	July 1, 1999	Jan. 1, 2000.
6½	Jan. 1, 2000	July 1, 2000.
6½	July 1, 2000	Jan. 1, 2000.

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) will bear interest at the "going Federal rate" of interest in effect at the time the debentures are issued. The term "going Federal rate" is defined to mean the interest rate that the Secretary of the Treasury determines, pursuant to a statutory formula based on the average yield on all outstanding marketable Treasury obligations of 8- to 12-year maturities, for the 6-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to Section 221(g)(4) during the 6-month period beginning July 1, 2000, is 7½ percent.

HUD expects to publish its next notice of change in debenture interest rates in December 2000.

The subject matter of this notice falls within the categorical exemption from HUD's environmental clearance procedures set forth in 24 CFR 50.20(1). For that reason, no environmental finding has been prepared for this notice.

(Sections 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 1715l, 1715o; section 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Dated: September 15, 2000.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 00–25089 Filed 9–28–00; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of the Report of Injury Assessment and Injury Determination: Coeur d'Alene Basin Natural Resource Damage Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability.

SUMMARY: The U.S. Department of the Interior (DOI), U.S. Department of Agriculture, and the Coeur d'Alene Tribe (collectively, the Trustees) have undertaken a natural resource damage assessment (NRDA) to assess injuries resulting from releases of hazardous substances from mining and mineral processing operations in the Coeur d'Alene River basin, Idaho. Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) [42 U.S.C. 9607], section 311 of the Federal Water Pollution Control Act [33 U.S.C. 1321], and the National Oil and Hazardous Substances Pollution Contingency Plan [40 CFR part 300] provide authority to the conduct the NRDA.

The Trustees evaluated injuries to natural resources in the Coeur d'Alene River basin resulting from releases of mining-related hazardous substances and summarized their findings in the Report of Injury Assessment and Injury Determination: Coeur d'Alene Basin Natural Resource Damage Assessment (Report). Trustees used the Coeur d'Alene Basin Natural Resource Damage Assessment Plan, Injury Determination—Phase I, released in October 1993, and the Coeur d'Alene Basin Natural Resource Damage Assessment Plan, Phase II—Injury Quantification/Damage Determination, released in June 1996, guide the NRDA process.

Natural resources of the Coeur d'Alene River basin that were assessed for injury include: surface water; groundwater; bed, bank, and shoreline sediments; riparian and floodplain soils; aquatic biota, including both fish and aquatic invertebrates; wildlife, including birds, mammals, reptiles, amphibians; and vegetation. The areas assessed for natural resource injuries includes the South Fork Coeur d'Alene River basin, tributary drainages to the South Fork Coeur d'Alene River in which mining and milling occurred, the mainstem Coeur d'Alene River and associated lateral lakes and wetlands, and Coeur d'Alene Lake from the area near Conkling Point to the Spokane River.

The Report sets forth the data and analysis of information obtained by the

Trustees during the Phase I and II injury determination studies combined with a comprehensive review and analysis of previously existing information concerning the natural resources in the Coeur d'Alene Basin. Authorized Trustee representatives adopted the Report and its findings in September 2000 and are now making it available for use by other agencies and the public.

FOR FURTHER INFORMATION CONTACT: The Trustee contact for the Department of the Interior is Mr. Bob Foley, U.S. Fish and Wildlife Service, 911 NE 11th Avenue, Portland, Oregon 97232–4181, (503) 231–6223. The Trustee contact for the Coeur d'Alene Tribe is Mr. Phillip Cernera, Coeur d'Alene Tribe NRDA Office, 424 Sherman Avenue, Suite 306, Coeur d'Alene ID 83814, (208) 667–4119.

SUPPLEMENTARY INFORMATION:

Document Availability

You may view this document at the Administrative Record repository at the Coeur d'Alene Tribe NRDA Office, 424 Sherman Avenue, Suite 306, Coeur d'Alene ID. You may obtain copies of these documents by contacting Mr. Michael Faber at the Coeur d'Alene Tribe NRDA Office, 424 Sherman Avenue, Suite 306, Coeur d'Alene ID 83814 or by calling (208) 667–4119.

Dated: September 21, 2000.

Anne Badgley,

Regional Director, Fish and Wildlife Service, Portland, Oregon.

[FR Doc. 00–24980 Filed 9–28–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–010–0777–XQ]

Notice of Meeting

AGENCY: Lower Snake River District, Bureau of Land Management, Interior.

ACTION: Meeting notice.

SUMMARY: The Lower Snake River District Resource Advisory Council will meet in Boise to discuss management of Off-Highway Vehicles, sage grouse habitat management, grazing allotment assessments and other issues.

DATES: November 13, 2000. The meeting will begin at 9 AM. Public comment periods will be held at 9:30 AM and 3:30 PM.

ADDRESS: The meeting will be held at the Lower Snake River District Office, located at 3948 Development Avenue, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: Barry Rose, Lower Snake River District Office (208–384–3393).

Dated: September 22, 2000.

Katherine Kitchell,

District Manager.

[FR Doc. 00–24981 Filed 9–28–00; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–070–1020–XQ]

Upper Snake River District Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Resource Advisory Council meeting locations and times.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM) council meeting of the Upper Snake River District Resource Advisory Council (RAC) will be held as indicated below. The primary agenda item for this meeting will be a field trip to the Pleasant View Allotment that will give RAC members a better understanding of the application of Standards for Rangeland Health and Guidelines for Grazing Management. Other agenda items may be added between publication of this notice and the meeting, or the agenda may change if weather dictates. All meetings are open to the public. Individuals who plan to attend and need further information about the meetings, or need special assistance such as sign language interpretation or other reasonable accommodations should contact David Howell at the Upper Snake River District Office, 1405 Hollipark Dr., Idaho Falls, ID 83401, or telephone (208) 524–7559.

Dates and Times: The next meeting will be held Friday, October 27, 2000. The meeting will start at the BLM's Pocatello Field Office, 1111 8th Avenue in Pocatello, Idaho, beginning at 9 a.m. The field trip to the Pleasant View Allotment will begin shortly after the meeting convenes public comments, if any, are presented. The meeting is scheduled to end at about 4 p.m.

SUPPLEMENTARY INFORMATION: The purpose of the Resource Advisory Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of the public lands.

FOR FURTHER INFORMATION CONTACT: David Howell, Upper Snake River District, 1405 Hollipark Dr., Idaho Falls, ID 83401, (208) 524–7559.

Dated: September 20, 2000.

James E. May,

Upper Snake River District Manager.

[FR Doc. 00–25029 Filed 9–28–00; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW111766]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW111766 for lands in Converse County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW111766 effective January 1, 2000, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 00–25031 Filed 9–28–00; 8:45 am]

BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–940–01–5410–10–B132; CACA 42355]

Conveyance of Mineral Interests In California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of segregation.

SUMMARY: The private land described in this notice, aggregating 2,402 acres, is segregated and made unavailable for filings under the general mining laws and the mineral leasing laws to determine its suitability for conveyance of the reserved mineral interest pursuant to section 209 of the Federal Land Policy and Management Act of October 21, 1976.

The mineral interests will be conveyed in whole or in part upon favorable mineral examination.

The purpose is to allow consolidation of surface and subsurface of minerals ownership where there are no known mineral values or in those instances where the reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

FOR FURTHER INFORMATION CONTACT: Kathy Gary, California State Office, Federal Office Building, 2800 Cottage Way, Room W–1928, Sacramento, California 95825, (916) 978–4677.

Serial No. CACA 42355.

T. 5 N., R. 13 W., San Bernardino, Meridian
Sec. 6, Lots 1–4,
Sec. 8, NE¼NE¼,
Sec. 9, NW¼, S½NE¼,
T. 6 N., R. 13 W., San Bernardino, Meridian
Sec. 23, SW¼, N½SE¼, SW¼SE¼,
Sec. 25, S½SW¼, NW¼SW¼,
Sec. 26, SE¼NW¼, E½SE¼,
Sec. 27, Lots 2 and 3, SW¼NE¼, SE¼NW¼, E½SW¼, SW¼SW¼,
Sec. 28, S½N½, W½SW¼,
Sec. 34, N½NW¼, SW¼NW¼, SW¼, S½SE¼,
Sec. 35, E½NW¼, E½SW¼, SW¼SW¼, S½SE¼,
Sec. 36, SE¼, SE¼SW¼, SW¼SW¼.

County—Los Angeles

Minerals Reservation—All coal and other minerals.

Upon publication of this Notice of Segregation in the **Federal Register** as provided in 43 CFR 2720.1–1(b), the mineral interests owned by the United States in the private lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the mining and mineral leasing laws. The segregative effect of the application shall terminate by publication of an opening order in the **Federal Register** specifying the date and time of opening; upon issuance of a patent or other document of conveyance to such mineral interest; or two years from the date of publication of this notice, whichever occurs first.

David McIlnay,

Chief, Lands Section.

[FR Doc. 00–24921 Filed 9–28–00; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–5700–77; N–65332]

Realty Action: Recreation and Public Purposes Act Classification; Washoe County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following public land in Washoe County, Nevada, has been examined and found suitable for classification for lease/conveyance to the Washoe County Parks Department, under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 *et seq.*):

T. 20 N., R. 19 E., MDM,
Section 4, S½SW¼.

Comprising 80.00 acres, more or less.

The Washoe County Parks Department proposes to use the land for a park. The land is not needed for federal purposes. Lease/conveyance is consistent with current Bureau of Land Management (BLM) land use planning and would be in the public interest. Issuance of a 5-year lease with a purchase option is proposed. The lease/patent, when issued, will be subject to the provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior.

The lease/patent, when issued, will also be subject to:

Those rights for overhead telephone line purposes granted to Nevada Bell, its successors or assigns, by right-of-way Nev–051849 pursuant to the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961).

Those rights for underground telephone cable purposes granted to Nevada Bell, its successors or assigns, by right-of-way N–21232 pursuant to the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

Those rights for electric power line purposes granted to Sierra Pacific Power Company, its successors or assigns by right-of-way N–73803 pursuant to the Act of October 21 1976 (90 Stat. 2776; 43 U.S.C. 1761).

Upon publication of this notice in the **Federal Register**, the land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act, and leasing under the mineral leasing laws. For a period of 45 days after publication of this notice, interested parties may submit comments regarding the proposed lease/conveyance or classification to the Assistant Manager, Non-Renewable Resources, Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a park. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a park.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**. The land will not be offered for lease/conveyance until after the classification becomes final.

SUPPLEMENTARY INFORMATION: Comments, including names and street addresses of respondents will be available for public review at the Carson City Field Office during regular business hours. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or business, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Dated this 18th day of September, 2000.

Richard Conrad,

Assistant Manager, Non-Renewable Resources, Carson City Field Office.

[FR Doc. 00–24970 Filed 9–28–00; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–080–1430–EU; NMNM 104317]

Notice of Realty Action; Environmental Assessment for Noncompetitive Sale of Public Lands in Eddy County; Cancellation and Termination of Segregation

AGENCY: Bureau of Land Management, Interior.

ACTION: Cancellation and termination of segregation.

SUMMARY: This Notice cancels the Notice of Realty Action located in the second column, 65 FR 48251, publish August 7, 2000, as FR Doc. 00–19918. This Notice also terminates the segregation associated with the Notice of Realty Action.

DATES: Cancellation of the Notice of Realty Action and termination of the segregation is effective upon publication of this notice. The land will be open to entry at 8:00 am on October 30, 2000.

Dated: September 20, 2000.

Mary Jo Rugwell,

Acting Field Manager.

[FR Doc. 00–25028 Filed 9–28–00; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UTU 78566]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation has added 98.40 acres of National Forest System land to their pending withdrawal application for protection, operation, and maintenance of the Trial, Washington, and Lost Lake Dams. On January 31, 2000 a notice was published in the **Federal Register** (65 FR 4624–4625, FR Doc. 00–1920) that segregated the Washington and Lost Lake lands from location and entry under the United States mining laws until January 30, 2002. This notice segregates an additional 98.40 acres of land associated with Trial Lake Dam from location and entry under the United States mining laws until January 30, 2002. All of the lands remain open to all other uses which may be made of National Forest System lands.

DATES: Comments and requests for a meeting must be received on or before December 28, 2000.

ADDRESSES: Comments and meeting requests should be sent to the Bureau of Reclamation, Area Manager, Provo Area Office, 302 East 1860 South, Provo, Utah 84606–7317.

FOR FURTHER INFORMATION CONTACT: David Krueger, Provo Area Office, 801–379–1083.

SUPPLEMENTARY INFORMATION: On August 14, 2000, the Bureau of Reclamation filed an amendment to their withdrawal application to include the following described National Forest System land:

Salt Lake Meridian

Wasatch National Forest

T. 2 S., R. 9 E.,

Sec. 5, lot 4, and N½NW¼SW¼NW¼;

Sec. 6, lot 1, and N½NE¼SE¼NE¼;

Excepting therefrom a cabin lot situated in the NE ¼ of Section 6, being more particularly described as follows: Beginning at a point, which lies North, Forty-four Hundred Sixty (4,460.00) feet and West, Three Hundred Sixty-six (366.00) feet from the Southeast Corner of said Section 6; thence West, One Hundred Thirty-four (134.00) feet; thence North, One Hundred Sixty-three (163.00) feet; thence East, One Hundred Thirty-two (132.00) feet; thence along the high water line of Trial Lake, South 02°26′45″ West, Fifty-four and Sixty Hundredths (54.60) feet; thence South 09°20′17″ East, Thirty-four and Fourteen Hundredths (34.14) feet; thence South 09°45′06″ East, Thirty-six and Thirteen Hundredths (36.13) feet; thence South 21°48′53″ West, Thirty-one and Seventy-five Hundredths (31.75) feet; thence South 24°15′26″ East, Ten and Sixty-six Hundredths (10.66) feet; to the point of beginning. Containing 0.50 acre, more or less.

The area described contains 98.4 acres in Summit County.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing, by the date specified above, to the Bureau of Reclamation, Provo Area Office.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Bureau of Reclamation, Provo Area Office, within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

The land described above is hereby segregated from location and entry under the United States mining laws until January 30, 2002, unless the application is denied or canceled or the withdrawal is approved prior to that date.

Dated: September 1, 2000.

Roger Zortman,

Deputy State Director, Division of Operations.

[FR Doc. 00–25030 Filed 9–28–00; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Prepare an Environmental Impact Statement and Conduct a Public Meeting Initiating a Development Concept Plan/ Environmental Impact Statement for the Jamestown Unit of Colonial National Historical Park

AGENCY: National Park Service, Interior.

ACTION: Notice of public meeting and Notice of intent to prepare a Development Concept Plan/ Environmental Impact Statement.

SUMMARY: This notice announces upcoming public scoping meetings initiating a Development Concept Plan for the Jamestown unit of Colonial National Historic Park and the intent to publish an Environmental Impact Statement in association with the Development Concept Plan.

Public Meetings

Dates and Times: Tuesday, October 3, 2000 from 1–4 PM and Tuesday, October 3, 2000 from 6–9 PM.

Address: Jamestown Visitor Center on Jamestown Island, 1368 Colonial Parkway, Jamestown, VA 23081.

The purpose of the meetings is to describe the development concept planning effort beginning for Jamestown. a unit of Colonial National Historical Park, and to solicit public input on the development of the plan concepts. The agenda for the meetings consists of an overview of the project, a general question and answer period, and an open discussion of citizen ideas and concerns.

We encourage all who have an interest in Jamestown's future to attend or to contact the park superintendent by letter, telephone or e-mail. Minutes of the meetings will be available for public review four weeks after the meeting at the Visitor Center.

FOR FURTHER INFORMATION CONTACT: Superintendent, Colonial National Historical Park, Post Office Box 210, Yorktown, Virginia 23690, (757) 898–3400 or www.apva.org

Heather Huyck,

Jamestown 400th Project Director, National Park Service.

[FR Doc. 00–25019 Filed 9–28–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collection of information for the Abandoned Mine Land Contractor Information form. This collection request has been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection request describes the nature of the information collection and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collections but may respond after 30 days. Therefore, public comments should be submitted to OMB by October 30, 2000, in order to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact John A. Trelease at (202) 208–2783, or electronically to jtreleas@osmre.gov.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). OSM has submitted a request to OMB to approve the collection of information for the Abandoned Mine Land Contractor Information form. OSM is requesting a 3-year term of approval for the information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. This form is currently in use without OMB approval. Therefore, OSM is seeking approval from OMB to collect the information contained in the form. This collection is found in the Applicant/Violator System (AVS) handbook and is prepared by AML contractors to ensure compliance with 30 CFR 874.16.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on the collection of information was published on July 5, 2000 (65 FR 41488). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: AML Contractor Information Form.

OMB Control Number: 1029–xxxx.

Summary: 30 CFR 874.16 requires that every successful bidder for an AML contract must be eligible under 30 CFR 773.15(b)(1) at the time of contract award to receive a permit or conditional permit to conduct surface coal mining operations. Further, the regulation requires the eligibility to be confirmed by OSM's automated Applicant/Violator System (AVS) and the contractor must be eligible under the regulations implementing Section 510(c) of the Surface Mining Act to receive permits to conduct mining operations. This form provides a tool for OSM and the States/Indian tribes to help them prevent persons with outstanding violations from conducting further mining or AML reclamation activities in the State.

Bureau Form Number: None.

Frequency of Collection: Once per contract.

Description of Respondents: AML contract applicants and State and tribal regulatory authorities.

Total Annual Responses: 519.

Total Annual Burden Hours: 465.

Send comments on the need for the collections of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collections; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the following addresses.

ADDRESSES: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, 725 17th Street, NW, Washington, DC 20503. Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Room 201–SIB, Washington, DC 20240, or electronically to jtreleas@osmre.gov.

Dated: September 25, 2000.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 00–25001 Filed 9–28–00; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

Agency Holding the Meeting: United States International Trade Commission.

Time and Date: October 5, 2000 at 11:00 a.m.

Place: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

Status: Open to the public.

Matters to be Considered

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 303–TA–21 and 731–TA–451, 461, and 519 (Review)(Gray Portland Cement and Cement Clinker from Japan, Mexico, and Venezuela)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on October 20, 2000.)
5. Outstanding action jackets: (1.) Document No. GC–00–070: Approval of final disposition of investigation in Inv. No. 337–TA–395 (Certain EPROM, EEPROM, Flash Memory, and Flash MicrocontrollerSemiconductor Devices and Products Containing Same).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: September 27, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–25174 Filed 9–27–00; 1:45 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,056]

Beaumont Neckwear, Inc., New York, New York; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on September 5, 2000 in response to a worker petition which was filed on behalf of workers at Beaumont Neckwear, Incorporated, New York, New York.

A petitioner was separated from the subject firm more than a year prior to the date of the petition (August 20, 1999). Section 223(b)(1) of the Trade Act of 1974 specifies that no certification may apply to any worker whose last separation occurred more than a year before the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 20th day of September, 2000.

Edward A. Tomchick,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 00–25061 Filed 9–28–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,011]

Santtony Wear LLC, Rockingham, North Carolina; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 28, 2000, in response to a petition filed by a company official on behalf of workers at Santtony Wear LLC, Rockingham, North Carolina.

The company official submitting the petition has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 20th day of September, 2000.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 00–25065 Filed 9–28–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 10, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 10, 2000.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC. 20210.

Signed at Washington, D.C. this 11th day of September, 2000.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

Appendix—Petitions Instituted on 09/11/2000

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
38,066	Xerox Corporation (UNITE)	Oklahoma City, OK	08/25/2000	Toner for Xerox Equipment.
38,067	Paccar Kenworth (Wkrs)	Seattle, WA	08/28/2000	Trucks.
38,068	Boeing—Salt Lake City (Co.)	Salt Lake City, UT	08/18/2000	Aircraft.
38,069	Asarco, Inc. (Wkrs)	East Helena, MT	08/25/2000	Precious Metals Smelter.
38,070	Sharp Mfg. of America (Wkrs)	Memphis, TN	08/19/2000	Televisions.
38,071	Moltech Power Systems (Co.)	Gainesville, FL	08/30/2000	Nickel Cadmium and Nickel Metal Hydride.
38,072	JN Oil and Gas, Inc. (Wkrs)	Billings, MT	08/28/2000	Oil and Gas.
38,073	Wolverline Worldwide (Co.)	Rockford, MI	08/11/2000	Shoes, Boots and Slippers.

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
38,074	Contour Medical Tech. (Wkrs)	Lavergne, TN	08/25/2000	Cardiac Electrodes.
38,075	Wyman Gordon (USWA)	Buffalo, NY	08/29/2000	Seamless Pipe.
38,076	Union Tools (Wkrs)	Frankfort, NY	08/25/2000	Heavy Duty Forks for Farms and Gardens.
38,077	Paris Accessories (UNITE)	Allentown, PA	08/30/2000	Non Metal Belts.
38,078	Roanke Electrric Steel (Wkrs)	Roanke, WA	08/28/2000	Merchant Bar Products, Ankle Irons.
38,079	Fawn Industries (Co).	Middlesex, NC	09/01/2000	Automotive Molded
38,080	Llissa Bridals, Inc. (UNITE)	New York, NY	08/24/2000	Bridal Gowns.
38,081	Bru Mar Manufacturing (Wkrs)	Allentown, PA	08/29/2000	Ladies' Swimsuits.
38,082	Scotty's Fashions (Wkrs)	Palmerton, PA	08/31/2000	Ladies' Jackets and Blouses.
38,083	Allegheny Ludlum Corp. (USWA)	Washington, PA	08/30/2000	Stainless Steel Products.
38,084	Philips CSI (Wkrs)	Lancaster, PA	08/14/2000	Security Equipment.

[FR Doc. 00–25063 Filed 9–38–00; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04081]

Mountaineer Precision Tool & Mold, Inc., Waynesville, North Carolina; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on August 15, 2000 in response to a petition filed on behalf of workers at Mountaineer Precision Tool & Mold, Inc., Waynesville, North Carolina.

In a letter dated September 12, 2000, the NAFTA–TAA Coordinator in North Carolina requested that the investigation of the NAFTA–TAA petition be terminated based on the inability of the State agency to obtain any information in the case.

Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 19th day of September, 2000.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 00–25064 Filed 9–28–00; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04072]

Santtony Wear LLC, Rockingham, NC; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), an investigation was initiated on August 11, 2000 in response to a petition filed on behalf of workers at Santtony Wear LLC, Rockingham, North Carolina.

In a letter dated September 12, 2000, the petitioner requested that the petition fro NAFTA–TAA be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 20th day of September 2000.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 00–25062 Filed 9–28–00; 8:45 am]
BILLING CODE 4510–30–M

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 statues, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data 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

None

Volume III

Florida
FL000017 (Feb. 11, 2000)

Volume IV

Michigan
MI000076 (Feb. 11, 2000)
MI000077 (Feb. 11, 2000)
MI000078 (Feb. 11, 2000)
MI000079 (Feb. 11, 2000)
MI000080 (Feb. 11, 2000)
MI000081 (Feb. 11, 2000)
MI000082 (Feb. 11, 2000)
MI000083 (Feb. 11, 2000)
MI000084 (Feb. 11, 2000)
MI000085 (Feb. 11, 2000)
MI000087 (Feb. 11, 2000)
MI000099 (Jun. 16, 2000)
MI000100 (Jun. 16, 2000)
MI000101 (Jun. 16, 2000)
Wisconsin
WI000012 (Feb. 11, 2000)
MI000026 (Feb. 11, 2000)
MI000035 (Feb. 11, 2000)

Volume V

Arkansas
AR000003 (Feb. 11, 2000)
Iowa
IA000004 (Feb. 11, 2000)
IA000005 (Feb. 11, 2000)
IA000006 (Feb. 11, 2000)
IA000013 (Feb. 11, 2000)
IA000017 (Feb. 11, 2000)
IA000032 (Feb. 11, 2000)
IA000047 (Feb. 11, 2000)
IA000070 (Feb. 11, 2000)
IA000072 (Feb. 11, 2000)
IA000079 (Feb. 11, 2000)
Kansas
KS000017 (Feb. 11, 2000)
KS000026 (Feb. 11, 2000)
KS000029 (Feb. 11, 2000)
Nebraska
NE000003 (Feb. 11, 2000)
NE000010 (Feb. 11, 2000)
Oklahoma
OK000013 (Feb. 11, 2000)
OK000014 (Feb. 11, 2000)
OK000018 (Feb. 11, 2000)
OK000024 (Feb. 11, 2000)
OK000028 (Feb. 11, 2000)
OK000030 (Feb. 11, 2000)
OK000031 (Feb. 11, 2000)
OK000033 (Feb. 11, 2000)
OK000037 (Feb. 11, 2000)
OK000040 (Feb. 11, 2000)
OK000041 (Feb. 11, 2000)
OK000043 (Feb. 11, 2000)
Texas
TX000027 (Feb. 11, 2000)

Volume VI

Oregon
OR000001 (Feb. 11, 2000)
OR000017 (Feb. 11, 2000)
Utah
UT000004 (Feb. 11, 2000)
UT000005 (Feb. 11, 2000)
UT000006 (Feb. 11, 2000)
UT000007 (Feb. 11, 2000)
UT000008 (Feb. 11, 2000)
UT000009 (Feb. 11, 2000)
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UT000026 (Feb. 11, 2000)
UT000028 (Feb. 11, 2000)
UT000029 (Feb. 11, 2000)
UT000033 (Feb. 11, 2000)
UT000034 (Feb. 11, 2000)
Washington
WA000001 (Feb. 11, 2000)
WA000002 (Feb. 11, 2000)
WA000003 (Feb. 11, 2000)
WA000006 (Feb. 11, 2000)
WA000010 (Feb. 11, 2000)
WA000026 (Feb. 11, 2000)

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)
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CA000035 (Feb. 11, 2000)
CA000036 (Feb. 11, 2000)
CA000037 (Feb. 11, 2000)
CA000038 (Feb. 11, 2000)

CA000039 (Feb. 11, 2000)
CA000040 (Feb. 11, 2000)
CA000041 (Feb. 11, 2000)
Hawaii
HI000001 (Feb. 11, 2000)
Nevada
NV000001 (Feb. 11, 2000)
NV000002 (Feb. 11, 2000)
NV000003 (Feb. 11, 2000)
NV000004 (Feb. 11, 2000)
NV000005 (Feb. 11, 2000)
NV000006 (Feb. 11, 2000)
NV000007 (Feb. 11, 2000)
NV000009 (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

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Signed at Washington, DC this 21st Day of September 2000.

Carol J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 00–24838 Filed 9–28–00; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–00189(2000)]

Lead in Construction; Extension of the Office of Management of Budget's (OMB) Approval of Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits comments concerning its request for an extension of the information-collection requirements contained in its standards titled, "Lead in Construction" (29 CFR 1926.62).

REQUEST FOR COMMENT: The Agency has a particular interest in comments on the following issues:

- Whether the information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

DATES: Submit written comments on or before November 28, 2000.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR–1218–0197(2000), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Kathleen Martinez, Directorate of Policy, OSHA, U.S. Department of Labor, Room N–3641, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2444. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information-collection requirements specified by its Lead in Construction is available for inspection and copying in the Docket Office, or you may request a mailed copy by telephoning Kathleen Martinez at (202) 693–2444. For electronic copies of this ICR, contact OSHA on the Internet at *http://www.osha.gov.*

SUPPLEMENTARY INFORMATION

I. Background

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 continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information burden is correct. The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

The basic purpose of the information-collection requirements in the Lead in Construction Standard is to document that employers in the construction industry are providing their employees with protection from hazardous lead exposures. Lead exposure can result in both acute and chronic effects, and can be fatal at high exposure levels. Health affects associated with lead exposure include: Neurological problems that may result in seizures, coma, and death; high blood pressure; kidney and reproductive problems; and decreased red blood cell production.

The standard specifies the following requirements that impose paperwork burdens on employers: Establishing a compliance program and notifying other onsite employers (at multi-employer worksites) and laundry personnel of the lead hazard; instituting programs for exposure monitoring and medical surveillance (including medical examinations); notifying employees of exposure levels, biological-monitoring results, the option for multiple-physician review, and the availability of chelation; providing information to physicians; obtaining written medical opinions; implementing employee-information and training programs (including providing employees with copies of the standard, and employees and other specified parties with copies of the training and information materials); recording medical removals; maintaining and transferring records of

exposure-monitoring and medical-surveillance results, medical removals, and objective data used for the initial-exposure-monitoring exemption; and making records available to specified parties. These paperwork requirements permit OSHA and other specified parties to determine the effectiveness of an employer's compliance activities, thereby ensuring that they are providing employees with all of the protection afforded by the standard.

II. Proposed Actions

OSHA proposes to extend OMB's approval of the collection-of-information (paperwork) requirements contained in the Lead in Construction Standard. The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of the information-collection requirements contained in the standard.

Type of Review: Extension of currently approved information-collection requirements.

Title: Lead in Construction (29 CFR 1926.62).

OMB Number: 1218–0189.

Affected Public: Business or other for-profit organizations; Federal, State, Local, or Tribal governments.

Number of Respondents: 147,073.

Frequency: On occasion.

Average Time per Response: Varies from 5 minutes for a supervisor to provide OSHA with written compliance plans, training-program materials, and other records during an inspection, to 2.44 hours for a supervisor to write a compliance plan.

Estimated Total Burden Hours: 1,814,6971.

Estimated Cost (Operation and Maintenance): $87,087,005.

III. Authority and Signature

Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No 3–2000 (65 FR 50017).

Signed at Washington, DC on September 25, 2000.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 00–25066 Filed 9–28–00; 8:45 am]

BILLING CODE 4510–26–U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0180(2000)]

Bloodborne Pathogens Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits comments concerning the increased burden hours proposed for, and the extension of, the information-collection requirements contained in its Bloodborne Pathogens Standard (29 CFR 1910.1030).

REQUEST FOR COMMENT: The Agency has a particular interest in comments on the following issues:

- Whether the information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

DATES: Submit written comments on or before November 28, 2000.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR–1218–0180(2000), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Todd R. Owen, Directorate of Policy, OSHA, U.S. Department of Labor, Room N–3641, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2444. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information-collection requirements specified by the Bloodborne Pathogens Standard is available for inspection and copying in the Docket Office, or you may request a mailed copy by telephoning Todd Owen at (202) 693–2444. For electronic copies of this ICR, contact OSHA on the Internet at http://www.osha.gov.

SUPPLEMENTARY INFORMATION

I. Background

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 continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information burden is correct. The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

The information-collection requirements specified in the Bloodborne Pathogens Standard protect employees from the adverse health effects that can result from exposure to bloodborne pathogens, including the human immunodeficiency virus (HIV) and hepatitis B virus (HBV). The major information-collection provisions require employers to: Develop and maintain exposure-control plans; develop a housekeeping schedule; provide employees with HBV vaccinations, as well as post-HBV-exposure medical evaluations and follow-ups; provide employees with information and training; maintain medical and training records for specified periods; and provide OSHA, the National Institute for Occupational Safety and Health, and employees and their authorized representatives with access to these records. In addition, HIV and HBV research laboratories and production facilities must also adopt or develop, and review at least once a year, a biosafety manual.

II. Proposed Actions

OSHA proposes to increase the existing burden hours specified for, and to extend OMB's approval of, the collection-of-information (paperwork) requirements contained in its Bloodborne Pathogens Standard. The Agency is increasing its previous burden-hour estimate of 5,162,397 hours by 71,607 hours. This adjustment resulted when OSHA revised several

information collections to conform to current Center for Disease Control guidelines.[1] These revisions include updating the post-exposure follow-ups provided to employees exposed to blood suspected to be HIV positive, and adding post-vaccination screening for employees who receive HBV vaccinations. The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of the information-collection requirements contained in the Bloodborne Pathogens Standard.

Type of Review: Extension of currently approved information-collection requirements.

Title: Bloodborne Pathogens Standard (29 CFR 1910.1030).

OMB Number: 1218–0180.

Affected Public: Business or other for-profit organizations; Federal government; State, Local, or Tribal governments.

Number of Respondents: 511,805.

Frequency: On occasion.

Total Responses: 11,345,833.

Average Time per Response: Varies from 1 minute to maintain an employee's training record, to 100 minutes for an employee to receive a Hepatitis B vaccination (HBV) and post-vaccination screening for the HBV.

Estimated Total Burden Hours: 5,242,988 hours.

Estimated Cost (Operation and Maintenance): $29,247,135.

III. Authority and Signature

Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No 3–2000 (65 FR 50017).

Signed at Washington, DC on September 25, 2000.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 00–25067 Filed 9–28–00; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION

Notice of Intent to Award—Grant Awards for the Provision of Civil Legal Services to Eligible Low-Income Clients Beginning January 1, 2001

AGENCY: Legal Services Corporation.

ACTION: Announcement of intention to make FY 2001 Competitive Grant Awards.

SUMMARY: The Legal Services Corporation (LSC) hereby announces its intention to award grants and contracts to provide economical and effective delivery of high quality civil legal services to eligible low-income clients, beginning January 1, 2001.

DATES: All comments and recommendations must be received on or before the close of business on October 30, 2000.

ADDRESSES: Legal Services Corporation—Competitive Grants, Legal Services Corporation, 750 First Street NE, 10th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Reginald Haley, Office of Program Performance, (202) 336–8827.

SUPPLEMENTARY INFORMATION: Pursuant to LSC's announcement of funding availability on April 21, 2000 (65 FR 21480) and Grant Renewal applications due on September 1, 2000, LSC will award funds to one or more of the following organizations to provide civil legal services in the indicated service areas.

Service area	Applicant name	Anticipated FY 2001 award
AL–1	Legal Services Corporation of Alabama Inc	$4,521,163
AL–2	Legal Services of North-Central Alabama Inc	514,340
AL–3	Legal Services of Metro Birmingham Inc	914,309
MAL	Texas Rural Legal Aid Inc	27,789
AK–1	Alaska Legal Services Corporation	549,820
NAK–1	Alaska Legal Services Corporation	455,968
AZ–2	DNA-People's Legal Services Inc	514,505
AZ–3	Community Legal Services, Inc	2,485,068
AZ–5	Southern Arizona Legal Aid, Inc	1,537,088
MAZ	Community Legal Services, Inc	125,398
NAZ–5	DNA-People's Legal Services Inc	2,200,066
NAZ–6	Southern Arizona Legal Aid, Inc	499,853
AR–1	Ozark Legal Services	485,262
AR–2	Legal Services of Northeast Arkansas Inc	413,691
AR–3	Western Arkansas Legal Services	340,641
AR–4	East Arkansas Legal Services	532,067
AR–5	Center for Arkansas Legal Services	1,620,910
MAR	Texas Rural Legal Aid Inc	59,238
CA–1	California Indian Legal Services Inc	25,195
CA–2	Greater Bakersfield Legal Assistance Inc	557,576
CA–12	Inland Counties Legal Services Inc	2,342,908
CA–14	Legal Aid Society of San Diego Inc	2,075,086
CA–19	Legal Aid Society of Orange County Inc	2,637,858
CA–26	Central California Legal Services	2,036,723
CA–27	Legal Services of Northern California Inc	2,525,661
CA–28	Bay Area Legal Aid	3,380,773
CA–29	Legal Aid Foundation of Los Angeles	5,909,507
CA–30	San Fernando Valley Neigh. Lgl. Svcs	2,991,527
CA–30	LS Prog. for Pasadena and San Gabriel-Pomona Valley	2,991,527

[1] "Public Health Service Guidelines for the Management of Health-Care Worker Exposures to HIV and Recommendations for Postexposure Prophylaxis," *Morbidity and Mortality Weekly Report*, vol. 47, no. RR–7, May 15, 1998, and "Immunization of Health-Care Workers: Recommendations of the Advisory Committee on Immunization Practices (ACIP) and the Hospital Infection Control Practices Advisory Committee (HICPAC)," *Morbidity and Mortality Weekly Report*, vol. 46, no. RR–18, December 26, 1997, Centers for Disease Control and Prevention (CDC), Atlanta, GA 30333.

Service area	Applicant name	Anticipated FY 2001 award
CA–31	California Rural Legal Assistance, Inc	3,254,176
MCA	California Rural Legal Assistance, Inc	2,229,612
NCA–1	California Indian Legal Services Inc	744,880
CO–6	Colorado Legal Services	2,974,113
MCO	Colorado Legal Services	125,440
NCO–1	Colorado Legal Services	24,062
CT–1	Statewide Legal Services of Connecticut Inc	1,781,383
NCT–1	Pine Tree Legal Assistance Inc	13,200
DE–1	Legal Services Corporation of Delaware Inc	443,479
MDE	Legal Aid Bureau Inc	20,966
DC–1	Neighborhood LS Program of the District of Columbia	795,329
FL–1	Central Florida Legal Services Inc	963,874
FL–2	Legal Aid Service of Broward County, Inc	983,699
FL–3	Florida Rural Legal Services Inc	1,948,052
FL–4	Jacksonville Area Legal Aid Inc	770,390
FL–5	Legal Services of Greater Miami, Inc	2,721,581
FL–6	Legal Services of North Florida Inc	826,216
FL–7	Greater Orlando Area Legal Services Inc	779,262
FL–8	Bay Area Legal Services, Inc	1,096,211
FL–9	Withlacoochee Area Legal Services Inc	437,936
FL–10	Three Rivers Legal Services Inc	614,394
FL–11	Northwest Florida Legal Services Inc	423,546
FL–12	Gulfcoast Legal Services Inc	928,088
MFL	Florida Rural Legal Services Inc	758,544
NFL–1	Florida Rural Legal Services Inc. * * *	250,000
NFL–1	Legal Aid Service of Broward County, Inc. * * *	250,000
GA–1	Atlanta Legal Aid Society Inc	1,759,756
GA–2	Georgia Legal Services Program	5,534,485
MGA	Georgia Legal Services Program	331,141
GU–1	Guam Legal Services Corporation	156,599
HI–1	Legal Aid Society of Hawaii	838,384
MHI	Legal Aid Society of Hawaii	58,205
NHI–1	Native Hawaiian Legal Corporation	107,722
ID–1	Idaho Legal Aid Services Inc	920,885
MID	Idaho Legal Aid Services Inc	157,871
NID–1	Idaho Legal Aid Services Inc	54,775
IL–3	Land of Lincoln Legal Assistance Fnd	2,591,722
IL–4	Prairie State Legal Services Inc	2,192,711
IL–5	West Central Illinois Legal Assistance	185,859
IL–6	Legal Assistance Fnd. of Metro. Chicago	5,748,673
MIL	Legal Assistance Fnd. of Metro. Chicago	210,839
IN–5	Legal Services Organization of Indiana, Inc	4,642,605
MIN	Legal Services Organization of Indiana, Inc	96,031
IA–1	Legal Services Corporation of Iowa	2,268,132
IA–2	Legal Aid Society of Polk County	239,521
MIA	Legal Services Corporation of Iowa	31,870
KS–1	Kansas Legal Services Inc	2,258,557
MKS	Kansas Legal Services Inc	10,037
KY–2	Legal Aid Society	1,152,128
KY–3	Central Kentucky Legal Services Inc	476,117
KY–5	Appalachian Research and Defense Fund of Kentucky	2,020,730
KY–8	Northern Kentucky Legal Aid Society Inc	749,011
KY–9	Cumberland Trace Legal Services Inc	1,198,479
MKY	Texas Rural Legal Aid Inc	35,943
LA–1	Capital Area Legal Services Corporation	1,396,580
LA–2	Southwest Louisiana Legal Services Society Inc	423,496
LA–3	North Louisiana Legal Assistance Corporation	785,342
LA–4	New Orleans Legal Assistance Corporation	1,949,812
LA–5	Northwest Louisiana Legal Services Inc	760,965
LA–6	Acadiana Legal Service Corporation	1,641,826
LA–7	Kisatchie Legal Services Corporation	412,286
LA–8	Southeast Louisiana Legal Services Corporation	594,609
MLA	Texas Rural Legal Aid Inc	23,254
ME–1	Pine Tree Legal Assistance Inc	1,000,601
MMX–1	Pine Tree Legal Assistance Inc	105,482
NME–1	Pine Tree Legal Assistance Inc	54,342
MD–1	Legal Aid Bureau Inc	3,106,045
MMD	Legal Aid Bureau Inc	76,792
MA–1	Volunteer Lawyers Project of the Boston Bar Association	1,480,468
MA–2	South Middlesex Legal Services Inc	160,118
MA–3	Legal Services for Cape Cod and Islands Inc	195,524
MA–4	Merrimack Valley Legal Services Inc	716,712

Service area	Applicant name	Anticipated FY 2001 award
MA–5	New Center for Legal Advocacy, Inc	522,609
MA–10	Massachusetts Justice Project	1,200,652
MI–1	Legal Services of Southeastern Michigan Inc	542,030
MI–2	Legal Services of Southeastern Michigan Inc	233,656
MI–3	Legal Aid and Defender Association, Inc	3,276,613
MI–4	Legal Services of Eastern Michigan	1,292,520
MI–5	Legal Aid of Central Michigan	508,541
MI–6	Lakeshore Legal Aid	551,678
MI–7	Oakland Livingston Legal Aid	543,930
MI–8	Legal Aid of Western Michigan	182,381
MI–9	Legal Services of Northern Michigan Inc	782,715
MI–10	Legal Aid of Western Michigan	1,009,399
MI–11	Legal Aid of Western Michigan	404,207
MMI	Legal Services of Southeastern Michigan Inc	508,400
NMI–1	Michigan Indian Legal Services Inc	121,038
MP–1	Micronesian Legal Services, Inc	1,386,345
MN–1	Legal Aid Service of Northeastern Minnesota	463,445
MN–2	Judicare of Anoka County Inc	100,889
MN–3	Central Minnesota Legal Services Inc	1,215,827
MN–4	Legal Services of Northwest Minnesota Corporation	454,276
MN–5	Southern Minnesota Regional Legal Services Inc	1,192,746
MMN	Southern Minnesota Regional Legal Services Inc	168,982
NMN–1	Anishinabe Legal Services Inc	201,488
MS–1	Central Mississippi Legal Services	921,017
MS–2	North Mississippi Rural Legal Services Inc	2,207,911
MS–3	South Mississippi Legal Services Corporation	575,824
MS–4	Southeast Mississippi Legal Services Corporation	453,887
MS–5	Southeast Mississippi Legal Services Corporation	537,742
MS–6	Southwest Mississippi Legal Services Corporation	468,195
MMS	Texas Rural Legal Aid Inc	48,202
NMS–1	Southeast Mississippi Legal Services Corporation	70,084
MO–3	Legal Aid of Western Missouri	1,677,396
MO–4	Legal Services of Eastern Missouri Inc	1,762,805
MO–5	Mid-Missouri Legal Services Corporation	344,019
MO–7	Legal Aid of Southwest Missouri	1,624,479
MMO	Legal Aid of Western Missouri	68,804
MT–1	Montana Legal Services Association	985,277
MMT	Montana Legal Services Association	46,103
NMT–1	Montana Legal Services Association	112,453
NE–4	Nebraska Legal Services	1,373,706
MNE	Nebraska Legal Services	35,711
NNE–1	Nebraska Legal Services	27,869
NV–1	Nevada Legal Services Inc	986,359
MNV	Nevada Legal Services Inc	2,123
NNV–1	Nevada Legal Services Inc	112,112
NH–1	Legal Advice & Referral Center, Inc	562,450
NJ–1	Cape-Atlantic Legal Services, Inc	227,402
NJ–2	Warren County Legal Services Inc	39,709
NJ–3	Camden Regional Legal Services Inc	844,456
NJ–4	Union County Legal Services Corporation	284,682
NJ–5	Hunterdon County Legal Service Corporation	22,362
NJ–6	Bergen County Legal Services	258,099
NJ–7	Hudson County Legal Services Corporation	656,102
NJ–8	Essex-Newark Legal Services Project Inc	880,556
NJ–9	Middlesex County Legal Services Corporation	268,103
NJ–10	Passaic County Legal Aid Society	360,144
NJ–11	Somerset-Sussex Legal Services Corporation	84,912
NJ–12	Ocean-Monmouth Legal Services Inc	427,023
NJ–13	Legal Aid Society of Mercer County	186,586
NJ–14	Legal Aid Society of Morris County	92,620
MNJ	Camden Regional Legal Services Inc	101,913
NM–1	DNA–People's Legal Services Inc	206,205
NM–2	Legal Aid Society of Albuquerque Inc	551,992
NM–3	Southern New Mexico Legal Services Inc	920,125
NM–4	Community and Indian Legal Services	775,157
MNM	Southern New Mexico Legal Services Inc	73,769
NNM–1	Southern New Mexico Legal Services Inc	12,822
NNM–2	DNA–People's Legal Services Inc	11,222
NNM–3	Community and Indian Legal Services	366,840
NY–1	Legal Aid Society of Northeastern New York Inc	685,346
NY–3	Legal Aid for Broome and Chenango	224,123
NY–4	Neighborhood Legal Services Inc	943,180

Service area	Applicant name	Anticipated FY 2001 award
NY–5	Southern Tier Legal Services	153,518
NY–6	Cheung County Neighborhood Legal Services Inc	267,459
NY–7	Nassau/Suffolk Law Services Committee Inc	885,818
NY–8	Legal Aid Society of Rockland County Inc	540,551
NY–9	Legal Services for New York City	11,298,917
NY–10	Niagara County Legal Aid Society Inc	189,890
NY–13	Legal Services of Central New York Inc	702,164
NY–14	Legal Aid Society of Mid-New York, Inc	618,731
NY–15	Westchester/Putnam Legal Services Inc	605,373
NY–16	North Country Legal Services Inc	324,491
NY–17	Southern Tier Legal Services	254,588
NY–18	Monroe County Legal Assistance Corporation	884,256
MNY	Legal Aid Society of Mid-New York, Inc	233,788
NC–1	Legal Services of North Carolina, Inc	4,971,828
NC–2	Legal Services of Southern Piedmont, Inc	668,221
NC–3	North Central Legal Assistance Program, Inc	359,715
NC–4	Legal Aid Society of Northwest North Carolina Inc	402,819
MNC	Legal Services of North Carolina, Inc	452,673
NNC–1	Legal Services of North Carolina, Inc	117,399
ND–1	Legal Assistance of North Dakota Inc	623,051
ND–2	North Dakota Legal Services Inc	8,277
MND	Southern Minnesota Regional Legal Services Inc	97,898
NND–1	Legal Assistance of North Dakota Inc	44,428
NND–2	North Dakota Legal Services Inc	119,849
OH–5	The Legal Aid Society of Columbus	1,153,260
OH–17	Ohio State Legal Services	1,834,764
OH–18	Legal Aid Society of Greater Cincinnati	1,366,875
OH–19	Western Ohio Legal Services Association	1,404,544
OH–20	Stark County Legal Aid Society	1,949,366
OH–21	The Legal Aid Society of Cleveland	2,063,339
OH–22	Legal Services of Northwest Ohio, Inc	1,073,312
MOH	Legal Services of Northwest Ohio, Inc	106,390
OK–1	Legal Aid of Western Oklahoma Inc	2,312,211
OK–2	Legal Services of Eastern Oklahoma, Inc	1,846,717
MOK	Legal Aid of Western Oklahoma Inc	52,852
NOK–1	Oklahoma Indian Legal Services Inc	305,920
OR–2	Lane County Legal Aid Service Inc	274,745
OR–4	Marion-Polk Legal Aid Service Inc	242,164
OR–5	Legal Aid Services of Oregon	1,861,488
MOR	Legal Aid Services of Oregon	470,467
NOR–1	Legal Aid Services of Oregon	155,639
PA–1	Philadelphia Legal Assistance Center	2,554,532
PA–5	Laurel Legal Services Inc	628,660
PA–8	Neighborhood Legal Services Association	1,646,493
PA–11	Southwestern Pennsylvania Legal Services Inc	518,660
PA–23	Montgomery County Legal Aid Service	808,539
PA–24	Northern Pennsylvania Legal Services, Inc	1,480,386
PA–25	MidPenn Legal Services, Inc	2,106,039
PA–26	Northwestern Legal Services	720,454
MPA	Philadelphia Legal Assistance Center	139,987
PR–1	Puerto Rico Legal Services, Inc	16,438,579
PR–2	Community Law Office Inc	311,356
MPR	Puerto Rico Legal Services, Inc	245,559
RI–1	Rhode Island Legal Services Inc	764,029
SC–1	Neighborhood Legal Assistance Program Inc	1,205,889
SC–2	Palmetto Legal Services	1,062,334
SC–3	Carolina Regional Legal Services Corporation	243,378
SC–4	Legal Services Agency of Western Carolina Inc	664,991
SC–7	Piedmont Legal Services Inc	933,705
MSC	Neighborhood Legal Assistance Program Inc	167,066
SD–1	Black Hills Legal Services Inc	159,061
SD–2	East River Legal Services	428,081
SD–3	Dakota Plains Legal Services Inc	287,664
MSD	Black Hills Legal Services Inc	3,354
NSD–1	Dakota Plains Legal Services Inc	787,216
TN–1	Southeast Tennessee Legal Services, Inc	623,043
TN–2	Legal Services of Upper East Tennessee	743,658
TN–3	Knoxville Legal Aid Society Inc	547,399
TN–4	Memphis Area Legal Services Inc	1,354,236
TN–5	Legal Aid Society of Middle Tennessee	1,045,878
TN–6	Rural Legal Services of Tennessee Inc	679,646
TN–7	West Tennessee Legal Services Inc	644,067

Service area	Applicant name	Anticipated FY 2001 award
TN–8	Legal Services of South Central Tennessee Inc	462,280
MTN	Texas Rural Legal Aid Inc	53,571
TX–1	Legal Aid of Central Texas	1,496,337
TX–3	Legal Services of North Texas	2,310,006
TX–4	El Paso Legal Assistance Society	1,222,154
TX–5	West Texas Legal Services, Inc	3,944,033
TX–6	Gulf Coast Legal Foundation	4,782,186
TX–8	Bexar County Legal Aid Association Inc	1,808,222
TX–9	Heart of Texas Legal Services Corporation	489,946
TX–10	Texas Rural Legal Aid Inc	3,642,350
TX–11	East Texas Legal Services Inc	2,727,620
TX–12	Coastal Bend Legal Services	1,341,845
MTX	Texas Rural Legal Aid Inc	1,180,710
NTX–1	Texas Rural Legal Aid Inc	26,387
UT–1	Utah Legal Services Inc	1,532,206
MUT	Utah Legal Services Inc	57,288
NUT–1	Utah Legal Services Inc	37,654
VT–1	Legal Services Law Line of Vermont Inc	434,029
VI–1	Legal Services of the Virgin Islands Inc	278,321
VA–1	Legal Services of Northern Virginia Inc	484,642
VA–3	Rappahannock Legal Services Inc	220,835
VA–15	Southwest Virginia Legal Aid Society, Inc	821,996
VA–15	Legal Aid Society of New River Valley, Inc	821,996
VA–16	Tidewater Legal Aid Society	1,241,064
VA–17	Virginia Legal Aid Society Inc	893,793
VA–18	Central Virginia Legal Aid Society, Inc	694,234
VA–19	Blue Ridge Legal Services Inc	562,144
MVA	Central Virginia Legal Aid Society, Inc	133,213
WA–1	Northwest Justice Project	3,662,027
MWA	Northwest Justice Project	616,492
NWA–1	Northwest Justice Project	203,626
WV–3	West Virginia Legal Services Plan Inc	1,697,462
WV–4	Appalachian Legal Services, Inc	1,122,389
MWV	West Virginia Legal Services Plan Inc	30,879
WI–1	Legal Action of Wisconsin Inc	2,109,955
WI–2	Wisconsin Judicare Inc	997,677
WI–3	Legal Services of Northeastern Wisconsin Inc	614,427
WI–4	Western Wisconsin Legal Services Inc	402,010
MWI	Legal Action of Wisconsin Inc	76,899
NWI–1	Wisconsin Judicare Inc	115,502
WY–4	Wyoming Legal Services Inc	422,794
MWY	Wyoming Legal Services Inc	10,508
NWY–1	Wyoming Legal Services Inc	145,693

These grants and contracts will be awarded under the authority conferred on LSC by the Legal Services Corporation Act, as amended (42 U.S.C. 2996e(a)(1)). Awards will be made so that each service area indicated is served by one of the organizations listed above, although none of the listed organizations are guaranteed an award or contract. This public notice is issued pursuant to the LSC Act (42 U.S.C. 2996f(f)), with a request for comments and recommendations concerning the potential grantees within a period of thirty (30) days from the date of publication of this notice. Grants will become effective and grant funds will be distributed on or about January 1, 2001.

* * * Funding for this proposed service area is subject to the final LSC appropriation for FY 2001. Because LSC funding is subject to future Congressional action, there is no guarantee that funding for this service area will be available. If funding does not become available, LSC will not fund this proposed service area.

Dated: September 21, 2000.

Michael A. Genz,

Director, Office of Program Performance.

[FR Doc. 00–24887 Filed 9–28–00; 8:45 am]

BILLING CODE 7050–01–P

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that

is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. *DATE:* October 13, 2000.

TIME: 9:00 a.m. to 5:00 p.m.

ROOM: 415.

PROGRAM: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 2000 deadline.

2. *DATE:* October 20, 2000.

TIME: 9:00 a.m. to 5:00 p.m.

ROOM: 415.

PROGRAM: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 2000 deadline.

3. *DATE:* October 24, 2000.

TIME: 9:00 a.m. to 5:00 p.m.

ROOM: 415.

PROGRAM: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 2000 deadline.

4. *DATE:* October 27, 2000.

TIME: 9:00 a.m. to 5:00 p.m.

ROOM: 415.

PROGRAM: This meeting will review applications for National Heritage Preservation, submitted to the Division of Preservation and Access at the July 1, 2000 deadline.

5. *DATE:* October 31, 2000.

TIME: 9:00 a.m. to 5:00 p.m.

ROOM: 415.

PROGRAM: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 2000 deadline.

Laura S. Nelson,

Advisory Committee Management Officer.

[FR Doc. 00–24974 Filed 9–28–00; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Privacy Act; Revisions to Existing System of Records; Revised System

AGENCY: National Science Foundation.

ACTION: Notice of revision to system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, (5 U.S.C. 552a), the National Science Foundation provides notice of revisions to an existing system of records, NSF–53, "Public Transportation Subsidy Program," as a result of changes expanding program participation to all eligible NSF employees (rather than GS–10 and below), and increasing benefits from a flat rate to actual commuting costs up to the authorized maximum benefit amount. No revisions are made to existing routine uses. The entire system notice is nonetheless included to make it easier to read.

EFFECTIVE DATE: September 29, 2000.

NSF–53

SYSTEM NAME:

Public Transportation Subsidy Program.

SYSTEM LOCATION:

National Science Foundation, Office of Information and Resource Management, Division of Administrative Services, 4201 Wilson Boulevard, Arlington, VA 22230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

National Science Foundation employees who apply for or participate in the transit subsidy program.

CATEGORIES OF RECORDS IN THE SYSTEM:

May include name, modes of transportation used for commuting, and commuting costs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 1870; Pub. L. 101–509; E.O. 13150; and the Federal Employees Clean Air Incentives Act, (section 2(a) of Pub. L. 103–172), 5 U.S.C. 7905.

PURPOSE(S):

To administer the public transportation subsidy program providing fringe benefits to employees who use mass transportation and van pools to commute to and from work.

Routine use of records maintained in the system, including categories of users and the purposes of such uses:

Information from this system may be disclosed to:

1. Other Federal agencies for use in evaluating the overall effectiveness of public transportation programs.

2. Another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding.

3. The Department of Justice, to the extent disclosure is compatible with the purpose for which the record was collected, and is relevant and necessary to litigation or anticipated litigation, in which one of the following is a party or has an interest: (a) NSF or any of its components; (b) an NSF employee in his/her official capacity; (c) an NSF employee in his/her individual capacity when the Department of Justice is representing or considering representing the employee; or (d) the United States, when NSF determines that litigation is likely to affect the Agency.

4. Contractors, grantees, volunteers, experts, advisors, and other individuals who perform a service to or work on or under a contract, grant, cooperative agreement, or other arrangement with or for the Federal government, as necessary to carry out their duties.

5. Representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN SYSTEM:

STORAGE:

Records are maintained in file folders and in a computer system at NSF.

RETRIEVABILITY:

Records are retrieved alphabetically by last name.

SAFEGUARDS:

NSF employs security guards. Building is locked during non-business hours when the guard is not on duty. Rooms in which records are kept are locked during non-business hours. Passwords are needed to access information in computer system.

RETENTION AND DISPOSAL:

Current applications are maintained as long as the applicant is an eligible participant in the subsidy program. System records are maintained and disposed of in accordance with records maintenance and disposition schedules and the requirements of the National Archives and Records Administration (NARA).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Administrative Services, National Science Foundation,

4201 Wilson Boulevard, Arlington, VA 22230.

NOTIFICATION PROCEDURES:

The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR part 613.

RECORD ACCESS PROCEDURES:

See "Notification Procedures" above.

CONTESTING RECORD PROCEDURES:

See "Notification Procedures" above.

RECORD SOURCE CATEGORIES:

Information is gathered from the individual and from the NSF Personnel Data Base System.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: September 18, 2000.

D. Matthew Powell,

Assistant General Counsel.

[FR Doc. 00–25032 Filed 9–28–00; 8:45 am]

BILLING CODE 7555–01–U

NUCLEAR REGULATORY COMMISSION

[Docket No.: 040–02253]

Army Research Laboratory, Watertown Mall Area Site

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of removal of the Watertown Mall Area Site from the Nuclear Regulatory Commission Site Decommissioning Management Plan in Watertown, Massachusetts.

SUMMARY: The Nuclear Regulatory Commission (NRC) has removed the Watertown Mall Area site in Watertown, Massachusetts, from the NRC Site Decommissioning Management Plan (SDMP). In 1990, NRC developed the SDMP program for approximately 50 sites that warranted additional NRC oversight to ensure the timely and safe decommissioning of sites with residual radioactive material in excess of NRC's criteria for release for unrestricted use and license termination. One of these sites was the Watertown Arsenal/Mall area site. In 1997, the Army Research Laboratory (ARL) portion of the Watertown Arsenal Mall site was removed from the SDMP, having met the SDMP Action Plan criteria (as specified in 57 FR 13389) for release for unrestricted use. At the time the Watertown Arsenal was removed from the SDMP, radiological assessments had been completed for a majority of the Mall Area, which indicated that it could be released for unrestricted use. However, these assessments also indicated that there was the potential for residual radioactive material in excess of NRC SDMP criteria to be present in buried drain/sewer lines on the site that had not yet been evaluated. The Watertown Mall Area is currently authorized under the Source Material License SUB–238 as a storage-only license. In a letter dated July 10, 2000, ARL, the licensee, requested removal of the Mall Area from the SDMP and provided a dose assessment and demonstration that residual radioactive material in the buried drain/sewer lines satisfy NRC's and the Commonwealth of Massachusetts's criteria for release for unrestricted use.

This administrative action removes the Watertown Mall site from the SDMP. There is no licensing action before NRC at this time. The SUB–238 license will not be terminated, as the ARL, the U.S. General Services Administration (GSA), and the U.S. Army Corps of Engineers (hereafter, the Corps) are evaluating whether to request an amendment to SUB–238 to add another SDMP site, the GSA property in Watertown, rather than terminating the license with the removal of the Watertown Mall. The GSA property is currently not licensed by NRC, but the radiological assessment and remediation of the GSA property is managed by the Corps under the Formerly Utilized Defense Sites program. The GSA property had been part of the Watertown Arsenal/Mall before 1968.

Background

In 1967–1968, the eastern half of the Watertown Arsenal (referred to as the Watertown Mall area site), encompassing 24 hectares (59 acres) and 21 buildings, including three buildings involved in licensed material use (Buildings 34, 41, and 421), was declared excess government property, transferred to the GSA, and subsequently sold to the Watertown Redevelopment Authority. The area where two of the buildings involved in licensed material use were located are now parking lots for retail stores. The concrete pads for two of the buildings were broken up and left in place during redevelopment of the Watertown Mall Area. The concrete pad for the third building is a foundation for tennis courts. In 1990, the Watertown Mall was added to the SDMP, because records available to the U.S. Army and NRC did not clearly demonstrate that necessary decontamination occurred before the property was released for unrestricted use. During the past 10 years, ARL and the Corps have performed historical record reviews, surveys, and radiological assessments to address the concerns regarding residual radioactive material at the site. NRC staff has completed its review of these records and assessments, and has determined that no additional remediation is required. Radiation levels above ground are consistent with levels of natural background radiation, and residual radioactive material levels in the soil are generally consistent with natural background levels. A few areas have been identified that contain residual radioactive material in excess of background levels, but most are less than the SDMP Action Plan criteria.

One sewer line, an inactive line from the former Building 41, has residual fixed contamination in excess of the SDMP Action Plan criteria. The dose assessment developed by the ARL and validated by NRC indicated that potential radiological doses to the public would not be in excess of the NRC criteria for release for unrestricted use. Also, an evaluation of the historical records indicated that doses from the relatively small spots of contamination identified on the concrete pads from Buildings 34 and 421 that are below the parking lot and tennis courts, respectively, were well below the current NRC dose-based release criteria at 10 CFR part 20, Subpart E.

Accordingly, the staff has concluded that the Watertown Mall Area site is acceptable for unrestricted use.

The ARL July 10, 2000, request is available for review in the NRC's Public Electronic Reading Room on the NRC Web site at: *http//NRC.GOV/ADAMS/INDEX/HTML* (ARL Letter dated July 10, 2000, ML003733963). Persons wishing to review this document at the Region I Office should call Ms. Sheryl Villar at (610) 337–5239 several days in advance, to assure that the document will be readily available for review. For questions regarding this administrative action to remove the Watertown Mall Area site from the SDMP, please contact Marie Miller, Decommissioning and Laboratory Branch, Division of Nuclear Materials Safety, Region I, at (610) 337–5205.

Dated at King of Prussia, Pennsylvania this 21st day of September 2000.

For the Nuclear Regulatory Commission.

Francis M. Costello,

Deputy Director, Division of Nuclear Materials Safety Region I.

[FR Doc. 00–25035 Filed 9–28–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–528, STN 50–529, and STN 50–530]

Arizona Public Service Company; Palo Verde Nuclear Generating Station, Units 1, 2, and 3 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to make administrative changes to the Facility Operating Licenses Nos. NPF–41, NPF–51, and NPF–74, issued to Arizona Public Service Company (the licensee) for operation of the Palo Verde Nuclear Generating Station, Units 1, 2, and 3, located in Maricopa County, Arizona.

Environmental Assessment

Identification of the Proposed Action

The proposed action would remove or correct outdated administrative information and remove completed licensing conditions from the licenses. The proposed action is in accordance with the licensee's application for amendments request dated December 1, 1999.

The Need for the Proposed Action

The proposed action is needed to update the Palo Verde operating licenses by removing or correcting outdated administrative information and removing completed license conditions from the licenses. This will help reduce any potential for misinterpreting the operating licensing requirements. The Palo Verde licenses were issued by the Commission to permit the operation of Palo Verde, Units 1, 2, and 3. The operating licenses include administrative information and references that were valid at the time of issuance but are now outdated. In addition, the operating licenses include many license conditions that were required by the Commission to operate Palo Verde plants but have since been completed and are no longer required. The changes consist of 21 changes to the Unit 1 license, 15 changes to the Unit 2 license, and 7 changes to the Unit 3 license.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed action is administrative in nature and unrelated to plant operations.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The proposed action does not involve the use of any resources not previously considered in the Final Environmental Statement Related to the Operation of Palo Verde Nuclear Generating Station, Units 1, 2, and 3, dated February 1982 (NUREG–0841).

Agencies and Persons Consulted

In accordance with its stated policy, on August 24, 2000, the staff consulted with the Arizona State official, Mr. William Wright of the Arizona Radiation Protection Agency, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's application dated December 1, 1999 (ML993430261), which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, (the Electronic Reading Room). *http:www.nrc.gov.*

Dated at Rockville, Maryland, this 22nd day of September 2000.

For the Nuclear Regulatory Commission.

Steven D. Bloom,

Project Manager, Section 2, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–25034 Filed 9–28–00; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information of the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Employee Reporting.

(2) *Form(s) submitted:* AA–12, G–88A.1, and G–88A.2.

(3) *OMB Number:* 3220–0005.

(4) *Expiration date of current OMB clearance:* 12/31/2000.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or households, Business or other for-profit.

(7) *Estimated annual number of respondents:* 4,300.

(8) *Total annual responses:* 4,300.

(9) *Total annual reporting hours:* 379.

(10) *Collection description:* Under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, railroad employers are required to report service and compensation for employees needed to determine eligibility to and amount of benefits paid.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (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 and the OMB reviewer, Joe Lackey (202–395–7316), Office of Management and

Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 00–25033 Filed 9–28–00; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27234]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

September 21, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by October 16, 2000, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After October 16, 2000, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

KeySpan Corporation, et al. (70–9699)

KeySpan Corporation("KeySpan"), a combination gas and electric utility holding company claiming exemption from registration under section 3(a)(1) of the Act by rule 2, located at One MetroTech Center, Brooklyn, New York 11201; KeySpan's utility subsidiaries: The Brooklyn Union Gas Company d/b/a/ KeySpan Energy Delivery New York ("KeySpan New York"), located at One MetroTech Center, Brooklyn, New York 11201; KeySpan Gas East Corporation d/b/a/ KeySpan Energy Delivery Long Island ("KeySpan Long Island"); and KeySpan Generation LLC ("KeySpan Generation"), each located at 175 East Old Country Road, Hicksville, New York 11801; KeySpan's direct nonutility subsidiaries: ACJ Acquisition LLC ("ACJ"); KeySpan Energy Corporation; KeySpan Operating Services LLC; KeySpan Exploration & Production LLC; KeySpan Technologies Inc.; KeySpan MHK, Inc., all located at One MetroTech Center, Brooklyn, New York 11201; KeySpan Corporate Services LLC ("KCS"); KeySpan Utility Services LLC ("KUS"); Marquez Development Corp; Island Energy Services Company, Inc.; LILCO Energy Systems, Inc., all located at 175 East Old Country Road, Hicksville, New York 11801; KeySpan-Ravenswood Inc.; KeySpan-Ravenswood Services Corp., each located at 38–54 Vernon Boulevard, Long Island City, New York 11101; KeySpan Services, Inc., located at Octagon 10 Office Building, 1719 Route 10, Suite 108, Parsippany, New Jersey 07054; KeySpan Energy Trading Services LLC, located at 100 East Old Country Road, Hicksville, New York 11801; and KeySpan Energy Supply LLC, located at 14–04 111th Street, College Point, New York 11356; and their respective nonutility subsidiaries; Eastern Enterprises ("Eastern"), a gas utility holding company claiming exemption from registration under section 3(a)(1) of the Act by rule 2, located at 9 Riverside Road, Weston, Massachusetts 02493; Eastern's gas utility subsidiaries: Boston Gas Company ("Boston Gas"); Essex Gas Company ("Essex Gas"); and Colonial Gas Company ("Colonial Gas"), all located at One Beacon Street, Boston, Massachusetts 02108; Eastern's direct nonutility subsidiaries: Boston Gas Services, Inc.; EE–AEM Company, Inc.; EE Acquisition Company, Inc.; EEG Acquisition Company, Inc.; Eastern Associated Capital Corp.; Eastern Associated Securities Corp.; Eastern Energy Systems Corp.; Eastern Rivermoor Company, Inc.; Eastern Urban Services, Inc.; Mystic Steamship Corporation; PCC Land Company, Inc.; Philadelphia Coke Co., Inc.; Water Products Group Incorporated; Western Associated Energy Corp., all located at 9 Riverside Road, Weston Massachusetts 02493; Midland Enterprises Inc., located at 300 Pike Street, Cincinnati, Ohio 45202; ServicEdge Partners, Inc.; and AMR Data Corporation, each located at 62 Second Avenue, Burlington, Massachusetts 01803; and their respective subsidiaries; and EnergyNorth, Inc. ("EnergyNorth"), a gas utility holding company claiming exemption from registration under section 3(a)(1) of the Act by rule 2, located at 1260 Elm Street, P.O. Box 329, Manchester, New Hampshire 03105; EnergyNorth's gas utility subsidiary, EnergyNorth Natural Gas, Inc. ("ENGI"), also located at 1260 Elm Street, P.O. Box 329, Manchester, New Hampshire 03105; EnergyNorth's direct nonutility subsidiaries: Broken Bridge Corporation; EnergyNorth Realty, Inc., each located at 1260 Elm Street, P.O. Box 329, Manchester, New Hampshire 03105; EnergyNorth Propane, Inc., Located at 75 Regional Drive, Concord, New Hampshire 03301; and EnergyNorth Mechanicals, Inc., located at 25 Depot Street, Manchester, Massachusetts 03101; and their respective subsidiaries (together, "Applicants"),[1] have filed an application-declaration under sections 6(a), 7, 9(a)(1), 10, 12(b), 12(c), 13(b), 32, and 33 of the Act, and rules 45, 46, 53, 54, and 80–92 under the Act.

In the Merger U–1, KeySpan and its subsidiary, ACJ, seek approvals relating to the proposed acquisition by KeySpan of all of the issued and outstanding common stock of Eastern ("Merger").[2] A notice of the Merger U–1 was issued on July 18, 2000 (HCAR No. 27201). Eastern also has previously filed an application-declaration with the Commission under the Act seeking approvals relating to the proposed acquisition ("Eastern/EnergyNorth Merger U–1") by Eastern of all of the outstanding common shares of EnergyNorth ("Eastern/EnergyNorth Merger"). A notice of the Eastern/EnergyNorth Merger U–1 was issued on July 18, 2000 (HCAR No. 27201). For purposes of this application-declaration, KeySpan has assumed that the Eastern/EnergyNorth Merger will be approved concurrently with the Merger. However, KeySpan states that its request for approval of the Merger is not contingent on Commission approval of the Eastern/EnergyNorth Merger, and further states that the same request applies to this application-declaration.[3]

Following the consummation of the Mergers, KeySpan will have seven utility subsidiaries: KeySpan New York; KeySpan Long Island; KeySpan Generation; Boston Gas; Essex Gas; Colonial Gas; and ENGI (collectively,

[1] The indirect nonutility subsidiaries of KeySpan, Eastern, and EnergyNorth are set forth in the application-declaration previously filed by KeySpan and ACJ seeking approvals relating to KeySpan's proposed acquisition of Eastern ("Merger U–1").

[2] KeySpan requests that the Commission review and rule on this application-declaration contemporaneously with the Merger U–1.

[3] The Merger and the Eastern/EnergyNorth Merger are referred to in this notice collectively as "Mergers."

"Utility Subsidiaries"). In addition, KeySpan states that KeySpan Energy Corporation ("KEC"), Eastern and EnergyNorth (collectively, "Intermediate Holding Companies") will remain in existence after the Mergers as first tier public utility holding company subsidiaries of KeySpan.[4]

Each of the entities that will be directly and indirectly owned subsidiaries of KeySpan upon consummation of the transactions described in the Merger U–1 is referred to individually as a "Subsidiary" and collectively as "Subsidiaries."[5] All of KeySpan's direct and indirect Subsidiaries, other than the Utility Subsidiaries and the Intermediate Holding Companies, shall be referred to as "Nonutility Subsidiaries."

Applicants propose to enter into, or to maintain, numerous types of financing transactions to meet KeySpan's capital requirements immediately following the Mergers and to plan future financing. Applicants request authorization to engage in the proposed financing transactions for the period beginning with the effective date of the Commission's Order in this matter and continuing for a period of three years from the date of that Order ("Authorization Period"). In addition, Applicants request the Commission to authorize various proposed intrasystem transactions. Applicants further request that the Commission reserve jurisdiction over certain proposed investments in nonutility businesses, as described below.

Financings by each Applicant will be subject to the following conditions ("Financing Conditions"): (1) during the Authorization Period, KeySpan's common equity will be at least 30% of its consolidated capitalization, and each Utility Subsidiary's common equity will be at least 30% of its capitalization; (2) any long-term debt issued to KeySpan to unaffiliated parties under the authority requested in this application-declaration will be rated or will meet the qualifications for being rated investment grade by a nationally recognized statistical rating organization; (3) the effective cost of money on long-term debt financings will not exceed 500 basis points over comparable term U.S. Treasury securities and the effective cost of money on short-term debt financings will not exceed 500 basis points over the comparable term London Interbank Offered Rate ("LIBOR"); (4) the effective cost of money on preferred stock and other fixed-income oriented securities will not exceed 500 basis points over LIBOR; (5) the maturity of indebtedness will not exceed 50 years; (6) the underwriting fees, commissions, and other similar remuneration paid in connection with the non-competitive issue, sale ordistribution of a security will not exceed an amount or percentage of the principal or total amount of the security being issued that would be charged to other companies with a similar credit rating and credit profile in a comparable arm's-length transaction; and (7) KeySpan's "aggregate investment" in exempt wholesale generator ("EWGs") and foreign utility companies ("FUCOs"), as that term is defined in rule 53 under the Act, will not exceed an amount equal to 250% of the consolidated retained earnings of KeySpan after giving effect to the accounting adjustments required in connection with the Mergers.

The proceeds from the financings proposed in this application-declaration will be used for lawful corporate purposes, including: (1) Financing investments by and capital expenditures of KeySpan and its Subsidiaries; (2) the repayment, redemption, refunding or purchase by KeySpan or any Subsidiary of any of its own securities under rule 42 under the Act; and (3) financing working capital requirements of KeySpan and its Subsidiaries.

I. Existing Financing Arrangements

KeySpan requests Commission authorization to maintain in effect through the Authorization Period all existing financing arrangements of KeySpan and its Subsidiaries as of the date of the completion of the Mergers,[6] as well as any additional financing arrangements entered into before completion of the Mergers,[7] and to amend, renew, extend, supplement and/or replace these arrangements ("Refinancings"). Any Refinancing that occurs after completion of the Mergers and that is subject to Commission approval under the Act will comply with the Financing Conditions and, absent prior Commission approval, will not: (1) Provide for an increase in the aggregate amount of indebtedness incurred; or (2) provide for a final maturity date that is beyond the Authorization Period.[8] The total of all outstanding securities issued by KeySpan under any Refinancing, together with the additional equity and debt financing authority requested by KeySpan in this application-declaration, will not exceed $5.1 billion during the Authorization Period.[9]

II. KeySpan External Financing

A. Common and Preferred Stock

KeySpan proposes, through the Authorization Period, to issue common stock and preferred stock in amounts that, when combined with KeySpan's proposed additional debt and convertible securities described below, will not exceed $1.5 billion outstanding at any one time ("Additional Financing Amount").[10] All common stock sales by KeySpan will be through underwritten public offerings, in private placements or in exchange for securities or assets being acquired from other companies, provided that the Commission has authorized the acquisition of these equity securities or assets in a separate proceeding, or that acquisition is exempt under the Act or the rules under the Act.[11] Preferred stock or other types of preferred or equity-linked securities may be issued by KeySpan in one or more series with rights, preferences, and priorities to be designated by KeySpan's board of directors. The divided rate on any series of preferred securities issued by KeySpan under this authority would comply with the Financing Conditions.

B. Debt Financings

KeySpan proposes to issue long-term and short-term debt during the Authorization Period in amounts that, when combined with the equity

[4] However, KeySpan states that EnergyNorth will be eliminated as an intermediate holding company as soon as practicable after the Merger is completed.

[5] Applicants state that the terms "Subsidiaries" shall also include entities that become subsidiaries of KeySpan after consummation of the Merger.

[6] KeySpan estimates its existing financings, which consist of promissory notes, preferred stock, and credit facilities, to be approximately $1.4 billion. The Utility Subsidiaries presently have approximately $1.8 billion of debt, preferred stock, and capital leases. The Nonutility Subsidiaries presently have outstanding debt and capital leases totaling approximately $550 million.

[7] KeySpan's additional financing arrangements before completion of the Merger will include approximately $2.2 billion necessary for acquisition financing related to the Mergers ("Merger Financing").

[8] KeySpan states that, under certain circumstances, it may be required to support its obligations under existing promissory notes by obtaining letters of credit. Accordingly, KeySpan also seeks Commission approval to obtain any letters of credit required under these notes.

[9] KeySpan states that it developed the aggregate amount of $5.1 billion by adding together the amount required for Merger Financing (approximately $2.2 billion), the amount of its existing financing (approximately $1.4 billion), and the amount of its proposed additional financing ($1.5 billion).

[10] This aggregate amount does not include any existing financing or Refinancing described in Section I of this notice.

[11] KeySpan also seeks authority to issue common stock in consideration for an acquisition by KeySpan or a Nonutility Subsidiary of securities or assets of a business, the acquisition of which has been approved by the Commission in this proceeding or is exempt under the Act of the rules under the Act.

financings described above, will not exceed $1.5 billion outstanding at any one time. The long-term debt securities would comply with the Financing Conditions and may include various types of debt securities to be issued under an indenture to be entered into between KeySpan and the Chase Manhattan Bank, as trustee ("KeySpan Indenture"). KeySpan states that any securities issued under the KeySpan Indenture, or under an exemption from the registration requirements of the Securities Act of 1933, as amended ("1933 Act"), will be unsecured and unsubordinated obligations and will rank equally with all other unsecured and unsubordinated debt of KeySpan.[12]

KeySpan's proposed additional short-term debt would include, but would not be limited to, institutional borrowings, commercial paper (including back-up short-term credit facilities), and bid notes. KeySpan states that the proposed short-term debt will be unsecured and will be issued in accordance with the Financing Conditions.[13] KeySpan states that it may use the proceeds of any short-term debt issuance to refund pre-Merger short-term debt and Merger-related debt, and to provide financing for general corporate purposes, working capital requirements, and Subsidiary capital expenditures until long-term financing can be obtained.

C. Guarantees

Following the Mergers, KeySpan requests authority during the Authorization Period to enter into guarantees, letters of credit, expense agreements and other forms of credit support ("Guarantees") with respect to the payment and performance obligations of the Subsidiaries in an aggregate principal amount not to exceed $2 billion outstanding at any one time, not including obligations exempt in accordance with rule 45 under the Act. KeySpan states that this limit on the aggregate principal amount of Guarantees is separate from the amount applicable to its proposed debt and equity financing, and is in addition to its existing Guarantees.[14] KeySpan further seeks authority to maintain in effect and to amend, renew, extend, and/or replace all Guarantees existing at the time of the Mergers.

III. Subsidiary Financing

A. Utility and Nonutility Subsidiaries

The Utility Subsidiaries request authority to issue and sell, during the Authorization Period, additional debt securities with maturities of one year or less, up to the following aggregate principal amounts ("Additional Utility Subsidiary Financing Amounts") and in accordance with the Financing Conditions:

Utility subsidiary	Aggregate principal amount ($ millions)
KeySpan New York	$250
KeySpan Long Island	185
KeySpan Generation	50
Boston Gas	150
Colonial Gas	75
Essex Gas	20
ENGI	35
Total	765

B. Special-Purpose Subsidiaries

The Applicants seek Commission approval to acquire the equity securities of one or more special-purpose subsidiaries ("Financing Subsidiaries") organized solely to facilitate a financing. Applicants seek authority for these Financing Subsidiaries to issue to third parties income preferred securities or other securities to the extent not exempt under the Act.[15] In addition, authority is requested for: (1) The issuance of debentures or other evidences of indebtedness by any of the Subsidiaries to a Financing Subsidiary in return for the proceeds of the financing; (2) the acquisition by any of the Subsidiaries of voting interests or equity securities issued by a Financing Subsidiary to establish the Subsidiary's ownership of the Financing Subsidiary; and (3) the guaranty by KeySpan of a Financing Subsidiary's payment and performance obligations. Each of the Subsidiaries also requests authority to enter into an expense agreement with its respective Financing Subsidiary, under which it would agree to pay all expenses of the Financing Subsidiary.

KeySpan and its Subsidiaries also seek authority to invest in one or more Subsidiaries ("Intermediate Subsidiaries") that would be organized exclusively for the purpose of acquiring, holding and/or financing the acquisition of the securities of or other interest in one or more EWGs or FUCOs, as defined in sections 32 and 33, respectively, of the Act, "energy-related" companies as defined in rule 58 under the Act ("Rule 58 Subsidiaries"), exempt telecommunications companies within the meaning of section 34 of the Act ("ETCs"), or other Nonutility Subsidiaries authorized by order of the Commission. KeySpan states that Intermediate Subsidiaries also may engage in development and administrative activities relating to these EWGs, FUCOs, Rule 58 Subsidiaries, and other Nonutility Subsidiaries, and requests authority for Intermediate Subsidiaries to provide management, administrative, and other services to these entities.[16]

KeySpan further requests that the Commission reserve jurisdiction over the acquisition, directly or indirectly, of the securities of one or more new Subsidiaries ("New Subsidiaries"), pending completion of the record. These New Subsidiaries would be organized exclusively for the purpose of engaging in one or more of the activities in which any of KeySpan's existing Nonutility Subsidiaries is engaged at the effective time of the Mergers.

Investments in Intermediate Subsidiaries of New Subsidiaries may take the form of any combination of the following: (1) Purchase of capital shares, partnership interests, member interests in limited liability companies, trust certificates or other forms of equity interests; (2) capital contributions; (3) open account advances with or without interest; (4) loans; and (5) guarantees issued, provided or arranged in respect of the securities or other obligations of any Intermediate Subsidiaries or New Subsidiaries. In addition, KeySpan requests authority to consolidate or otherwise reorganize its ownership interests in existing and future Nonutility Subsidiaries under one or more direct or indirect Intermediate Subsidiaries. Funds for any direct or indirect investment in any Intermediate Subsidiaries or New Subsidiaries will be derived from (1) financings authorized in this proceeding; (2) any appropriate future debt or equity securities issuance authorization from the Commission; and (3) other available cash resources, including proceeds of securities sales by

[12] KeySpan states that maturity, interest rates, redemption provisions, sinking fund terms, and other terms of the proposed long-term debt securities, medium-term notes, and institutional debt would be determined by KeySpan at the time of issuance.

[13] KeySpan states that it presently issues commercial paper to accredited investors, as that term is defined in the 1933 Act, and that such issuances are exempt under section 4(2) of the 1933 Act. KeySpan anticipates that future issuances of commercial paper also will be exempt under the 1933 Act.

[14] KeySpan currently has approximately $1.3 billion in Guarantees outstanding, which are expected to remain in place following the Merger.

[15] Any amounts issued to third parties by these Financing Subsidiaries under this authorization will be included in the overall financing limitation applicable to the immediate parent of that Financing Subsidiary. However, the underlying intrasystem mirror debt and parent guaranty shall not be included in that limitation.

[16] Applicants state that these services may be rendered at fair market prices to the extent that they qualify for any exceptions from the "at cost" standards of the Act requested by KeySpan in this application-declaration.

a Nonutility Subsidiary under rule 52. To the extent that KeySpan provides funds or issues guarantees directly or indirectly to support the obligations of an Intermediate Subsidiary which are incurred for the purpose of making an investment in any EWG or FUCO or a Rule 58 Subsidiary, the amount of these funds or guarantees will be included in KeySpan's "aggregate investment" in those entities, as calculated in accordance with rule 53 or rule 58 under the Act, as applicable.

IV. EWG and FUCO Financing

Following the Mergers, KeySpan seeks authority to finance the acquisition of EWGs and FUCOs, either directly or indirectly through intermediate companies, partnerships or other corporate entities during the Authorization Period. KeySpan further requests that the Commission authorize KeySpan to invest up to an amount equal to 250% of the consolidated retained earnings of KeySpan in EWGs and FUCOs. Applicants state that KeySpan's aggregate investment in EWGs and FUCOs as of September 11, 2000 was approximately $690 million, and that KeySpan will have an aggregate investment of 130.74% of its retained earnings in EWGs and FUCOs as of the date the Merger is completed.[17] KeySpan further states that it currently plans to invest in two additional EWGs and that this investment, if consummated, would bring KeySpan's total aggregate investment to 227.5% of retained earnings.

V. Other Proposed Financing Transactions

A. KeySpan System Money Pools

KeySpan and the Utility Subsidiaries propose to establish a utility money pool ("Utility Money Pool"). The Utility Subsidiaries also request authorization to make unsecured short-term borrowings from the Utility Money Pool, contribute surplus funds to the Utility Money Pool, and lend and extend credit to (and acquire promissory notes from) one another through the Utility Money Pool. KeySpan may invest in, but not borrow from, the Money Pool.[18] Each of the Utility Subsidiaries may borrow from the Utility Money Pool up to its respective Additional Utility Subsidiary Financing Amount at any one time outstanding.

In addition, KeySpan and the Nonutility Subsidiaries request authorization to establish a nonutility money pool ("Nonutility Money Pool," and collectively, "Money Pools"). Applicants state that rule 52 exempts the Nonutility Money Pool activities of the Nonutility Subsidiaries from the Act's prior approval requirements.

KeySpan requests authority to contribute surplus funds and to lend and extend credit to: (1) The Utility Subsidiaries through the Utility Money Pool; and (2) the Nonutility Subsidiaries through the Nonutility Money Pool. Funds made available by KeySpan for loans through the Money Pools will be made available first for loans through the Utility Money Pool and then for loans through the Nonutility Money Pool.

Funds not required by the Utility Money Pool to make loans (with the exception of funds required to satisfy the Utility Money Pool's liquidity requirements) would ordinarily be invested in one or more short-term investments, including: (1) Interest-bearing accounts with banks; (2) obligations issued or guaranteed by the U.S. government and/or its agencies and instrumentalities, including obligations under repurchase agreements; (3) obligations issued or guaranteed by any state or political subdivision, provided that the obligations are rated not less than "A" by a nationally recognized rating agency; (4) commercial paper rated not less than "A–1" or "P–1" or their equivalent by a nationally recognized rating agency; (5) money market funds; (6) bank certificates of deposit; (7) Eurodollar funds; and (8) other investments that are permitted by section 9(c) of the Act and rule 40 under the Act.

KCS will administer the Money Pool on a "at cost" basis and will maintain separate records for each money pool Surplus funds of the Money Pools may be combined in common short-term investments, but KCS will maintain separate records of these funds. Applicants request that the Commission reserve jurisdiction over the participation by future companies formed or acquired by KeySpan in the relevant money pool, until a specific post-effective amendment is filed that names the Subsidiary to be added as a participant in that money pool.

B. Hedging Transactions

KeySpan and, to the extent not exempt under rule 52, the Subsidiaries request authority to continue existing, and to enter into additional interest rate hedging transactions with respect to existing indebtedness ("Interest Rate Hedges"), subject to certain limitations and restrictions, in order to reduce or manage interest rate costs. Applicants state the Interest Rate Hedges would involve the use of financial instruments commonly used in today's capital markets, including interest rate sways, caps, collars, floors, and structured notes, or transactions involving the purchase or sale, including short sales, of U.S. Treasury obligations.

In addition, the Applicants request authority to continue existing, and to enter into additional interest rate hedging transactions with respect to anticipated debt offerings, subject to certain limitations and restrictions ("Anticipatory Hedges"). Anticipatory Hedges would be utilized to fix and/or limit the interest rate risk associated with any new issuance through the use of various derivative or cash transactions, including, but not limited to, structured notes, caps and collars.

C. Changes in Capital Stock of Subsidiaries and Payment of Dividends Out of Capital or Unearned Surplus

Applicants request authority to change the terms of any wholly owned Subsidiary's authorized capital stock capitalization by an amount deemed appropriate by KeySpan or other immediate parent company. This authority would allow a Subsidiary to change the par value, or change between par and no-par stock, without additional Commission approval. Any action by a Utility Subsidiary would be subject to and would only be taken upon receipt of necessary approvals by the state commission in the state or states where the Utility Subsidiary is incorporated and doing business.

The Applicants will account for the Mergers using the purchase method of accounting. Under this method of accounting, the Mergers will give rise to a substantial level of goodwill which, in accordance with the Commission's Staff Accounting Bulletin No. 54, Topic 5J ("Staff Accounting Bulletin"), will be "pushed down" to Eastern, EnergyNorth, and their respective subsidiaries and reflected as additional paid-in capital in their financial statements. In addition, as a result of the push-down of the goodwill, the retained earnings of Eastern and EnergyNorth and their subsidiaries will be effectively set to zero as if they were new companies, with the balance being reflected in paid-in capital. Accordingly, the Applicants request authorization to pay dividends out of the additional paid-in capital accounts of Eastern, EnergyNorth, Midland

[17] KeySpan's consolidated retained earnings as of June 30, 2000 totaled approximately $528 million, which reflects the effects of an earlier merger consummated on May 28, 1999. KeySpan's pro forma combined consolidated retained earnings after giving effect to the Mergers will be substantially the same.

[18] KeySpan New York and KeySpan Long Island will be limited to borrowing from the Money Pool only.

Enterprises, Inc. ("Midland"), and Transgas, Inc. ("Transgas"),[19], up to the amount of their respective retained earnings immediately prior to the Mergers and out of earnings before the amortization of the goodwill after the Mergers.

Applicants state that there may be situations in which one or more Nonutility Subsidiaries will have unrestricted cash available for distribution in excess of current and retained earnings. Accordingly, Applicants propose that the direct and indirect Nonutility Subsidiaries be permitted to pay dividends from time to time out of capital and unearned surplus through the Authorization Period, to the extent permitted under applicable laws, and to acquire, retire and redeem securities that the Nonutility Subsidiaries have issued to any associate company, any affiliate, or any affiliate of an associate company. Without further approval of the Commission, no Nonutility Subsidiary will declare or pay any dividend out of capital or unearned surplus if that Nonutility Subsidiary derives any material part of its revenues from the sale of goods, services, electricity or natural gas to any of the Utility Subsidiaries.

D. Foreign Gas Related Investments

KeySpan states that it currently holds interests in Nonutility Subsidiaries that directly or indirectly engage in activities in Canada which involve the supply of natural gas, including exploration, development, production, marketing, or other activities within the meaning of the Gas Related Activities Act of 1990 ("GRAA"). KeySpan expects that it may expand its investments in companies engaged in Canadian GRAA activities ("GRAA Canadian Subsidiaries"). Therefore, Applicants request that the Commission reserve jurisdiction over additional investments by existing Nonutility Subsidiaries in existing partially owned GRAA Canadian Subsidiaries.

VI. Benefit and Dividend Reinvestment Plans

KeySpan seeks authorization to issue and sell its common stock from time to time, during the Authorization Period and subject to the Additional Financing Amount, under its benefit plans and dividend reinvestment plan.[20] Shares of KeySpan common stock for use under these plans may be either newly issued shares, treasury shares, or shares purchased in the open market.

Applicants also seek authority for The Houston Exploration Company ("Houston Exploration"), a wholly owned subsidiary of KeySpan, to issue securities under its 1996 and 1999 Stock Option Plans from time to time during the Authorization Period. Options granted under Houston Exploration's 1996 Stock Option Plan may not exceed 10% of the shares of Houston Exploration's common stock outstanding from time to time.[21] Under the 1999 Stock Option Plan, 400,000 options were authorized of which 111,800 options were granted during 1999. Applicants further request authorization for KeySpan's indirect subsidiary, MyHomeKey.com, Inc. ("MHK"),[22] to issue and sell, and to repurchase, from time to time during the Authorization Period under certain existing stock plans, shares of MHK's common stock or options or other stock purchase rights.[23]

VII. Tax Allocation Agreement

Applicants request approval of an agreement for the allocation of consolidated tax among KeySpan and its subsidiaries following the Merger ("Tax Allocation Agreement"). KeySpan states that the Tax Allocation Agreement is subject to approval by the Commission under the Act because it provides for the retention by KeySpan of certain payments for tax losses that KeySpan has incurred in connection with acquisition-related debt related to the Mergers.

VIII. Affiliate Transactions

A. Subsidiary Service Companies

KeySpan request that the Commission approve two existing subsidiary service companies, KCS and KUS, and one additional service company, KeySpan Engineering & Survey Inc. ("KENG"), as subsidiary service companies in accordance with rule 88(b) under the Act (collectively, "Service Companies").[24] Applicants state that each of these three Service Companies would provide a distinct set of services to its affiliate companies.[25] KCS would provide traditional corporate and administrative services to KeySpan and the Subsidiaries. KUS would provide only limited services to five Subsidiaries.[26] KENG would provide engineering and surveying services primarily to the Utility Subsidiaries as well as to KeySpan's direct nonutility subsidiary KES, and to the Long Island Power Authority ("LIPA").[27]

Each of KCS, KUS, adn KENG propose to enter into separate service agreements ("Service Agreements") with some or all of KeySpan and its Subsidiaries, each of which has been structured to comply with the accounting and cost allocation requirements of section 13 of the Act and the Commission's rules under the Act. Under each of the Service Agreements, charges for services provided to client companies would be at cost, in compliance with rules 90 and 91 under the Act.

KCS and KUS each propose to add to their respective existing employee rosters by transferring personnel for the current rosters of certain Intermediate Holding Companies, Utility

[19] Midland and Transgas are nonutility subsidiaries of Eastern.

[20] Following the Mergers, Eastern's and EnergyNorth's stock plans will cease to operate and may be assumed by KeySpan. However, KeySpan may issue shares of its common stock under the authorization sought in this application-declaration in order to satisfy the obligations of Eastern and EnergyNorth under all these discontinued plans. Therefore, KeySpan also requests authority to issue and/or to sell shares of its common stock for this purpose.

[21] As of December 31, 1999, substantially all options currently authorized under the 1996 Stock Option Plan had been granted.

[22] MHK was formed to establish and maintain an Internet-based website offering certain energy and home-related goods and services. As of April 18, 2000, KeySpan owned an approximate 18.2% beneficial interest in MHK through KeySpan's wholly owned subsidiary, KeySpan MHK Inc. MHK also expects to issue and sell common stock in an initial public offering for purposes of raising capital to finance the business activities contemplated by its current business plan.

[23] Under its existing stock plan, MHK may issue incentive stock options, nonstatutory stock options and stock purchase rights to participating employees, directors and consultants. Shares of MHK's common stock also have been reserved for issuance under an option granted to one of MHK's directors.

[24] In addition, KeySpan requests that the Commission find that this application is deemed to constitute a filing on Form U–13–1 for purposes of rule 88 under the Act, or, alternatively, that the filing of a Form U–13–1 is not necessary under the Act.

[25] KeySpan states that, because of certain requirements of the New York Public Service Commission ("NYUPSC") and the New York State Education Law, the services offered by KUS and KENG must be provided by separate entities in order to protect the public.

[26] As a result of certain restrictions imposed by the NYPSC, KUS will provide gas and electric transmission and distribution systems planning, marketing, gas supply planning and procurement, research and development, and meter repair operations, to only the following Subsidiaries: KeySpan New York; KeySpan Long Island; KeySpan Generation; KeySpan Electric Services LLC ("KESquo;); and KeySpan Energy Trading Services LLC. Each of Boston Gas, Colonial Gas, Essex Gas, and ENGI will provide these types of services to themselves respectively and will not receive them from KUS.

[27] LIPA is a corporate municipal instrumentality of the State of New York that purchases the electric generation capacity of KeySpan Generation at wholesale. KES provides certain operation, maintenance, and construction maintenance services to LIPA.

Subsidiaries, and other Subsidiaries. KENG would be staffed by transferring certain existing personnel from KUS. The capitalization of each of KCS, KUS, and KENG would consist of no more than 10% equity.

In order to allow time to develop all required systems, Applicants seek authority to delay the full implementation of its proposed service company plan until January 1, 2001. During the period between completion of the Merger and that date, KeySpan states that it would use certain interim measures for allocating costs and assigning services within the combined registered holding company system.

B. Other Affiliate Transactions

Applicants request authority for the Nonutility subsidiaries to provide certain construction, goods or services a fair market value, under certain circumstances, to any nonutility associate company in the KeySpan system. In addition, certain Nonutility Subsidiaries of KeySpan currently participate in certain transactions with affiliates at rates that may exceed cost under existing arrangements. KeySpan requests an interim exemption from the cost standards of rules 90 and 91 under the Act to allow these Nonutility Subsidiaries to continue participating in these arrangements for a period of not longer than 12 months following the date of the Commission's order in this matte. Specifically, KeySpan requests this interim approval for Northeast Gas Markets LLC, a wholly owned nonutility subsidiary of KeySpan, to continue to provide contract administrative services at market rates to two nonutility affiliate companies, Alberta Northeast Gas Limited and Boundary Gas Inc., for the specified 12-month period: KeySpan also requests an exemption from the cost standards of rules 90 and 91 under the Act to allow another Nonutility Subsidiary, Transgas, Inc., to continue providing gas transportation services to the Utility Subsidiaries to the extent that these services are not exempt under rule 81.

For the Commission by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–24975 Filed 9–28–00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43310, File No. 4–429]

Joint Industry Plan; Notice of Filing and Order Granting Temporary Effectiveness of Amendment to the Options Intermarket Linkage Plan

September 20, 2000.

Pursuant to Section 11A(a)(3) of the Securities and Exchange Act of 1934 ("Act")[1] and rule 11Aa3–2 thereunder,[2] notice is hereby given that on September 18, 2000, the Pacific Exchange, Inc. ("PCX" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission") an amendment to the Options Intermarket Linkage Plan ("Linkage Plan").[3] The amendment proposes to add the PCX as a participant to the Linkage Plan. The Commission is publishing this notice and order to solicit comments from interested persons on the proposed Linkage Plan amendment, and to grant temporary effectiveness to the proposed Linkage Plan amendment through January 18, 2001.

I. Description and Purpose of the Amendment

The current participants to the Linkage Plan are Amex, CBOE, and ISE. The proposed amendment to the Linkage Plan would add the PCX as a participant to the Linkage Plan. The PCX has submitted a singed copy of the Linkage Plan to the Commission in accordance with the procedures set forth in the Linkage Plan regarding new participants. Sections 4(c) and 5(c)(ii) of the Linkage Plan provide for the admission of new participants, in which eligible exchanges[4] may become a party to the plan by: (i) executing a copy of the plan, as then in effect; (ii) effecting an amendment to the plan reflecting the addition of the new participant's name and obtaining the Commission's approval of the plan as amended to reflect the new participant; and (iii) paying the applicable fee.

II. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Linkage Plan amendment 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, and all written statements with respect to the proposed Linkage Plan amendment that are filed with the Commission, and all written communications relating to the proposed Linkage Plan amendment between the Commission and any person, other than those withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available at the principal offices of the PCX. All submissions should refer to File No. 4–429 and should be submitted by October 30, 2000.

III. Commission's Findings and Order Granting Accelerated Approval of Proposed Plan Amendment

After careful review, the Commission finds that the proposed Linkage Plan amendment is consistent with the requirements of the Act and the rules and regulations thereunder.[5] Specifically, the Commission believes that the proposed amendment, which permits PCX to become a participant to the Linkage Plan, is consistent with Section 11A(a)(1)(D) of the Act,[6] in which Congress found that the linking of all markets for qualified securities through communication and data processing facilities will foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to best execution of such orders. The Commission believes the proposed amendment to include PCX as a participant in the Linkage Plan is also consistent with Rule 11Aa3–2[7] in that it will contribute to the maintenance of fair and orderly markets and remove impediments to and perfect the mechanisms of a national market system

[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 240.11Aa3–2.

[3] On July 28, 2000, the Commission approved a national market system plan for the purpose of creating and operating an intermarket options market linkage proposed by the American Stock Exchange LLC ("Amex"), the Chicago Board Options Exchange, Inc. ("CBOE"), and the International Securities Exchange LLC ("ISE"). *See* Securities Exchange Act Release No. 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000).

[4] The Plan defines an "eligible exchange" as a national securities exchange registered with the Commission pursuant to Section 6(a) of the Act, 15 U.S.C. 78f(a), that is a participant in the Options Clearing Corporation and a party to the Options Price Reporting Authority Plan.

[5] In approving this proposed Linkage Plan amendment, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78k–1(a)(1)(D).

[7] 17 CFR 240.11Aa3–2.

by allowing the linked markets to more easily access better prices available on the participant exchanges.

The Commission finds good cause to grant temporary effectiveness to the proposed Linkage Plan amendment, for 120 days, until January 18, 2001. The Commission believes that it is necessary and appropriate in the public interest, for the maintenance of fair and orderly markets, to remove impediments to, and perfect mechanisms of, a national market system to allow the PCX to become a participant in the Linkage Plan. The commission finds, therefore, that granting temporary effectiveness of the proposed Linkage Plan amendment is appropriate and consistent with Section 11A of the Act.[8]

IV. Conclusion

It Is Therefore Ordered, pursuant to Section 11A of the Act[9] and Rule 11Aa3–2 thereunder,[10] that the proposed Linkage Plan amendment is approved for 120 days, through January 18, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–25024 Filed 9–28–00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43311, File No. 4–429]

Joint Industry Plan; Notice of Filing and Order Granting Temporary Effectiveness of Amendment to the Options Intermarket Linkage Plan

September 20, 2000.

Pursuant to section 11A(a)(3) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 11Aa3–2 thereunder,[2] notice is hereby given that on September 20, 2000, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission") an amendment to the Options Intermarket Linkage Plan ("Linkage Plan").[3] The amendment proposes to add the Phlx as a participant to the Linkage Plan. The Commission is publishing this notice and order to solicit comments from interested persons on the proposed Linkage Plan amendment, and to grant temporary effectiveness to the proposed Linkage Plan amendment through January 18, 2001.

I. Description and Purpose of the Amendment

The current participants to the Linkage Plan are Amex, CBOE, and ISE. The proposed amendment to the Linkage Plan would add the Phlx as a participant to the Linkage Plan. The Phlx has submitted a signed copy of the Linkage Plan to the Commission in accordance with the procedures set forth in the Linkage Plan regarding new participants. Section 4(c) and 5(c)(ii) of the Linkage Plan provide for the admission of new participants, in which eligible exchanges[4] may become a party to the plan by: (i) executing a copy of the plan, as then in effect; (ii) effecting an amendment to the plan reflecting the addition of the new participant's name and obtaining the Commission's approval of the plan as amended to reflect the new participant; and (iii) paying the applicable fee.

II. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Linkage Plan amendment 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, and all written statements with respect to the proposed Linkage Plan amendment that are filed with the Commission, and all written communications relating to the proposed Linkage Plan amendment between the Commission and any person, other than those withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available at the principal offices of the Phlx. All submissions should refer to File No. 4–429 and should be submitted by October 30, 2000.

III. Commission's Findings and Order Granting Accelerated Approval of Proposed Plan Amendment

After careful review, the Commission finds that the proposed Linkage Plan amendment is consistent with the requirements of the Act and the rules and regulations thereunder.[5] Specifically, the Commission believes that the proposed amendment, which permits Phlx to become a participant to the Linkage Plan, is consistent with Section 11A(a)(1)(D) of the Act,[6] in which Congress found that the linking of all markets for qualified securities through communication and data processing facilities will foster efficiency, enhance competition, increase the information available to brokers, and investors, facilitate the offsetting of investors' orders, and contribute to best execution of such orders. The Commission believes the proposed amendment to include Phlx as a participant in the Linkage Plan is also consistent with Rule 11Aa3–2[7] in that it will contribute to the maintenance of fair and orderly markets and remove impediments to and perfect the mechanisms of a national market system by allowing the linked markets to more easily access better prices available on the participant exchanges.

The Commission finds good cause to grant temporary effectiveness to the proposed Linkage Plan amendment, for 120 days, until January 18, 2001. The Commission believes that it is necessary and appropriate in the public interest, for the maintenance of fair and orderly markets, to remove impediments to, and perfect mechanisms of, a national market system to allow the Phlx to become a participant in the Linkage Plan. The Commission finds, therefore, that granting temporary effectiveness of the proposed Linkage Plan amendment is appropriate and consistent with Section 11A of the Act.[8]

IV. Conclusion

It Is Therefore Ordered, pursuant to Section 11A of the Act[9] and Rule 11Aa3–2 thereunder,[10] that the proposed Linkage Plan amendment is

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[8] 15 U.S.C. 78k–1.

[9] 15 U.S.C. 78k–1.

[10] 17 CFR 240.11Aa3–2.

[11] 17 CFR 200–30–3(a)(29).

[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 240.11Aa3–2.

[3] On July 28, 2000, the Commission approved a national market system plan for the purpose of creating and operating an intermarket options market linkage proposed by the American Stock Exchange LLC ("Amex"), the Chicago Board Options Exchange, Inc. ("CBOE"), and the International Securities Exchange LLC ("ISE"). *See* Securities Exchange Act Release No. 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000).

[4] The Plan defines an "eligible exchange" as a national securities exchange registered with the Commission pursuant to Section 6(a) of the Act, 15 U.S.C. 78f(a), that is a participant in the Options Clearing Corporation and a party to the Options Price Reporting Authority Plan.

[5] In approving this proposed Linkage Plan amendment, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78k–1(a)(1)(D).

[7] 17 CFR 240.11Aa3–2.

[8] 15 U.S.C. 78k–1.

[9] 15 U.S.C. 78k–1.

[10] 17 CFR 240.11Aa3–2.

approved for 120 days, through January 18, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretay.

[FR Doc. 00–25023 Filed 9–28–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [to be published]

STATUS: Closed meeting.

PLACE: 450 Fifth Street NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: September 20, 2000.

CHANGE IN THE MEETING: Cancellation of meeting.

The closed meeting scheduled for Wednesday, September 27, 2000 at 11:00 a.m. has been cancelled.

Dated: September 26, 2000.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–25095 Filed 9–26–00; 4:11 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43330; File No. SR–NASD–00–39]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 by the National Association of Securities Dealers, Inc. Relating to an Amendment to Schedule A of the NASD By-Laws for the Timely Filing of Reports, and Amendments to IM–9216, Minor Rule Violation Plan

September 22, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 20, 2000, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its wholly owned subsidiary, NASD Regulation, Inc. ("NASD Regulation"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation. NASD Regulation amended the proposal on September 5, 2000.[3] On September 21, 2000, NASD Regulation again amended the proposal.[4] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation proposes to amend Schedule A of the NASD By-Laws for the Timely Filing of Reports, and to amend IM–9216, Minor Rule Violation Plan of the Association, to permit the Association to set late fees to encourage the timely filing of reports and to expand the Association's Minor Rule Violation Plan pursuant to SEC Rule 19d–1.[5] Below is the text of the proposed rule change. Proposed new language is in italics.

* * * * *

Schedule A to the NASD By-Laws

Assessments and fees pursuant to the provisions of Article VI of the By-Laws of the NASD shall be determined on the following basis:

* * * * *

Section 2—Fees

(a) through (k) No Change.

(l)(1) Unless a specific temporary extension of time has been granted, there shall be imposed upon each member required to file reports, as designated by this paragraph, a fee of $100 for each day that such report is not timely filed. The fee will be assessed for a period not to exceed 10 business days. Requests for such extension of time must be submitted to the Association at least three business days prior to the due date; and

(2) Any report filed pursuant to this Rule containing material inaccuracies or filed incompletely shall be deemed not to have been filed until a corrected copy of the report has been resubmitted.

(3) List of Designated Reports:

(A) SEC Rule 17a–5—Monthly and quarterly FOCUS reports and annual audit reports.

* * * * *

IM–9216. Violations Appropriate for Disposition Under Plan Pursuant to SEC Rule 19d–1(c)(2)

- Rule 2210(b) and (c) and Rule 2220(b) and (c)—Failure to have advertisement and sales literature approved by a principal prior to use; failure to maintain separate files of advertisements and sales literature containing required information; and failure to file advertisements with the Association within the required time limits.
- Rule 3360—Failure to timely file reports of short positions on Form NS–1.
- Rule 3110—Failure to keep and preserve books, accounts, records, memoranda, and correspondence in conformance with applicable laws, rules, regulations and statements of policy promulgated thereunder, and with the Rules of the Association.
- Rule 8211, Rule 8212, and Rule 8213—Failure to submit trading data as requested.
- *Article IV of the NASD By-Laws—Failure to timely submit amendments to Form BD.*
- *Article V of the NASD By-Laws—Failure to timely submit amendments to Form U–4.*
- *Rule 1120—Failure to comply with continuing education requirements.*
- *Rule 3010(b)—Failure to timely file reports pursuant to the Taping Rule.*
- *Rule 3070—Failure to timely file reports.*
- *Rule 4619(d)—Failure to timely file notifications pursuant to SEC Regulation M.*
- *Rules 4632, 4642, 4652, 6240, 6420, 6550, 6620, And 6720—Transaction reporting in equity, convertible debt, and high yield securities.*
- *Rules 6130 and 6170—Transaction reporting to the Automated Confirmation Transaction Service ("ACT").*
- *Rule 6953—Synchronization of member business clocks.*
- *Rules 6954 and 6955—Failure to submit data in accordance with the Order Audit Trail System ("OATS").*
- *Rule 11870—Failure to abide by Customer Account Transfer Contracts.*
- *SEC Exchange Act Rule 11Ac1–4—Failure to properly display limit orders.*
- *SEC Exchange Act Rule 11Ac1–1(c)(5)—Failure to properly update published quotations in certain Electronic Communication Networks ("ECN's").*
- *SEC Exchange Act Rule 17a–5—Failure to timely file FOCUS reports.*
- *SEC Exchange Act Rule 17a–11—Failure to timely file net capital reports.*
- *MSRB Rule A–14—Failure to pay annual fee.*
- *MSRB Rule G–12—Failure to abide by uniform practice rules.*
- *MSRB Rule G–14—Failure to submit reports.*
- *MSRB Rule G–36—Failure to timely submit reports.*
- *MSRB Rule G–37—Failure to timely submit reports for political contributions.*
- *MSRB Rule G–38—Failure to timely submit reports detailing consultant activities.*

* * * * *

[11] 17 CFR 200.30–3(a)(29).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* September 1, 2000 letter from Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation to Joseph P. Morra, Special Counsel, Division of Market Regulation, SEC ("Amendment No. 1"). In Amendment No. 1, NASD Regulation made technical, non-substantive changes to the original proposal. In addition, NASD Regulation provided clarifying language to assist in describing the requirements under Rule 1120.

[4] *See* September 19, 2000 letter from Gregory J. Dean, Jr., Assistant General Counsel, NASD Regulation to Joseph P. Morra, Special Counsel, Division of Market Regulation, SEC ("Amendment No. 2"). In Amendment No. 2, NASD Regulation corrected the reference to SEC Rule 19d–1(c)(2) in the title to IM–9216.

[5] 17 CFR 240.19d–1.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation 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. NASD Regulation has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 1999, the Association considered and implemented a number of significant sanction-related policies with respect to formal disciplinary actions.[6] These policies were implemented in response to a request from members for alternative mechanisms to achieve regulatory compliance in an effective and efficient manner. Citing the time and cost of defending disciplinary actions and the consequences of reporting such violations, member firms have asked whether certain situations, such as technical or minor violations, might be better addressed through alternative approaches. In response, the NASD proposes to amend Schedule A of the NASD By-Laws to establish late fees for designated filings and reports, and to amend the list of violations for the Association's Minor Rule Violation Plan set forth in IM–9216. These changes will allow the Association greater flexibility in obtaining compliance with violations considered to be technical in nature, without having to file complaints and hold hearings under the disciplinary procedures.

Late Fees. Proposed amendments to Schedule A of the NASD By-Laws would adopt a late fee for certain filings and reports designated by the Association. The late fees would be assessed on a per-day basis for a period of no more than 10 business days. The fees would be administrative rather than disciplinary in nature, and will help assist Association staff in achieving members' compliance. Where the late filing is serious, the institution of a suspension or disciplinary proceedings will be more appropriate.

Because the late fees would be assessed on a per-day basis, the total dollar amount of a late filing fee would increase for each day the filing is filed past the deadline. In those instances where the member knows it is unable to meet a filing deadline (*e.g.*, technical difficulties, third party contractor delays, auditor delays, and other types of delays outside the control of the member), the member may apply before the deadline for an extension. In addition, inaccurate or incomplete filings will not be deemed filed until they are correctly submitted. Once the Association determines a late fee is due, the Association will send notice of the late fee to the member after the document has been correctly filed, or after 10 business days have past. When the notice has been sent, the late fee will be automatically deducted from the member's Central Registration Depository Account.

The Association belives that the implementation of late fees would be an additional incentive for members to comply with filing requirements. Because the Association would not commence disciplinary proceedings except in serious cases, members benefit by not having to expend the time and expense of defending those actions. The administrative cost to the Association to compel compliance by those who miss the filing deadlines will be borne by the members who file reports late.

Minor Rule Violation Plan. In 1984, the SEC adopted amendments to Rule 19d–1(c) under the Act[7] to allow self-regulatory organizations to adopt, with SEC approval, Minor Rule Violation Plans.[8] In 1993, pursuant to Exchange Act Rule 19d–1(c)(2),[9] the NASD established a Minor Rule Violation Plan ("Plan").[10] NASD Rule 9216(b) provides that the Association may impose a fine and/or a censure, not to exceed $2,500, on any member or associated person for a minor violation of certain specified Association rules contained in IM–9216.[11] The purpose of NASD Rule 9216(b) is to provide for a meaningful sanction for a rule violation when the initiation of disciplinary proceeding through the formal complaint process would be more costly and time-consuming than would be warranted, given the minor or technical nature of the violation. In addition, the Rule provides an efficient, alternative means by which to deter violations of rules while maintaining procedural rights for disciplined persons. Inclusion of a rule in the Association's Plan should not be interpreted to mean it is an unimportant rule; rather, the technical violation of the rule may be appropriate for disposition under the Plan. The Association retains this discretion to bring full disciplinary proceedings for any violation included in the Plan, including situations where the violation is egregious or where there is a history or pattern of repeat violations.

In SR–NASD–93–06, which initially set forth the provisions and procedures of NASD Rule 9216(b), the Association indicated that it would amend the list of rules from time to time, as it considered appropriate, to phase in the implementation of NASD Rule 9216(b). At this time the Association proposes to amend IM–9216 to expand the list of minor rule violations in the Plan that would be appropriate for disposition under NASD Rule 9216(b). The Association proposes to assess fines not to exceed $2,500 for violations by individuals, and not to exceed $5,000 for violations by member firms. The number and seriousness of the violations, and the previous disciplinary history of the respondent will be reviewed to determine the amount of the fine for a minor rule violation. Once the Association has brought a minor rule violation against an individual or member firm, the Association may, at its discretion, issue progressively higher fines for all subsequent minor rule violations within the next 24-month period.

Description of Proposed Additions to the Minor Rule Violation Plan. A discussion of the NASD's rationale for including each of the violations, and the limitations on the eligibility of such violations for disposition under the Plan, follows:

Article IV of NASD By-Laws-Failure to timely submit amendments to Form BD. Members are required pursuant to Article IV, Section (c) of the NASD By-Laws to ensure that their membership applications are kept current at all times through amendments to Form BD. All such amendments must be filed with the NASD no later than 30 days after learning of facts or circumstances giving rise to an amendment. The Association believes that the failure to amend Form BD in a timely manner by a member

[6] *See Notice to Members 99–50* (July 1999) (NASD Will No Longer Impose Censures for Some Violations); *Notice of Members 99–86* (October 1999) (NASD Regulation Adopts Policy Regarding Imposition And Collection of Monetary Sanctions).

[7] 17 CFR 240.19d–1(c)(2).

[8] *See* Securities and Exchange Act Release No. 21013 (June 1, 1984), 49 FR 23833 (June 8, 1984).

[9] 17 CFR 240.19d–1(c)(2).

[10] *See* Securities Exchange Act Release No. 32076 (March 31, 1993), 58 FR 18291 (April 8, 1993) (SR–NASD–93–06). *See also Notice to Members 93–42* (July 1993) (SEC Approves NASD's Minor Rule Violation Plan).

[11] Recently, the NASD has decided not to impose censures for certain violations when monetary sanctions of $5,000 or less are imposed. *See Notice to Members 99–59* (July 1999) (NASD Will No Longer Impose Censures for Some Violations).

firm may be appropriate for disposition as a minor rule violation.

Article V of NASD By-Laws-Failure to timely submit amendments to Form U–4. All registered representatives and associated persons are required pursuant to Article V, Section 2(c) of the NASD By-Laws to ensure that their applications are kept current at all times through amendments to Form U–4. All such amendments must be filed with the NASD no later than 30 days after learning of facts or circumstances giving rise to an amendment. In addition, registered representatives and associated persons are required to file amendments to Form U–4 if they become statutorily disqualified as defined in Section 3(a)(39)[12] and Section 15 (b)(4)[13] of the Act. All amendments pursuant to statutory disqualification must be filed no later than ten days after such disqualification occurs. The Association believes that the failure to amend Form U–4 in a timely manner by a registered representative or an associated person may be appropriate for disposition as a minor rule violation.

Rule 1120—Failure to maintain continuing education requirements, regulatory and firm elements. Regulatory Element. NASD Rule 1120(a) requires members to oversee the continuing education requirements of the "registered persons"[14] and to ensure that such persons do not continue acting in a registered capacity if they do not complete the requirements≤ The Regulatory Element of the continuing education requirements requires that each registered person, who is not considered exempt from the rule, shall complete the Regulatory Element, as established by the member, on three occasions after the occurrence of their second registration anniversary and every three years thereafter. On each occasion, the training must be completed within 120 days after the registered person's anniversary date. A registered person will be in violation of Rule 1120(a) if the person has not completed the Regulatory Element within the prescribed time periods, and will be deemed to be inactive until the Regulatory has been fulfilled.

The member firm will be considered to be in violation of the Regulatory Element if a registered person of the member firm does not complete the Regulatory Element requirements, and the member firm permits a registered person to continue to perform duties, despite the fact that the registered person has not completed the Regulatory Element requirements. *Firm Element.* NASD Rule 1120(b) requires members to establish, maintain, evaluate and update continuing education programs for members and their "covered registered persons."[15] Specifically, the Firm Element of the continuing education requirement requires that each member firm develop continuing and current education programs for covered persons to enhance their securities knowledge, skill, and professionalism. The programs must be held annually, and must take into consideration each member's size, organizational structure, and scope of business activities, as well as regulatory developments and the performance of covered persons in the Regulatory Element. At a minimum, the programs must include: general investment features and associated risk factors; suitability and sales practice considerations; and applicable regulatory requirements. A covered registered person would be in violation of the Firm Element if the person fails to participate in the firm's educational programs.

A member firm would violate the Firm Element of Rule 1120 if the firm fails to take all appropriate and reasonable steps to ensure that its covered registered persons participate in a continuing education program of the member; the firm fails to adequately ensure that covered registered persons participate in educational programs; the firm fails to evaluate and prioritize its training needs annually, an to update its written training plan when necessary; and the firm fails to maintain appropriate record for a written training plan.

Rule 3010(b)—Failure to timely file reports pursuant to the Taping Rule. NASD Rule 3010(b)(2)(vii) requires members subject to the taping requirements of the Rule to file quarterly reports that detail the member's supervision of the telemarketing activities of its registered persons. Members who fail to file reports in a timely manner may be subject to a minor rule violation.

Rule 3070—Failure to timely file reports. NASD Rule 3070 requires member firms to file a report with the Association when any of 10 specified events occur. These events may vary significantly, ranging from situations where a court, government agency, or self-regulatory organization has determined there has been a violation of the securities laws, to circumstances where a firm has received a written customer complaint alleging theft, misappropriation of funds or securities, or forgery. Member firms are required to report such events within 10 business days after the member knows, or should have known, of the existence of the event. In addition, member firms are required to collect and report statistical and summary information regarding customer complaints by the 15th of the month following the calendar quarter in which the customer complaints are received by the member. Members who fail to file reports in a timely manner may be subject to a minor rule violation.

Rule 4619(d)—Failure to timely file reports pursuant to SEC Regulation M. NASD Rule 4619(d) requires member firms to file certain notifications with the NASD to comply with SEC Regulation M,[16] and SEC Rules 101,[17] 103,[18] and 104[19] (*i.e.*, notification of withdrawal of quotations and identification of quotations as those of a passive market maker). The failure to timely file such notices may be considered a minor rule violation by the Association.

Rules 4632, 4642, 4652, 6240, 6420, 6550, 6620, and 6720—Transaction reporting in equity, convertible debt, and high yield securities. The Association's trade reporting rules require member firms to submit reports of transactions in equity, convertible debt, and high yield securities.[20] The rules concern trade reporting in certain Nasdaq securities, listed securities (commonly known as the "third market"), OTC equity securities, non-Nasdaq securities, and high yield securities. The Association believes that the failure, in certain circumstances, to report such transaction data pursuant to the requirements of these rules may be appropriate for disposition as a minor rule violation.

Rules 6130 and 6170—Transaction reporting to the Automated Confirmation Transaction Service ("ACT"). NASD Rules 6130 and 6170 require member firms to submit transaction reports of transactions in "ACT Eligible Securities"[21] to the Automated Confirmation Transaction

[12] 15 U.S.C. 78c(a)(39).

[13] 15 U.S.C. 78o(b)(4).

[14] "Registered person" means any person registered with the Association as a representative, principal or assistant representative pursuant to Rules 1020, 1030, 1040, and the Rule 1110 Series.

[15] "Covered registered person" means any person registered with a member who has direct contact with customers in the conduct of the member's securities sales, trading and investment banking activities, and to the immediate supervisors of such persons.

[16] 17 CFR 242.

[17] 17 CFR 242.101.

[18] 17 CFR 242.103

[19] 17 CFR 242.104.

[20] NASD Rules 4632, 4642, 4652, 6240, 6420, 6550, 6620 and 6720.

[21] NASD Rule 6110(a).

Service ("ACT"). The Association believes that the failure, in certain circumstances, to submit required transaction reports to ACT pursuant to the requirements of these rules may be appropriate for disposition as a minor rule violation.

Rules 6953—Synchronization of member business clocks. NASD Rule 6953 requires member firms to synchronize all computer and mechanical time-stamping devices to be within three seconds of the National Institute of Standards and Technology standard. The Association believes that the failure by a member firm to synchronize its time-stamping devices may be appropriate for disposition as a minor rule violation.

Rules 6954 and 6955—Failure to submit data in accordance with the Order Audit Trail System ("OATS"). The OATS rules impose obligations on member firms to record in electronic form and to report to NASD Regulation certain items of information with respect to orders they receive to effect transactions in equity securities traded in The Nasdaq Stock Market. The OATS rules require that each member receiving an order relating to equity securities traded in the Nasdaq Stock Market must capture specific information and electronically transmit this information to OATS. The Association believes that violations under the OATS rules may be appropriate for disposition as a minor rule violation.

Rule 11870—Failure to abide by Customer Account Transfer Contracts. NASD Rule 11870 requires members to follow procedures for the transfer or closing-out of customer accounts with the Automated Customer Account Transfer System ("ACATS"). The Rule requires members to validate or object to a customer account transfer within three days of receipt of the transfer notice. Members must complete the transfer within four days of validation. Failure to transfer the customer account with the stated time or failure to properly transfer a customer account may be appropriate for disposition as a minor rule violation.

SEC Rule 11Ac1–4—Failure to properly display limit orders. SEC Rule 11Ac1–4 [22] requires, subject to certain exceptions, a registered broker or dealer that acts as an OTC market maker to "immediately" display qualifying customer limit orders in its published quotes. Failure to immediately display qualifying limit orders pursuant to SEC Rule 11Ac1–4 may be appropriate for disposition as a minor rule violation.

SEC Rule 11Ac1–1(c)(5)—Failure to properly update published quotations in certain Electronic Communication Networks ("ECN's"). SEC Rule 11Ac1–1(c)(5) [23] requires an OTC market maker to update its published quotation to reflect qualifying priced orders that it enters into a specific type of Electronic Communication Network ("ECN"). The failure to display such priced orders pursuant to SEC Rule 11Ac1–1(c)(5) may be considered a minor rule violation by the Association.

SEC Rule 17a–5—Failure to timely file FOCUS reports. The Association proposes to institute minor rule violations for failure of a member to timely file monthly, quarterly and annual reports required by SEC Rule 17a–5,[24] also known as FOCUS reports. Reports not filed in a timely manner may be appropriate for disposition as a minor rule violation.

SEC Rule 17a–11—Failure to timely file net capital reports. SEC Rule 17a–11[25] requires members to file reports if their net capital falls below a certain level as defined in SEC Rule 15c3–1,[26] or in other instances that indicate the existence of financial or operational difficulties. The Association believes that the failure to timely file the reports may be appropriate for disposition as a minor rule violation.

MSRB Rule A–14—Failure to pay annual fee. MSRB Rule A–14 requires each broker, dealer and municipal securities dealer to pay an annual fee to the MSRB Board in each fiscal year in which the broker, dealer and municipal securities dealer conducts municipal securities activities. The fee must be received by the Board no later than October 31 of the fiscal year in which the fee is due. Failure to pay the annual fee may be considered by the Association to be a minor rule violation.

MSRB Rules G–12 and G–14—Failure to Report Transactions or Inaccurate Reporting of Transactions. MSRB Rule G–14, in part, requires the accurate and timely reporting of each transaction in municipal securities. The Association believes that failure to report transactions may be appropriate for disposition as a minor rule violation. In addition, inaccurate and/or untimely transaction reporting is measured and assessed based on the following benchmarks, which are derived from industry compliance statistics:

- National Securities Clearing Corporation "T-Input Percentage." An industry goal is a T-Input Percentage of 95 percent.
- Effecting Broker Symbol ("EBS") percentage. For the past six months, the industry EBS compliance percentage has been over 99 percent.
- Customer Trade Ineligibility ("CTI") percentage. For the past year, the industry CTI percentage has been about ten percent.

The Association believes that inaccurate or untimely transaction reporting under these rules may be appropriate for disposition as a minor rule violation. More significant non-compliance with MSRB Rule G–14 is generally evident in instances when the T-Input Percentage is below 90 percent for a 6-month period, or for EBS and CTI, when firm non-compliance statistics are 5 percent or more below the industry average for a 6-month period. In these instances, formal complaint proceedings may be brought by the Association. Subsequent non-compliance using these criteria would warrant a formal complaint.

MSRB Rule G–36—Failure to timely submit reports. MSRB Rule G–36 concerns the delivery of Official Statements, Advance Refunding Documents and Forms G–36(OS) and G–36(ARD) to the MSRB. MSRB Rule G–36, in part, requires the sending—within certain specified time frames—of two copies of certain issuer documents to the MSRB. Failure to file Form G–36(OS) or G–36(ARD) within the published time frames may be appropriate for disposition as a minor rule violation.

MSRB Rule G–37—Failure to timely submit reports for political contributions and MSRB Rule G–38—Failure to timely submit reports detailing consultant activities. MSRB Rules G–37 and G–38 require, in part, the disclosure on MSRB Form G–37/38 of certain political contributions, solicitation of municipal securities business, and the use of consultants by municipal securities dealers. Due dates for these required disclosures are January 31, April 30, July 31, and October 31. The late filing of reports pursuant to MSRB Rules G–37 and G–38 may be appropriate for disposition as a minor rule violation.

In addition, form filings that are incomplete or inaccurate, or inaccurate record keeping as required under MSRB Rules G–37 and G–38, may also be appropriate for disposition by the Association as minor rule violations.

[22] 17 CFR 240.11Ac1–4.

[23] 17 CFR 240.11Ac1–1(c)(5).

[24] 17 CFR 240.17a–5.

[25] 17 CFR 240.17a–11.

[26] 17 CFR 240.15c3–1.

2. Statutory Basis

NASD Regulation believes that the proposal is consistent with the provisions of Section 15A(b)(6) of the Act,[27] which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD Regulation believes that the proposed rule change is consistent with Section 15A(b)(7) of the Act,[28] in that it is intended to safeguard the interests of investors while establishing fair and reasonable rules for its members and persons associated with its members. NASD Regulation also believes that the proposed rule change is consistent with Section 15A(b)(8) of the Act,[29] in that it furthers the statutory goals of providing a fair procedure for disciplining members and associated persons.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–00–39 and should be submitted by October 20, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[30]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–25022 Filed 9–28–00; 8:45 am]

BILLING CODE 8010–01–M

[27] 15 U.S.C. 78o–3(b)(6).

[28] 15 U.S.C. 78o–3(b)(7).

[29] 15 U.S.C. 78o–3(b)(8).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43319; File No. SR–NASD–00–20]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the National Association of Securities Dealers, Inc. To Amend the Three Quote Rule for Transactions in Non-Nasdaq Securities

September 21, 2000.

I. Introduction

On April 13, 2000, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, NASD Regulation, Inc. ("NASD Regulation"), filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4[2] thereunder, a proposed rule change that amends the Three Quote Rule for transactions in non-Nasdaq securities and its corresponding recordkeeping provision. The proposal was published for comment in the **Federal Register** on June 25, 2000.[3] The Commission received no comments on the proposal. This order approves NASD Regulations' proposed rule change.

II. Description of the Proposal

NASD Regulation has proposed three amendments to the NASD's rules.

First NASD Regulation has proposed to amend NASD Rule 2320(g)—commonly known as the "Three Quote Rule"—to relieve members of the current obligation to obtain three quotes for a transaction in a non-Nasdaq security[4] when there are two or more priced quotations for that security displayed in an inter-dealer quotation system (such as the OTC Bulletin Board ("OTCBB") or the Electronic Quotation Service operated by Pink Sheets LLC ("Pink Sheets")) that permits quotation updates on a real-time basis.

Currently, the rule requires members that execute a transaction in a non-Nasdaq security on behalf of a customer to contact and obtain quotations from three dealers (or all dealers if three or less) to determine the best inter-dealer market for that security.[5] The intent of the Three Quote Rule is to help ensure that members fulfill their responsibilities to customers to provide best execution for transactions in non-Nasdaq security, particularly illiquid securities with non-transparent prices.

NASD Regulation now believes that the existing Three Quote Rule often hinders, rather than furthers, investor protection by causing significant delays in obtaining executions of customer orders. Therefore, NASD Regulation is proposing that Rule 2320(g) be amended to require that members obtain quotations from three dealers (or all dealers if three or less) only when there are fewer than two priced quotations displayed in an inter-dealer quotation system that permits quotation updates on a real-time basis (such as the OTCBB or the Pink Sheets).[6]

Second, NASD Regulation has proposed to amend one of its recordkeeping requirements for members to correspond with the proposed amendment to the Three Quote Rule. Currently, NASD Rule

[30] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 42958 (June 20, 2000), 65 FR 39457.

[4] A non-Nasdaq security is any equity security that is neither included in the Nasdaq Stock Market nor traded on a national securities exchange. *See* NASD Rule 6710(c).

[5] Currently, if three firm quotations are displayed, a broker-dealer is not required to call the three market makers to verify the firm quotations that are displayed on the screen. A broker-dealer need note on the order ticket only the identity of the broker-dealers and the firm quotations displayed.

[6] The proposed rule change defines the term *inter-dealer quotation system* as any system of general circulation to brokers or dealers that regularly disseminates quotations of identified brokers or dealers.

3110(b)(2) requires that members, for each transaction in a non-Nasdaq security, indicate on the order ticket the name of each dealer contacted and each quotation received with respect to that security, in order to determine the best inter-dealer market. NASD Regulation has proposed to eliminate this obligation when two or more priced quotations for that security are displayed in an inter-dealer quotation system if: (1) the system permits quotation updates on a real-time basis, and (ii) NASD Regulation has access to the quotation data.[7]

Third, NASD Regulation has proposed to add a new provision to Rule 2320(g) that will require members that display quotations for a given non-Nasdaq security in two or more quotation mediums that permit quotation updates on a real-time basis to provide the same priced quotation in each medium.[8]

III. Discussion

A. General

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the regulations thereunder applicable to the NASD.[9] In particular, the Commission believes that the proposal is consistent with Sections 15A(b)(6) and 15A(b)(9) of the Act.[10] Section 15A(b)(6) requires, among other things, that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest. Section 15A(b)(9) requires that the rules of the association not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

B. Amendment to Three Quote Rule and Corresponding Recordkeeping Provision

The Commission approved the NASD proposal that instituted the Three Quote Rule in 1988.[11] The Three Quote Rule was an amendment to the NASD's interpretation relating to best execution of retail transactions in non-Nasdaq securities. The Rule's purpose is to assure that NASD members fulfill their duty to provide customers with best execution for transactions in non-Nasdaq securities, especially illiquid securities with non-transparent prices.

Currently, the Three Quote Rule requires members to obtain quotes from three dealers before executing a transaction in a non-Nasdaq security on behalf of a customer. Under NASD Rule 3110(b)(2), the companion recordkeeping rule, members are required to indicate on the order ticket for each transaction in a non-Nasdaq security the names of the dealers contacted and the prices of the quotations. NASD Regulation's current proposal would exempt from the Three Quote Rule transactions involving a non-Nasdaq security when there are two or more priced quotations for that security displayed in an inter-dealer quotation system that permits quotation updates on a real-time basis. A corresponding amendment to NASD Rule 3110(b)(2) would eliminate the requirement to indicate on the order ticket for a transaction in a non-Nasdaq security the dealers contacted and quotations received, provided there are two or more priced quotations for that security displayed in an inter-dealer quotation system and NASD Regulation has access to the historical quotation information.[12]

In light of the significant technological advances that have occurred in the markets for non-Nasdaq securities since adoption of the Three Quote Rule, the Commission believes it is reasonable and consistent with the Act to limit the Rule's applicability to those situations when fewer than two priced quotes for a non-Nasdaq security are posted in an inter-dealer quotation medium. The Commission also finds that, in light of the proposed amendment to the Three Quote Rule, the corresponding amendment to the recordkeeping provisions of NASD Rule 3110(b)(2) is reasonable and consistent with the purposes of the Act. The Commission notes that, whether or not a transaction in a non-Nasdaq security is subject to the Three Quote Rule, the member executing the transaction must satisfy its duty of best execution.

C. Requirement to Post Same Quotation in Different Mediums

Currently, an NASD member may display different priced quotations for the same non-Nasdaq security in different quotation mediums. The Commission believes that this practice can be confusing to market participants and, in particular, to public investors. Requiring that members display consistent priced quotations in multiple quotation mediums will enhance the ability of market participants to ascertain the best inter-dealer market for a non-Nasdaq security. The Commission finds that the proposed amendment implementing this requirement is consistent with the purposes of the Act.

IV. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (SR–NASD–00–20) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary

[FR Doc. 00–25025 Filed 9–28–00; 8:45 am]

BILLING CODE 8010–01–M

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[7] At present, NASD Regulation has such data with respect to the OTCBB but does not have access to historical quotation data with respect to the Pink Sheets. NASD Regulation recently submitted to the Commission a proposed rule change (SR–NASD–00–42) that would require NASD members that publish quotations in the Pink Sheets (or any similar automated quotation system) to record and maintain priced quotations and unpriced indications of interest data and to report such quotation data to NASD Regulation upon request.

[8] The proposed rule change defines the term *quotation medium* as any inter-dealer quotation system or any publication or electronic communications network or other device that is used by brokers or dealers to make known to others their interest in transactions in any security, including offers to buy or sell at a stated price or otherwise, or invitations of offers to buy or sell.

[9] In approving this rule, the Commission has considered its impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78o–3(b)(6) and (b)(9).

[11] *See* Securities Exchange Act Release No. 25637 (May 2, 1988), 53 FR 16488 (May 9, 1988).

[12] *See supra* note 7.

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43318; File No. SR–NASD–00–54]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc. on Use of the .T Modifier for Extended Hours Trades in Listed Securities

September 21, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 1, 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 ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

have been prepared by Nasdaq. On September 19, 2000, Nasdaq submitted Amendment No. 1 to the proposed rule change.[3] Nasdaq has filed the proposed pursuant to Section 19(b)(3)(A) of the Act[4] and Rule 19b–4(f)(b) thereunder,[5] which renders the rule effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to amend NASD Rule 6420, the transaction reporting rule for over-the-counter ("OTC") trades in listed securities. The purpose of this amendment is to require members to append a ".T" modifier to Nasdaq InterMarket transactions in listed securities executed between 4:00 p.m. and 6:30 p.m. Eastern Time ("ET"). The text of the proposed rule change follows. Proposed new language is underlined; deleted language is bracketed.

* * * * *

6400. REPORTING TRANSACTIONS IN LISTED SECURITIES

6420. Transaction Reporting

(a) When and How Transactions are Reported.

(1) Registered Reporting Members shall transmit through ACT, within 90 seconds after execution, last sale reports of transactions in eligible securities executed during the trading hours of the Consolidated Tape otherwise than on a national securities exchange. *Transactions not reported within 90 seconds after execution shall be designated as late and such trade reports must include the time of execution.* Registered Reporting Members shall also transmit through ACT, within 90 seconds after execution, last sale reports of transactions in eligible securities executed in the United States otherwise than on a national securities exchange between 4:00 p.m. and 6:30 p.m. Eastern Time [.]*; trades executed and reported after 4:00 p.m. Eastern Time shall be designated as ".T" trades to denote their execution outside normal market hours.* Transactions not reported within 90 seconds after execution [shall be designated as late and such trade reports] must include the time of execution *on the trade report.*

(2)

(A) Non-Registered Reporting Members shall, within 90 seconds after execution, transmit through ACT or the ACT Service Desk (if qualified pursuant to Rule 7010(i)), or if ACT is unavailable due to system or transmission failure by telephone to the Nasdaq Market Operations Department, last sale reports of transactions in eligible securities executed during the trading hours of the Consolidated Tape otherwise than on a national securities exchange.

(B) Non-registered Reporting Members shall, within 90 seconds after execution, transmit through ACT or the ACT Service Desk (if qualified pursuant to Rule 7010(i)), of if ACT is unavailable due to system or transmission failure, by telephone to the Nasdaq Market Operations Department, last sale reports of transactions in eligible securities exeucted in the United States otherwise than on a national securities exchange between the hours of 4:00 p.m. and 6:30 p.m. Eastern Time[.]*; trades executed and reported after 4:00 p.m. Eastern Time shall be designated as ".T" trades to denote their execution outside normal market hours.* Transactions not reported within 90 seconds after execution [shall be designated as late and such trade reports] must include the time of execution *on the trade report.*

(3) to (6) No Change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In its June 2000 *Special Study: Electronic Communication Networks and After-Hours Trading,* the SEC's Division of Market Regulation stated that U.S. equity markets should take the necessary steps to preserve regular trading session closing prices that are distinct from prices at which equity securities trade in the after-hours trading session.[6] For Nasdaq securities and non-Nasdaq OTC equity securities, this is accomplished by requiring firms to use a special ".T" modifier on trade reports transmitted through Nasdaq's Automated Confirmation Transaction Service ("ACT") outside normal market hours.[7] Trades in Nasdaq and non-Nasdaq OTC securities that occur outside normal market hours are counted into the current day's trading volume, but do not affect the security's daily high, low, or last sale price, and do not affect Index calculations or mutual fund net asset values.

NASD members trading securities listed on the New York Stock Exchange ("NYSE"), the American Stock Exchange ("Amex"), or the regional exchanges in the Nasdaq InterMarket are not currently required to use a ".T" modifier for trades that occur outside normal market hours. As a result, extended trading hour session InterMarket trades are treated the same as regular session trades and are used to calculate NYSE and Amex closing prices. This has resulted in corporate and investor confusion over stock pricing.

In order to address this issue, and provide for consistency in the use of the ".T" modifier, Nasdaq proposes to require NASD members to follow the same ".T" reporting rules for listed equities as they use for Nasdaq and OTC equity securities during the extended hour trading session. This will be accomplished by amending the Transaction Report Rules for trades in listed securities to require members to designate as ".T" transactions executed and reported to ACT after 4:00 p.m. ET to denote their execution outside normal market hours. As with Nasdaq and non-Nasdaq OTC securities, firms must report late trades during this time period with the ".T" modifier and the execution time because ACT does not allow firms to enter two modifiers (*i.e.*, a firm cannot include both ".T" and ".SLD" on a trade report to denote both an extended hour trading session trade and a late trade). Inclusion of the time of execution on the ".T" trade report indicates a late trade occurring outside normal market hours.

2. Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act[8] because it will result in more accurate and reliable information regarding last sale transaction reports. Section 15A(b)(6) of the Act[9] requires that the rules of a registered securities association be designed to prevent fraudulent and manipulative acts and

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[3] *See* letter from Peter R. Geraghty, Assistant General Counsel, Nasdaq, to Katherine England, Assistant Director, Division of Market Regulation, SEC, dated September 18, 2000 ("Amendment No. 1"). In Amendment No. 1, Nasdaq amended the proposed rule language to clarify that transactions in CQS securities that occur between 9:30 a.m. and 4:00 p.m. Eastern Time and that not reported within 90 seconds after execution must be designated as late by using the appropriate modifier.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6).

[6] NASD Rule 4617 defines normal market hours as 9:30 a.m. through 4:00 p.m. ET. The extended hour trading session currently takes place between 4:00 p.m. and 6:30 p.m. ET.

[7] *See* NASD Rules 4632, 4642, 4652, and 6620.

[8] 15 U.S.C. 78o–3(b)(6).

[9] *Id.*

practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, settling, 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, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest; impose any significant burden on competition; and become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) [11] thereunder. At any time within 60 days of the filing of a rule change pursuant to Section 19(b)(3)(A) of the Act,[12] the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

A proposed rule change filed under Rule 19b–4(f)(6) [13] normally does not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. Nasdaq seeks to have the proposed rule change become operative on or before September 21, 2000.[14]

The Commission, consistent with the protection of investors and the public interest, has determined to make the proposed rule change operative on September 21, 2000. The Commission notes that the use of the ".T" modifier proposed by Nasdaq is intended to help clarify those trades in listed securities that are executed after normal trading hours similar to that which is used in Nasdaq issues and OTC equity issues. The Commission believes that extending the use of ".T" to trades executed in listed securities during extended hours trading should provide consistency of after hours trade reporting, which should help to quell corporate and investor confusion over the closing prices of listed securities as determined at the close of normal market hours.

Based on these reasons, the Commission believes that it is consistent with the protection of investors and the public interest that the proposed rule change be operative on September 21, 2000. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested person are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–00–54 and should be submitted by October 20, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–25026 Filed 9–28–00; 8:45 am]

BILLING CODE 8010–01–M

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b-4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b-4(f)(6).

[14] *See* letter from Mary N. Revell, Assistant General Counsel, Nasdaq, to Alton Harvey, Office Chief, Division of Market Regulation, SEC, dated September 6, 2000.

[15] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3290; Amendment #1]

State of Montana

In accordance with a notice from the Federal Emergency Management Agency, dated September 19, 2000, the above-numbered Declaration is hereby amended to include the following counties and Indian Reservations in the State of Montana as a disaster area due to damages caused by wildfires beginning on July 13, 2000 and continuing: Big Horn, Blaine, Carter, Chouteau, Custer, Fallon, Fergus, Garfield, Golden Valley, Hill, Liberty, Musselshell, Petroleum, Phillips, Powder River, Prairie, Rosebud, Toole, Treasure, and Yellowstone Counties, and Fort Belknap, Rocky Boy's, Crow, and Northern Cheyenne Indian Reservations.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Dawson, McCone, Valley, and Wibaux Counties in Montana; Campbell, Crook, and Sheridan Counties in Wyoming; Bowman, Golden Valley, and Slope Counties in North Dakota; and Butte and Harding Counties in South Dakota. Any counties contiguous to the above-named primary counties and not listed herein have been previously declared.

The economic injury number for the State of North Dakota is 9I8800 and for South Dakota the number is 9I8900.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is October 29, 2000 and for economic injury the deadline is May 30, 2001.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 21, 2000.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 00–24958 Filed 9–28–00; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3283]

State of Connecticut

Fairfield County and the contiguous Counties of Litchfield and New Haven in the State of Connecticut and Dutchess, Putnam, and Westchester Counties in New York constitute a disaster area as a result of damages caused by heavy rains and flooding that occurred on August 11, 2000. Applications for loans for physical damage from this disaster may be filed until the close of business on November 20, 2000 and for economic injury until the close of business on June 21, 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:

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 for physical damage are 328306 for Connecticut and 328406 for New York. For economic injury the numbers are 9I4100 for Connecticut and 9I4200 for New York.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Date: September 21, 2000

Aida Alvarez,

Administrator.

[FR Doc. 00–24957 Filed 9–28–00; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3291; Amendment #1]

State of Idaho

In accordance with a notice from the Federal Emergency Management Agency, dated September 20, 2000, the above-numbered Declaration is hereby amended to include Ada, Bingham, Blaine, Custer, Lincoln, and Valley Counties in the State of Idaho as a disaster area due to damages caused by wildfires beginning on July 27, 2000 and continuing.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Bonneville, Canyon, and Jefferson in the State of Idaho may be filed until the specified date at the previously designated location. Any counties contiguous to the above-named primary counties and not listed herein have been previously declared.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is October 31, 2000 and for economic injury the deadline is June 1, 2001.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 21, 2000.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 00–24956 Filed 9–28–00; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3425]

Culturally Significant Objects Imported for Exhibition Determinations: "Korean Art: Ancient to Modern Times"

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended by Delegation of Authority No. 236–3 of August 28, 2000 [65 FR 53795], I hereby determine that two additional objects to be included in the exhibit, "Korean Art: Ancient to Modern Times," imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with a foreign lender. I also determine that the temporary exhibition or display of the objects at the Los Angeles County Museum of Art, Los Angeles, California, from on or about October 1, 2000, to on or about October 11, 2001, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is Room 700, United States Department of State, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: September 21, 2000.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs Department of State.

[FR Doc. 00–25059 Filed 9–28–00; 8:45 am]

BILLING CODE 4710–08–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2000–49]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Ch. I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before October 23, 2000.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G,

FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271, Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations 914 CFR part 11).

Issued in Washington, DC., on September 26, 2000.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 30132.

Petitioner: Mr. Brian Daniel.

Section of the FAR Affected: 14 CFR 61.109(d)(2)(i) and 61.109(d)(3).

Description of Relief Sought: To permit Mr. Daniel to obtain a private pilot certificate with gyroplane class rating without meeting the cross-country night flight training requirements.

Docket No.: 30122.

Petitioner: Bombardier Aerospace Dallas/Forth Worth Customer Training Center.

Section of the FAR Affected: 14 CFR 91.105(a) and 135.338(f).

Description of Relief Sought: To allow (1) persons assigned as required crewmembers on aircraft operated by Bombardier Aerospace to temporarily relinquish their crewmember stations to DFW–CTC instructors for the purpose of meeting the requirements of § 142.53(b)(1) of 14 CFR when those instructors do not hold valid medical certificates issued by the Federal Aviation Administration (FAA); and (2) individuals who meet the requirements of § 142.53(b)(1) to be considered to meet the requirements of § 135.338(f)(1).

Docket No.: 30151.

Petitioner: Lufthansa Technik.

Section of the FAR Affected: 14 CFR 25.785(b).

Description of Relief Sought: To permit side-facing divans to be installed for "private, not-for-hire" use on a Boeing Model 777–200 airplane.

[FR Doc. 00–25077 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2000–50]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Ch. I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before October 23, 2000.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271, Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on September 26, 2000.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 30191.

Petitioner: Mt. Comfort Air Show.

Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121

Description of Relief Sought/ Disposition: To permit MCAS to conduct local sightseeing flights at Mt. Comfort Airport, Mt. Comfort, Indiana for its two-day charitable event in September 2000, for compensation of hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 09/15/00, Exemption No. 7351

Docket No.: 29395.

Petitioner: Iowa City Fling Service.

Section of the FAR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/ Disposition: To permit ICFS to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft.

Grant, 09/11/00, Exemption No. 6852A

Docket No.: 30139.

Petitioner: Warbelow's Air Ventures, Inc.

Section of the FAR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/ Disposition: To permit WAV to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 09/11/00, Exemption No. 7344

Docket No.: 30165.

Petitioner: Denmark Volunteer Fire Department.

Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.

Description of Relief Sought/ Disposition: To permit DVFD to conduct local sightseeing flights at Eastern Slopes Regional Airport, Fryeburg, Maine, for a one-day charitable event in September 2000, for compensation of hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 09/11/00, Exemption No. 7346

Docket No.: 30138.

Petitioner: American Air Charter, Inc.

Section of the FAR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/ Disposition: To permit AAC to operate certain aircraft under part 135 without

a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 09/11/00, Exemption No. 7345

Docket No.: 28485.
Petitioner: Polar Air Cargo, Inc.
Section of the FAR Affected: 14 CFR 121.583 (a)(8).
Description of Relief Sought/ Disposition: To permit up to three dependents of Polar employees, who are accompanied by an employee sponsor traveling on official business only, and who are trained and qualified in the operation of the emergency equipment on Polar's Boeing–747 cargo aircraft, to be added to the list of persons specified in § 121.583(a)(8) that polar is authorized to transport without complying with the passenger-carrying airplane requirements in §§ 121.309(f), 121.310, 121.391, 121.571, and 121.587; the passenger-carrying operation requirements in §§ 121.157(c), 121.161, and 121.291; and the requirements pertaining to passengers in §§ 121.285, 121.313(f), 121.317, 121.547, and 121.573.

Grant, 09/08/00, Exemption No. 6530B

[FR Doc. 00–25078 Filed 9–28–00; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2000–51]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Ch. I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before October 23, 2000.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271, Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraph (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, D.C. on September 26, 2000.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 29213.
Petitioner: Elliott Aviatión of Des Moines, Inc.
Section of the FAR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Elliott to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed on those aircraft.

Grant, 09/12/00, Exemption No. 7347

Docket No.: 28361.
Petitioner: AirTran Airways, Inc.
Section of the FAR Affected: 14 CFR 91.203(a) and (b)
Description of Relief Sought/ Disposition: To permit AirTran to operate temporarily its aircraft following incidental loss of mutilation of an aircraft's airworthiness or registration certificate.

Grant, 09/11/00, Exemption No. 7348

Docket No.: 29197.
Petitioner: Stallion 51 Corporation.
Section of the FAR Affected: 14 CFR 91.315.
Description of Relief Sought/ Disposition: To permit Stallion 51 to provide initial and recurrent training, and training under contracts with the U.S. military in its two North American TF–51 airplanes certificated as limited category civil aircraft.

Grant, 09/08/00, Exemption No. 6811A

Docket No.: 30062.
Petitioner: Country Flying Education, Inc.
Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.
Description of Relief Sought/ Disposition: To permit CFR to conduct local sightseeing flights as Necedah Airport, Necedah, Wisconsin, for the Necedah Airport Open House on October 1, 1000, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 09/14/00, Exemption No. 7350.

Docket No.: 30167.
Petitioner: Angel Flight of Georgia.
Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121
Description of Relief Sought/ Disposition: To permit Angel Flight to conduct local sighteening flights at Dekalb Peachtree Airport, Chamblee, Georgia for one-day Fly Around Town event in October 2000, for compensation of hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 09/14/00, Exemption No. 7349

Docket No.: 30164.
Petitioner: Whirl-Away Helicopters, Inc.
Section of the FAR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Whirl-Away to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 09/15/00, Exemption No. 7352

[FR Doc. 00–25079 Filed 9–28–00; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2000–52]

Petitions for Exemption; Summary of Petitions Received; Disposition of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application,

processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR ch. I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petition received must identify the petition docket number involved and must be received on or before October 23, 2000.

ADDRESSES: Send comments on any petitions on triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271, Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking(ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on September 26, 2000.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 30178.

Petitioner: Georgian Aerospace Group, Inc.

Section of the FAR Affected: 14 CFR 25.857(e)(4).

Description of Relief Sought: To permit Sabreliner Model 40 and 60 series airplanes, to be modified for the carriage of cargo as Class E compartments (an STC project), without fully meeting the requirements to exclude hazardous quantities of smoke, flames or noxious gases from the flight crew compartment.

[FR Doc. 00–25080 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA; Special Committee 189/ EUROCAE Working Group 53; Air Traffic Services Safety and Interoperability Requirements

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a joint Special Committee (SC)–189/EUROCAE Working Group (WG)–53 meeting to be held October 16–20, 2000, starting at 9 a.m. on October 16. The meeting will be held at STNA Headquarters, 1, avenue du Dr Maurice Grynfogel, F–31035 Toulouse, France.

The agenda will include: Monday, October 16: Opening Plenary Session Convenes at 9 a.m.: (1) Introductory Remarks; (2) Review and Approve Agenda; (3) Review and Approve Summary of the Previous Meeting; (4) Sub-Group and Related Reports; (5) Position Papers Planned for Plenary Agreement; (6) SC–189/WG–53 Co-chair Progress Report. Tuesday, October 17 through Thursday, October 19: (7) Sub-group Meetings (Publications Integration, Interoperability, Safety and Performance, and Operations). Friday, October 20: Closing Plenary Session: (8) Introductory Remarks; (9) Review and Approval of Agenda; (10) Review of Preliminary Meeting Minutes; (11) Sub-group and Related Reports; (12) Position Papers Planned for Plenary Agreement; (13) SC–189/WG–53 Co-chair Progress Report and (14) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone), (202) 833–9434 (fax), or by http://www.rtca.org (web site), or the on-site contact: Laurent Tessier, at 05 62 14 58 72 (phone), 05 62 14 55 55 (fax) or email Laurent_Tessier@stna.dgac.fr. Special Instructions for attendees—the following information is needed for security access to STNA in Toulouse: Name, company/government agency, address, age, and nationality. Provide this information to Tom Miller, SC–189/WG–53 Secretary, via email at tom.ctr.miller@faa.gov. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 25, 2000.

Janice L. Peters,

Designated Officer.

[FR Doc. 00–25075 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[RTCA Special Committee 186]

Automatic Dependent Surveillance—Broadcast (ADS–B)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee (SC)–186 meeting to be held October 17–19, 2000, starting at 9 a.m. The meeting will be held at the Defence Evaluation Research Agency (DERA), Building B, St Andrews Road, Malvern, United Kingdom.

The agenda will include: (1) Welcome and Introductory Remarks; (2) Review of Meeting Agenda; (3) Review and Approval of the Previous Meeting Minutes; (4) Review EUROCAE WG–51 Report: (a) SG–1, Automatic Dependent Surveillance-Broadcast (ADS–B); (b) SG–2, Very High Frequency Data Link (VDL) Mode 4; (5) SC–186 Activity Reports for the following Working Groups (WG): (a) WG–1, Operations & Implementation; (b) WG–2, Traffic Information Services—Broadcast (TIS–B); (c) WG–3, 1090 MHz Minimum Operational Performance Standards (MOPS); (d) WG–4, Application Technical Requirements; (6) VDL Mode 4 MOPS Status and Discussion; (7) MOPS for 1090 MHz Status and Discussion; (8) EMERATA Presentation (European Commission ADS–B Project); (9) Review/Approve: Application of Airborne Conflict Management: Detection, Prevention, & Resolution, RTCA Paper No. 294–00/SC186–172; (10) Review Revision to Terms of Reference for SC–186; (11) Review Process for Proposing Changes to DO–242: Minimum Aviation System Performance Standards (MASPS) for ADS–B; (12) Review Action Items/Work Program; (13) DERA Demonstration (time permitted); (14) Other Business; (15) Date and Location of Next Meeting; (16) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman,

members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or the on-site contact, Sue Whitehead, at +44–1684–894792 (phone) or Suew@atc.dera.gov.uk (email). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 22, 2000.

Janice L. Peters,

Designated Official.

[FR Doc. 00–25076 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petitions for Waivers of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) § 211.41, and 49 U.S.C. 20103, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for waiver of compliance with certain requirements of the Federal railroad safety regulations. The individual petition is described below, including the party seeking relief, the regulatory and statutory provisions involved, and the nature of the relief being sought.

San Diego Trolley, Inc. ("SDTI")

FRA Waiver Petition No. FRA–2000–7137

San Diego Trolley, Inc. (SDTI), a wholly owned subsidiary of the Metropolitan Transit Development Board, seeks a permanent waiver of compliance from certain CFR parts of Title 49, specifically: part 217, Railroad Operating Rules; part 218, Railroad Operating Practices; part 219, Control of Alcohol and Drug Use; part 220, Railroad Communications; part 221, Rear End Marking Devices; part 223, Safety Gazing Standards—Locomotives, Passenger Cars and Cabooses; part 225, Railroad Accidents/Incidents—Report Classification, and Investigations; part 229, Railroad Locomotive Safety Standards; part 231, Railroad Safety Appliance Standards; part 238, Passenger Equipment Safety Standards; part 239, Passenger Train Emergency Preparedness; and part 240, Qualification and Certification of Locomotive Engineers, as well as the statutory requirements of 49 U.S.C. chapter 211 pertaining to hours of service (see 49 U.S.C. 21108).

SDTI has also petitioned for grandfathering approval to operate its equipment under 49 CFR 238.203. Notice of this petition has already been published in the **Federal Register** at 65 FR 25023 (April 28, 2000).

SDTI was created as a wholly-owned subsidiary by the Metropolitan Transit Development Board ("MTDB") in August 1980 to operate and maintain a Light Rail Transit ("LRT") system. The SDTI System covers an area of approximately 46.4 route miles. Patronage on the SDTI System presently is over 75,000 passengers on an average weekday.

SDTI seeks approval of shared track usage and waiver of certain FRA regulations involving light rail passenger operations with freight trains. SDTI also requests approval of a pilot project under which certain hours of service requirements would be waived. FRA has jurisdiction over a portion of the SDTI because it is connected to the general railroad system of transportation. Specifically, certain portions of the SDTI rail lines are used for freight rail carrier service. The freight operator, San Diego & Imperial Valley Railroad ("SD&IV"), conducts operations on the SDTI under temporal separation. (SDTI has recently amended its petition (1999–7137–8) to include a proposed amendment to its Standard Operating Procedure that would permit certain limited joint operations during the early morning period with light rail and freight movements on separate, but adjacent tracks.) The SD&IV operates at night on the rail line between San Diego and El Cajon, CA (approximately 18 miles) and between San Diego and San Ysidro, CA the southern terminal of the SDTI system (approximately 14 miles). See "Statement of Agency Policy Concerning Jurisdiction Over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment" at 65 FR 42529 (July 10, 2000); see also "Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems" at 65 FR 42626 (July 10, 2000).

Since FRA has not yet concluded its investigation of the SDTI's petition, the agency takes no position at this time on the merits of SDTI's stated justifications. As part of FRA's review of the petition, the Federal Transit Administration will appoint a representative to advise FRA's Safety Board, and that person will participate in the board's consideration of MTA's waiver petition.

All communications concerning these proceedings should identify the appropriate docket number (Docket Number FRA–2000–7137) and must be submitted to the DOT Docket Management Facility, Room PL–401 (Plaza level), 400 Seventh Street, SW., Washington, DC 20590. All documents in the public docket, including SDTI's detailed waiver request, are also available for inspection and copying on the Internet at the docket facility's Web site at http://dms.dot.gov. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered to the extent practicable. All written communications concerning this proceeding are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility.

Issued in Washington, DC on September 21, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–25072 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement for Transportation Improvements Within the North Corridor, Charlotte, NC

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Federal Transit Administration (FTA), the Federal lead agency, and the City of Charlotte, the local lead agency, intent to prepare an environmental impact statement (EIS) in accordance with the National Environmental Policy Act (NEPA) for transportation improvements within the proposed North Corridor in Mecklenburg and Iredell Counties, North Carolina. The study corridor of approximately 30 miles extends from Uptown Charlotte (the center city) in Mecklenburg County to the Town of Mooresville in southern Iredell County.

The Charlotte-Mecklenburg region is developing an integrated land use and supportive transit plan. Building on the 2025 Integrated Transit/Land Use Plan for Charlotte-Mecklenburg, four corridor Major Investment Studies (MISs) are being prepared for the North, Northeast (University), Southeast (Independence), and West (Airport) corridors. A

previously-prepared MIS for the South Corridor resulted in a light rail transit project for that corridor.

The EIS will be prepared following completion of a MIS for the North Corridor. The North Corridor MIS will evaluate the land use, mobility, and environmental benefits, costs and impacts of various land use and transportation alternatives. The MIS will evaluate the following alternatives: a No-Build alternative; a Transportation System Management alternative consisting of low to medium cost improvements to the facilities and operation of local bus services (Charlotte Area Transit System) in addition to currently planned transit improvements in the study corridor; and multiple "Build" alternatives including bus rapid transit, various types of rail transit facilities, and combinations of these types of transit services, as well as alternative land use scenarios. (See Section III. Alternatives for additional information).

The sequence of events for the planning and development for this project include the following major milestones:

Scoping Process—early opportunity for public input to the study scope including alternatives and issues to be evaluated.

Major Investment Study (MIS)—evaluation of proposed improvement alternatives, early consideration of environmental factors, concluding with the selection of a Locally Preferred Alternative (LPA).

Preliminary Engineering/ Environmental Impact Statement (PE/ EIS)—detailed definition of the LPA, evaluation of design options, assessment of potential impacts, development of mitigation measures, preparation and circulation of the Draft EIS, public meetings, and completion of a Final EIS.

Scoping will be accomplished through correspondence with interested persons, organizations, and federal, state, and local agencies, and through public and agency meetings.

DATES: *Comment Due Date:* Written comments on the scope of alternatives and impacts to be considered should be sent to Kelly R. Goforth, Project Manager, Charlotte Area Transit System, by October 16, 2000. See **ADDRESSES** below. *Scoping Meetings:* Public scoping meetings will be held on:

Tuesday, September 19, 2000, 6:30 pm–9:00 pm, Mooresville Citizens Center, 215 N. Main Street, Mooresville, NC 28115

Monday, September 25, 2000, 6:30 pm—9:00 pm, Huntersville Presbyterian Church, 201 Old Statesville Road, Huntersville, NC 28078

Wednesday, September 27, 2000, 6:30 pm—9:00 pm, Charlotte-Mecklenburg Government Center, 600 E. Fourth St, Charlotte, NC 28202 (Joint meeting with all corridors—Center City focus)

Thursday, September 28, 2000, 6:30 pm—9:00 pm, Sugaw Creek Recreation Center, 939 West Sugar Creek Road, Charlotte, NC 28213 (Joint meeting with Northeast Corridor)

Scoping materials will be available at the meeting or in advance of the meeting by contacting CATS. See **ADDRESSES** below.

An agency scoping meeting will be held on Wednesday, September 27, 2000, 10 am to 1 pm, Charlotte-Mecklenburg Government Center. See **ADDRESSES** below.

Scoping is being conducted for three other related corridors—Northeast (University), Southeast (Independence), and West (Airport)—in the Charlotte-Mecklenburg region at approximately the same time with separate public scoping meetings, as published in separate Notices of Intent. The agency scoping meeting for the North Corridor will be held in conjunction with the three other corridors to address inter-related issues and coordination.

ADDRESSES: Written comments on the scope of alternatives and impacts to be studied should be sent to Kelly R. Goforth, Project Manager, Charlotte Area Transit System, 600 East Forth Street, Charlotte, NC 28202–2858. Public scoping meetings will be held at the following locations: Mooresville Citizens Center, 215 N. Main Street, Mooresville, NC 28115; Huntersville Presbyterian Church, 201 Old Statesville Road, Huntersville, NC 28078; Charlotte-Mecklenburg Government Center, 600 E. Fourth St, Charlotte, NC 28202; Sugaw Creek Recreation Center, 939 West Sugar Creek Road, Charlotte, NC 28213. See **DATES** above. An agency scoping meeting will be held at the Charlotte Mecklenburg Government Center, 600 East Fourth St., Charlotte, NC, 28202. See **DATES** above.

FOR FURTHER INFORMATION CONTACT: Ms. Myra Immings, Federal Transit Administration, Region IV, 61 Forsyth Street SW., Suite 17T50, Atlanta, GA 30303; Telephone (404) 562–3508.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and the City of Charlotte invite interested individuals, organizations, and federal, state and local agencies to participate in defining the alternative transit modes and alignments to be evaluated and identifying any significant social, economic, or environmental issues related to the alternatives. Primary issues to be considered include the changes in land uses and future development as they relate to alternative transit systems. Specific suggestions related to additional alternatives to be examined and issues to be addressed are welcome and will be considered in the final scope of the project. Scoping comments may be made at the scoping meetings or in writing no later than October 16, 2000 (see **DATES** and **ADDRESSES** above). During scoping, comments should focus on identifying specific social, economic, or environmental impacts to be evaluated, and suggesting alternatives that are less costly or less environmentally damaging which achieve similar transit objectives. Comments should focus on the issues and alternatives for analysis, and not on a preference for a particular alternative.

An information packet, referred to as the Scoping Booklet, will be circulated to all Federal, State, and local agencies with jurisdiction in the project area. Scoping material will also be available at the meeting or in advance of the meeting by contacting the Charlotte Area Transit System as indicated above. If you wish to be placed on the mailing list to receive further information as the project continues contact Kelly Goforth at the Charlotte Area Transit System (see **ADDRESSES** above).

II. Description of Corridor and Project Need

The North Corridor project is a direct outgrowth of prior transit planning activities for the region. The *2025 Integrated Transit/Land Use Plan for Charlotte-Mecklenburg*, developed in 1998, identified key centers of economic activity and the five major transportation corridors in the Charlotte region. The 2025 Plan calls for concentrating development along these corridors and proposes a rapid transit system as a means to support land use initiatives to attain this vision in order to sustain economic growth and protect citizen's quality of life. The 2025 Plan identified the North Corridor as a high-priority transit corridor based on current and future mobility needs, cost feasibility and potential ridership.

The proposed project corridor extends approximately 30 miles from Uptown Charlotte (the center city) in Mecklenburg County to the Town of Mooresville in southern Iredell County, and includes portions of the Towns of Cornelius, Davidson, and Huntersville. The project study corridor generally follows the Interstate 77 (I–77) north-south corridor and includes the Norfolk Southern rail line and major arterials

that parallel I–77. Land uses in the study corridor are characterized by higher density office and commercial development at the southernmost portion of the corridor located in the center city; the central portion of the corridor has a mixture of uses including low density residential and commercial, light industrial and manufacturing uses; and the northernmost portion of the corridor has a semi-rural character of low density development and undeveloped tracts of land.

Interstate 77 is currently a four-lane controlled access freeway within the study area and has an average daily traffic (ADT) volume of 78,000 vehicles per day (vpd) in the segment north of Interstate 85. This facility experiences severe congestion and delays particularly during peak travel times and is considered to be one of the major transportation problems facing this rapidly growing region. Currently, I–77 is rated as having very poor mobility (level of service F in many sections during peak periods). The future traffic volumes for the year 2020 are projected to increase to 188,000 ADT for the segment between I–85 and I–485; and 136,000 ADT for the segment between I–485 and NC 73, an increase of 74% to 240% in daily traffic for this facility. The North Carolina Department of Transportation (NCDOT) has programmed the reconstruction of I–77 as an eight-lane facility from I–85 to I–485 to begin in the year 2003; the reconstruction of I–77 from I–485 to NC 73 as a six-lane facility begins in 2006. However, even with these roadway improvements, a substantial portion of this facility will still experience severe peak period congestion.

Future growth projections for the region estimate a population increase of 57 percent and a 47 percent increase in employment by the year 2025. Incorporated towns within the North Corridor study area are among the fastest-growing communities in the state.

The Charlotte Metropolitan Area has exceed the Environmental Protection Agency's 1-hour and 8-hour standard for ozone each of the past three years. These violations will likely result in the County being designated as a non-attainment area for ozone, which will be officially stated by US EPA early next year. The primary contributor of air pollutants in the region is mobile emissions.

III. Alternatives

The alternatives proposed for evaluation include: (1) No-Build, which involves no change to transportation service or facilities in the corridor beyond already committed projects; (2) a Transportation System Management alternative, which consists of low to medium cost improvements to the operations of the local bus service, the Charlotte Area Transit System, in addition to the currently planned transit improvements in the corridor; and (3) multiple "Build" alternatives including bus rapid transit (BRT) facilities along the I–77 corridor and various modes of rail service including commuter rail and light rail transit (LRT) generally following the existing Norfolk Southern railroad right-of-way and/or major arterials within the study corridor. The "Build" alternatives may include alternative land use scenarios to evaluate the potential for focusing development around transit stations. Additional reasonable alternatives suggested through the scoping process may also be considered.

IV. Probable Effects

FTA and the City of Charlotte will identify potentially significant social, economic, and environmental impacts associated with the alternatives considered in the MIS. The primary environmental issues to be considered include potential impacts to air quality, noise and vibration, historical and archaeological resources, visual quality, wetlands, natural areas, rare and endangered species, water quality and potential contamination sites. The primary social and economic impacts proposed for analysis in the MIS include potential changes in land use and future developments, neighborhood and community resource impacts, relocations and displacement impacts, and traffic impacts throughout the project corridor. In addition, both beneficial and adverse impacts to minority and low-income groups will be evaluated. The impacts will be evaluated both for the construction period and for the long-term period of operation. Potential measures to mitigate any significant adverse impacts will be identified.

V. FTA Procedures

In accordance with the federal transportation planning regulations (23 CFR Part 450), the MIS will be prepared to include an evaluation of the social, economic, environmental impacts and benefits of the alternatives. The MIS will consider the public and agency comments received. At the conclusion of the MIS, the Metropolitan Transit Commission will select the preferred mode and general alignment alternative for the North Corridor (the LPA). Once the LPA has been included in the Mecklenburg-Union Metropolitan Planning Organization's adopted long-range transportation plan, this project and associated alignment, design, and other options will be further studied in the Preliminary Engineering/Environmental Impact Statement (PE/EIS) phase of project development. Opportunities for agency and public involvement will be provided throughout the MIS and PE/EIS phases.

Dated: September 22, 2000.

Jerry Franklin,

FTA Regional Administrator.

[FR Doc. 00–24860 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement for Transportation Improvements Within the Northeast (University) Corridor, Charlotte, NC

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Federal Transit Administration (FTA), the Federal lead agency, and the City of Charlotte, the local lead agency, intend to prepare an environmental impact statement (EIS) in accordance with the National Environmental Policy Act (NEPA) for transportation improvements within the proposed Northeast Corridor in Mecklenburg County, North Carolina. The study corridor of approximately 14 miles extends from Uptown Charlotte (the center city) in Mecklenburg County to the Concord Mills area near the Mecklenburg-Cabarrus County line.

The Charlotte-Mecklenburg region is developing an integrated land use and supportive transit plan. Building on the *2025 Integrated Transit/Land Use Plan for Charlotte-Mecklenburg,* four corridor Major Investment Studies (MISs) are being prepared for the North, Northeast (University), Southeast (Independence), and West (Airport) corridors. A previously-prepared MIS for the South Corridor resulted in a light rail transit project for that corridor.

The EIS will be prepared following completion of a MIS for the Northeast Corridor. The Northeast Corridor MIS will evaluate the land use, mobility, and environmental benefits, costs and impacts of various land use and transportation alternatives. The MIS will evaluate the following alternatives: A No-Build alternative; a Transportation System Management alternative consisting of low to medium cost

improvements to the facilities and operation of local bus services (Charlotte Area Transit System) in addition to currently planned transit improvements in the study corridor; and multiple "Build" alternatives including bus rapid transit, various types of rail transit facilities, and combinations of these types of transit services, as well as alternative land use scenarios. (See Section III. Alternatives for additional information).

The sequence of events for the planning and development for this project include the following major milestones:

Scoping Process—early opportunity for public input to the study scope including alternatives and issues to be evaluated.

Major Investment Study (MIS)—evaluation of proposed improvement alternatives, early consideration of environmental factors, concluding with the selection of a Locally Preferred Alternative (LPA).

Preliminary Engineering/ Environmental Impact Statement (PE/ EIS)—detailed definition of the LPA, evaluation of design options, assessment of potential impacts, development of mitigation measures, preparation and circulation of the Draft EIS, public meetings, and completion of a Final EIS.

Scoping will be accomplished through correspondence with interested persons, organizations, and federal, state, and local agencies, and through public and agency meetings.

DATES: *Comment Due Date:* Written comments on the scope of alternatives and impacts to be considered should be sent to Kelly R. Goforth, Project Manager, Charlotte Area Transit System, by October 16, 2000. See **ADDRESSES** below. *Scoping Meetings:* Public scoping meetings will be held on:

Tuesday, September 26, 2000, 6:30 pm–9:00 pm: Mallard Creek Presbyterian Church, 1600 Mallard Creek Church Rd, Charlotte, NC 28262

Wednesday, September 27, 2000, 6:30 pm–9:00 pm: Charlotte-Mecklenburg Government Center, 600 East Fourth St, Charlotte, NC 28202 (Joint meeting with all corridors—Center City focus)

Thursday, September 28, 2000, 6:30 pm–9:00 pm: Sugaw Creek Recreation Center, 939 West Sugar Creek Road, Charlotte, NC 28213 (Joint meeting with North corridor)

Scoping materials will be available at the meeting or in advance of the meeting by contacting CATS. See **ADDRESSES** below.

An agency scoping meeting will be held on Wednesday, September 27, 2000, 10 am to 1 pm, Charlotte-Mecklenburg Government Center. See **ADDRESSES** below.

Scoping is being conducted for three other related corridors—North, Southeast (Independence), and West (Airport)—in the Charlotte-Mecklenburg region at approximately the same time with separate public scoping meetings, as published in separate Notices of Intent. The agency scoping meeting for the Northeast Corridor will be held in conjunction with the three other corridors to address inter-related issues and coordination.

ADDRESSES: *Written comments* on the scope of alternatives and impacts to be studied should be sent to Kelly R. Goforth, Project Manager, Charlotte Area Transit System, 600 East Fourth Street, Charlotte, NC 28202–2858. *Public scoping meetings* will be held at the following locations: Mallard Creek Presbyterian Church, 1600 Mallard Creek Church Rd, Charlotte, NC 28262; Charlotte-Mecklenburg Government Center, 600 E. Fourth St, Charlotte, NC 28202; Sugaw Creek Recreation Center, 939 West Sugar Creek Road, Charlotte, NC 28213. See **DATES** above. An *agency scoping meeting* will be held at the Charlotte Mecklenburg Government Center, 600 East Fourth St., Charlotte, NC 28202. See **DATES** above.

FOR FURTHER INFORMATION CONTACT: Ms. Myra Immings, Federal Transit Administration, Region IV, 61 Forsyth Street SW, Suite 17T50, Atlanta, GA 30303; Telephone (404) 562–3508.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and the City of Charlotte invite interested individuals, organizations, and federal, state and local agencies to participate in defining the alternative transit modes and alignments to be evaluated and identifying any significant social, economic, or environmental issues related to the alternatives. Primary issues to be considered include the changes in land uses and future development as they relate to alternative transit systems. Specific suggestions related to additional alternatives to be examined and issues to be addressed are welcome and will be considered in the final scope of the project. Scoping comments may be made at the scoping meetings or in writing no later than October 16, 2000. (see **DATES** and **ADDRESSES** above). During scoping, comments should focus on identifying specific social, economic, or environmental impacts to be evaluated, and suggesting alternatives that are less costly or less environmentally damaging which achieve similar transit objectives. Comments should focus on the issues and alternatives for analysis, and not on a preference for a particular alternative.

An information packet, referred to as the Scoping Booklet, will be circulated to all Federal, State, and local agencies with jurisdiction in the project area. Scoping materials will be available at the meeting or in advance of the meeting by contacting the Charlotte Area Transit System as indicated above. If you wish to be placed on the mailing list to receive further information as the project continues contact Kelly Goforth at the Charlotte Area Transit System (see **ADDRESSES** above).

II. Description of Corridor and Project Need

The Northeast Corridor project is a direct outgrowth of prior transit planning activities for the region. The *2025 Integrated Transit/Land Use Plan for Charlotte-Mecklenburg,* developed in 1998, identified key centers of economic activity and the five major transportation corridors in the Charlotte region. The 2025 Plan calls for concentrating development along these corridors and proposes a rapid transit system as a means to support land use initiatives to attain this vision in order to sustain economic growth and protect citizens' quality of life. The 2025 Plan identified the Northeast Corridor as a high-priority transit corridor based on current and future mobility needs, cost feasibility and potential ridership.

The proposed project corridor extends approximately 14 miles from Uptown Charlotte (the center city) in Mecklenburg County to the Concord Mills area near the Mecklenburg—Cabarrus County line. The project study corridor generally follows the Interstate 85 (I–85) corridor which runs in a northeasterly direction from the center city of Charlotte and encompasses major arterials that parallel I–85 including US 29 and NC 49. Land uses in the study corridor are characterized by higher density office and commercial development at the southernmost portion of the corridor located in the center city; the central portion of the corridor has a mixture of uses including commercial, light industrial, warehousing, and manufacturing uses with some scattered low-density residential; and the northeastern portion of the corridor has a mixture of low-density commercial, institutional/ business park, and residential developments, with pockets of medium-density residential. Major destinations in the corridor include the University of North Carolina at Charlotte, the University Research Park, and Blockbuster Pavilion.

Interstate 85 is currently a four-lane controlled-access freeway north of the US–29/49 Connector with an average daily traffic (ADT) volume of 60,000 vehicles per day (vpd). From the US–29/49 Connector into the Center City of Charlotte, I–85 is an eight-lane facility with an ADT of 102,000 vpd. This facility experiences severe congestion and delays particularly during the peak travel times and is considered one of the major transportation problems facing the northeast part of the Charlotte region and Cabarrus County. Currently, I–85 is rated as having very poor mobility (level of service F in many sections during peak periods). Future traffic volumes are projected to increase by nearly 200% by the year 2020, with the segment of I–85 between I–485 and Speedway Boulevard having a projected ADT of 140,000 vpd. The North Carolina Department of Transportation (NCDOT) has programmed the section of I–85 between the US–29/49 and Speedway Boulevard to be widened to an eight-lane facility, scheduled to begin construction in 2004. Widening alternatives are currently being evaluated for the section between Speedway Boulevard and US–601 in the City of Concord. However, even with these roadway improvements, a substantial portion of this corridor will still experience peak period congestion.

Future growth projections for the region estimate a population increase of 57 percent and a 47 percent increase in employment by the year 2025. The Charlotte Metropolitan Area has exceeded the Environmental Protection Agency's 1-hour and 8-hour standard for ozone each of the past three years. These violations will likely result in the County being designated as a non-attainment area for ozone, which will be officially stated by US EPA early next year. The primary contributor of air pollutants in the region is mobile emissions.

III. Alternatives

The alternatives proposed for evaluation include: (1) No-Build, which involves no change to transportation service or facilities in the corridor beyond already committed projects; (2) a Transportation System Management alternative, which consists of low to medium cost improvements to the operations of the local bus service, the Charlotte Area Transit System, in addition to the currently planned transit improvements in the corridor; and (3) multiple "Build" alternatives including bus rapid transit (BRT) facilities along the I–85 corridor and other major roadways in this vicinity, and various modes of rail service including commuter rail and light rail transit (LRT) generally following the existing Norfolk Southern railroad right-of-way and/or major arterials within the study corridor. The "Build" alternatives may include alternative land use scenarios to evaluate the potential for focusing development around transit stations. Additional reasonable alternatives suggested through the scoping process may also be considered.

IV. Probable Effects

FTA and the City of Charlotte will identify potentially significant social, economic, and environmental impacts associated with the alternatives considered in the MIS. The primary environmental issues to be considered include potential impacts to air quality, noise and vibration, historical and archaeological resources, visual quality, wetlands, natural areas, rare and endangered species, water quality and potential contamination sites. The primary social and economic impacts proposed for analysis in the MIS include potential changes in land use and future developments, neighborhood and community resource impacts, relocations and displacement impacts, and traffic impacts throughout the project corridor. In addition, both beneficial and adverse impacts to minority and low-income groups will be evaluated. The impacts will be evaluated both for the construction period and for the long-term period of operation. Potential measures to mitigate any significant adverse impacts will be identified.

V. FTA Procedures

In accordance with the federal transportation planning regulations (23 CFR part 450), the MIS will be prepared to include an evaluation of the social, economic, environmental impacts and benefits of the alternatives. The MIS will consider the public and agency comments received. At the conclusion of the MIS, the Metropolitan Transit Commission will select the preferred mode and general alignment alternative for the Northeast Corridor (the LPA). Once the LPA has been included in the Mecklenburg-Union Metropolitan Planning Organization's adopted long-range transportation plan, this project and associated alignment, design, and other options will be further studied in the Preliminary Engineering/Environmental Impact Statement (PE/EIS) phase of project development. Opportunities for agency and public involvement will be provided throughout the MIS and PE/EIS phases.

Dated: September 22, 2000.

Jerry Franklin,

FTA Regional Administrator.

[FR Doc. 00–24861 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement for Transportation Improvements Within the Southeast Corridor, Charlotte, NC

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Federal Transit Administration (FTA), the Federal lead agency, and the City of Charlotte, the local lead agency, intend to prepare an environmental impact statement (EIS) in accordance with the National Environmental Policy Act (NEPA) for transportation improvements within the proposed Southeast Corridor in Mecklenburg County, North Carolina. The study corridor of approximately 13.5 miles extends from Uptown Charlotte (the center city) in Mecklenburg County to the border with Union County to the south.

The Charlotte-Mecklenburg region is developing an integrated land use and supportive transit plan. Building on the *2025 Integrated Transit/Land Use Plan for Charlotte-Mecklenburg*, four corridor Major Investment Studies (MISs) are being prepared for the North, Northeast (University), Southeast (Independence), and West (Airport) corridors. A previously-prepared MIS for the South Corridor resulted in a light rail transit project for that corridor.

The EIS will be prepared following completion of a MIS for the Southeast Corridor. The Southeast Corridor MIS will evaluate the land use, mobility, and environmental benefits, costs and impacts of various land use and transportation alternatives. The MIS will evaluate the following alternatives: a No-Build alternative; a Transportation System Management alternative consisting of low to medium cost improvements to the facilities and operation of local bus services (Charlotte Area Transit System) in addition to currently planned transit improvements in the study corridor; and multiple "Build" alternatives including bus rapid transit, various types of rail transit facilities, and combinations of these types of transit services, as well as alternative land use scenarios. (See

Section III. Alternatives for additional information).

The sequence of events for the planning and development for this project include the following major milestones:

Scoping Process—early opportunity for public input to the study scope, including alternatives and issues to be evaluated.

Major Investment Study (MIS)—evaluation of proposed improvement alternatives, early consideration of environmental factors, concluding with the selection of a Locally Preferred Alternative (LPA).

Preliminary Engineering/Environmental Impact Statement (PE/EIS)—detailed definition of the LPA, evaluation of design options, assessment of potential impacts, development of mitigation measures, preparation and circulation of the Draft EIS, public meetings, and completion of a Final EIS.

Scoping will be accomplished through correspondence with interested persons, organizations, and federal, state, and local agencies, and through public and agency meetings.

DATES: *Comment Due Date:* Written comments on the scope of alternatives and impacts to be considered should be sent to Catondra Noye, Project Manager, Charlotte Area Transit System, by October 16, 2000. See **ADDRESSES** below.

Scoping Meetings:

Public scoping meetings will be held on:

Tuesday, September 21, 2000, 6:30 pm to 9:00 pm: Cokesbury United Methodist Church, 6701 Idlewild Road, Charlotte, NC

Thursday, September 26, 2000, from 6:30 pm to 9:00 pm: Matthews Community Center, 200 McDowell Street, Matthews, NC

Wednesday, September 27, 2000, 6:30 pm–9:00 pm: Charlotte-Mecklenburg Government Center, 600 E. Fourth St., Charlotte, NC 28202 (Joint meeting with all corridors—Center City focus)

Scoping material will be available at the meeting or in advance of the meeting by contacting Catondra Noye at CATS.

An agency scoping meeting will be held on Wednesday, September 27, 2000, 10 am to 1 pm at the Charlotte-Mecklenburg Government Center. See **ADDRESSES** below.

Scoping is being conducted for three other related corridors—Northeast (University), North, and West (Airport)—in the Charlotte-Mecklenburg region at approximately the same time with separate public scoping meetings, as published in separate Notices of Intent. The agency scoping meeting for the Southeast Corridor will be held in conjunction with the three other corridors to address inter-related issues and coordination.

ADDRESSES: *Written comments* on the scope of alternatives and impacts to be studied should be sent to Catondra Noye, City of Charlotte, 600 East Fourth Street, Charlotte, NC 28202–2858. *Public scoping meetings* will be held at the following locations: The Cokesbury United Methodist Church, 6701 Idlewild Road, Charlotte, NC; the Matthews Community Center, 200 McDowell Street, Matthews, NC; and the Charlotte-Mecklenburg Government Center, 600 E. Fourth St., Charlotte, NC 28202. See **DATES** above.

FOR FURTHER INFORMATION CONTACT: Ms. Myra Immings, Federal Transit Administration, Region IV, 61 Forsyth Street SW, Suite 17T50, Atlanta, GA 30303; Telephone (404) 562–3508.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and the City of Charlotte invite interested individuals, organizations, and federal, state and local agencies to participate in defining the alternative transit modes and alignments to be evaluated and identifying any significant social, economic, or environmental issues related to the alternatives. Primary issues to be considered include the changes in land uses and future development as they relate to alternative transit systems. Specific suggestions related to additional alternatives to be examined and issues to be addressed are welcome and will be considered in the final scope of the project. Scoping comments may be made at the scoping meetings or in writing no later than October 16, 2000. (see **DATES** and **ADDRESSES** above). During scoping, comments should focus on identifying specific social, economic, or environmental impacts to be evaluated, and suggesting alternatives that are less costly or less environmentally damaging which achieve similar transit objectives. Comments should focus on the issues and alternatives for analysis, and not on a preference for a particular alternative.

An information packet, referred to as the Scoping Booklet, will be circulated to all Federal, State, and local agencies with jurisdiction in the project area. Scoping materials will be available at the meeting or in advance of the meeting by contacting the City of Charlotte as indicated above. If you wish to be placed on the mailing list to receive further information as the project continues contact Catondra Noye at the Charlotte Area Transit System (see **ADDRESSES** above).

II. Description of Corridor and Project Need

The Southeast Corridor project is a direct outgrowth of prior transit planning activities for the region. The *2025 Integrated Transit/Land Use Plan for Charlotte-Mecklenburg*, developed in 1998, identified key centers of economic activity and the five major transportation corridors in the Charlotte region. The 2025 Plan calls for concentrating development along these corridors and proposes a rapid transit system as a means to support land use initiatives to attain this vision in order to sustain economic growth and protect citizens' quality of life. The 2025 Plan identified the Southeast Corridor as a high-priority transit corridor based on current and future mobility needs, cost feasibility and potential ridership.

The proposed project corridor extends approximately 13.5 miles from Uptown Charlotte (the center city) in Mecklenburg County to the Mecklenburg County border with Union County to the south, includes portions of the Town of Matthews and is generally one to two miles wide. Approximately the first 10 miles of the corridor from Uptown is within the City of Charlotte, while the rest of the corridor (approximately 3.5 miles) lies within the Town of Matthews or unincorporated Mecklenburg County. The corridor is primarily served by two major thoroughfares, Independence Boulevard (US 74) and 7th Street/Monroe Road/John Street (State Route 1009). US 74 is a multi-lane, limited access freeway from I–277 to Briar Creek Road (approximately two miles). East of Briar Creek Road US 74 is a multi-lane divided road until I–485, where it becomes limited access again. The freeway portion of US 74 contains a reversible High Occupancy Vehicle (HOV) lane, which is currently being used as an exclusive two-way busway for express bus service. SR 1009 is a multi-lane road. CSX Transportation also owns and operates a double track main line railroad through the corridor. From the west (Uptown Charlotte), the corridor includes parts of Charlotte's historic neighborhoods of Elizabeth, Colonial Heights, Chantilly and Commonwealth-Morningside. These areas also include the main campus of Central Piedmont Community College and Presbyterian Hospital. East of these neighborhoods, the corridor passes the Independence Arena, Merchandise Mart and Ovens Auditorium. East of Wendover Road/Eastway Drive the corridor contains a mix of non-

residential uses along SR 1009 and older retail centers along US 74 with residential properties located behind the retail. Further east, development along US 74 continues to consist of shopping centers, along with some offices and residential (mostly apartments) fronting the highway and residential areas located behind the strip developments. SR 1009 passes through office and light industrial uses located along the CSX railroad while there are residential areas east of Idlewild. Near Sardis Road North and McAlpine Creek, the Crown Point area contains almost exclusively retail, some office and some residential development south of SR 1009. Adjacent to Crown Point, the Town of Matthews consists of mostly industrial, warehouses, residential, some retail, a hospital, an active compact historic downtown, and some of the largest tracts of undeveloped land in the corridor.

Independence Boulevard (US 74) is currently a divided four-lane to six-lane highway within the study area and has an annual average daily traffic volume of as many as 107,000 vehicles per day in the year 1998. This facility experiences severe congestion and delays throughout the day and is considered to be one of the major transportation problems facing this rapidly growing region. Currently, Independence Blvd. is rated as having very poor mobility with a projected 50 percent increase in traffic volumes for the year 2020. The thoroughfare plan calls for the freeway/HOV to be extended 1.5 miles to Albemarle Road within the next five years. According to the State Transportation Improvement Plan, the freeway and possible HOV lane may be extended the entire length of the corridor sometime after 2005. However, even with these roadway improvements, a substantial portion of this facility will still experience severe congestion by the year 2015.

Future growth projections for the region estimate a population increase of 57 percent and a 47 percent increase in employment by the year 2025. Portions of the Southeast Corridor study area are among the fastest-growing communities in the state.

The Charlotte Metropolitan Area has exceeded the Environmental Protection Agency's 1-hour and 8-hour standard for ozone each of the past three years. These violations will likely result in the County being designated as a non-attainment area for ozone, which will be officially stated by US EPA early next year. The primary contributor of air pollutants in the region is mobile emissions.

III. Alternatives

The alternatives proposed for evaluation include: (1) No-Build, which involves no change to transportation service or facilities in the corridor beyond already committed projects; (2) a Transportation System Management alternative, which consists of low to medium cost improvements to the operations of the local bus service, the Charlotte Area Transit System, in addition to the currently planned transit improvements in the corridor; and (3) multiple "Build" alternatives including bus rapid transit (BRT) facilities along the Independence Blvd. corridor and various modes of rail service including commuter rail and light rail transit (LRT) generally following the existing CSX railroad right-of-way and/or major arterials within the study corridor. The "Build" alternatives may include alternative land use scenarios to evaluate the potential for focusing development around transit stations. Additional reasonable alternatives suggested through the scoping process may also be considered.

IV. Probable Effects

FTA and the City of Charlotte will identify potentially significant social, economic, and environmental impacts associated with the alternatives considered in the MIS. The primary environmental issues to be considered include potential impacts to air quality, noise and vibration, historical and archaeological resources, visual quality, wetlands, natural areas, rare and endangered species, water quality and potential contamination sites. The primary social and economic impacts proposed for analysis in the MIS include potential changes in land use and future developments, neighborhood and community resource impacts, relocations and displacement impacts, and traffic impacts throughout the project corridor. In addition, both beneficial and adverse impacts to minority and low-income groups will be evaluated. The impacts will be evaluated both for the construction period and for the long-term period of operation. Potential measures to mitigate any significant adverse impacts will be identified.

V. FTA Procedures

In accordance with the federal transportation planning regulations (23 CFR part 450), the MIS will be prepared to include an evaluation of the social, economic, environmental impacts and benefits of the alternatives. The MIS will consider the public and agency comments received. At the conclusion of the MIS, the Metropolitan Transit Commission will select the preferred mode and general alignment alternative for the Southeast Corridor (the LPA). Once the LPA has been included in the Mecklenburg-Union Metropolitan Planning Organization's adopted long-range transportation plan, this project and associated alignment, design, and other options will be further studied in the Preliminary Engineering/ Environmental Impact Statement (PE/ EIS) phase of project development. Opportunities for agency and public involvement will be provided throughout the MIS and PE/EIS phases.

Dated: September 22, 2000.

Jerry Franklin,

FTA Regional Administrator.

[FR Doc. 00–24862 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement for Transportation Improvements Within the West Corridor, Charlotte, NC

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Federal Transit Administration (FTA), the Federal lead agency, and the City of Charlotte, the local lead agency, intend to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) for transportation improvements within the proposed West Corridor in Mecklenburg County, North Carolina. The study corridor of approximately 12 miles extends from Uptown Charlotte (the center city) in Mecklenburg County to the Catawba River that forms the border between Mecklenburg and Gaston Counties. There is a possibility that the corridor may be extended an additional 16 miles to the West, to the City of Gastonia in Gaston County.

The Charlotte-Mecklenburg region is developing an integrated land use and supportive transit plan. Building on the *2025 Integrated Transit/ Land Use Plan for Charlotte-Mecklenburg,* four corridor Major Investment Studies (MISs) are being prepared for the North, Northeast (University), Southeast (Independence), and West (Airport) corridors. A previously-prepared MIS for the South Corridor resulted in a light rail transit project for that corridor.

The EIS will be prepared following completion of a MIS for the West

Corridor. The West Corridor MIS will evaluate the land use, mobility, and environmental benefits, costs and impacts of various land use and transportation alternatives. The MIS will evaluate the following alternatives: a No-Build alternative; a Transportation System Management alternative consisting of low to medium cost improvements to the facilities and operation of local bus services (Charlotte Area Transit System) in addition to currently planned transit improvements in the study corridor; and multiple "Build" alternatives including bus rapid transit, various types of rail transit facilities, and combinations of these types of transit services, as well as alternative land use scenarios. (See Section III. Alternatives for additional information).

The sequence of events for the planning and development for this project include the following major milestones:

Scoping Process—early opportunity for public input to the study scope, including alternatives and issues to be evaluated.

Major Investment Study (MIS)—evaluation of proposed improvement alternatives, early consideration of environmental factors, concluding with the selection of a Locally Preferred Alternative (LPA).

Preliminary Engineering/ Environmental Impact Statement (PE/ EIS)—detailed definition of the LPA, evaluation of design options, assessment of potential impacts, development of mitigation measures, preparation and circulation of the Draft EIS, public meetings, and completion of a Final EIS.

Scoping will be accomplished through correspondence with interested persons, organizations, and federal, state, and local agencies, and through public and agency meetings.

DATES: *Comment Due Date:* Written comments on the scope of alternatives and impacts to be considered should be sent to Catondra Noye, Project Manager, Charlotte Area Transit System (CATS), by October 16, 2000. See **ADDRESSES** below. *Scoping Meetings:*

Public scoping meetings will be held on:

Monday, September 18, 2000, 6:30 pm to 9:00 pm; Adams Service Center, 4150 Wilkinson Blvd., Charlotte, NC

Wednesday, September 27, 2000, 6:30 pm—9:00 pm; Charlotte-Mecklenburg Government Center, 600 E. Fourth St, Charlotte, NC 28202 (Joint meeting with all corridors—Center City focus)

Scoping material will be available at the meeting or in advance of the meeting by contacting Catondra Noye at CATS.

An agency scoping meeting will be held on Wednesday, September 27, 2000, 10 am to 1 pm at the Charlotte-Mecklenburg Government Center. See **ADDRESSES** below.

Scoping is being conducted for three other related corridors—Northeast (University), Southeast (Independence), and North—in the Charlotte-Mecklenburg region at approximately the same time with separate public scoping meetings, as published in separate Notices of Intent. The agency scoping meeting for the West Corridor will be held in conjunction with the three other corridors to address inter-related issues and coordination.

ADDRESSES: *Written comments* on the scope of alternatives and impacts to be studied should be sent to Catondra Noye, CATS Project Manager, City of Charlotte, 600 East Fourth Street, Charlotte, NC 28202–2858. *Public scoping meetings* will be held at the following locations: Adams Service Center, 4150 Wilkinson Boulevard, Charlotte, NC and the Charlotte-Mecklenburg Government Center, 600 East Fourth St., Charlotte, NC 28202. See **DATES** above.

FOR FURTHER INFORMATION CONTACT: Ms. Myra Immings, Federal Transit Administration, Region IV, 61 Forsyth Street SW, Suite 17T50, Atlanta, GA 30303; Telephone (404) 562–3508.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and the City of Charlotte invite interested individuals, organizations, and federal, state and local agencies to participate in defining the alternative transit modes and alignments to be evaluated and identifying any significant social, economic, or environmental issues related to the alternatives. Primary issues to be considered include the changes in land uses and future development as they relate to alternative transit systems. Specific suggestions related to additional alternatives to be examined and issues to be addressed are welcome and will be considered in the final scope of the project. Scoping comments may be made at the scoping meetings or in writing no later than October 16, 2000. (see **DATES** and **ADDRESSES** above). During scoping, comments should focus on identifying specific social, economic, or environmental impacts to be evaluated, and suggesting alternatives that are less costly or less environmentally damaging which achieve similar transit objectives. Comments should focus on the issues and alternatives for analysis, and not on a preference for a particular alternative.

An information packet, referred to as the Scoping Booklet, will be circulated to all Federal, State, and local agencies with jurisdiction in the project area. Scoping materials will be available at the meeting or in advance of the meeting by contacting the Charlotte Area Transit System as indicated above. If you wish to be placed on the mailing list to receive further information as the project continues contact Catondra Noye at the Charlotte Area Transit System (see **ADDRESSES** above).

II. Description of Corridor and Project Need

The West Corridor project is a direct outgrowth of prior transit planning activities for the region. The *2025 Integrated Transit/Land Use Plan for Charlotte-Mecklenburg,* developed in 1998, identified key centers of economic activity and the five major transportation corridors in the Charlotte region. The 2025 Plan calls for concentrating development along these corridors and proposes a rapid transit system as a means to support land use initiatives to attain this vision in order to sustain economic growth and protect citizens' quality of life. The 2025 Plan identified the West Corridor as a priority transit corridor based on current and future mobility needs, cost feasibility and potential ridership.

The proposed project corridor extends approximately 12 miles from Uptown Charlotte (the center city) in Mecklenburg County to the Catawba River that forms the boundary between Mecklenburg and Gaston Counties. The corridor is primarily served by I–85, Wilkinson Boulevard (US 29/74) and West Boulevard (NC 160) and includes the Norfolk Southern rail line. From the West, the corridor passes through less developed portions of Mecklenburg County, with some newer residential located near the future I–485 freeway. Between I–485 and US 521, the corridor consists of newer residential development north of I–85, while the airport and industrial development is the primary land use south of I–85. East of US 521 the corridor consists of older residential areas with mostly low income and minority residents. Outside of the airport area, the corridor does not contain a great deal of office or other employment. The corridor also contains little retail development, with only some older shopping centers along US 74/29 and NC 27, some of which are partially or completely vacant.

Interstate 85 is currently a divided four-lane to six-lane highway within the study area and has an annual average

daily traffic volume of as many as 90,000 vehicles per day in 1997. This facility experiences serious congestion and delays particularly during peak travel times and is considered to be a major transportation problem facing this rapidly growing region. Based upon current trends, traffic on I–85 will grow to over 216,000 vehicles by the year 2015. Currently, I–85 has a level of service of C or D and there are no planned or programmed improvements for I–85 within the West Corridor. Therefore, a substantial portion of this facility will still experience severe congestion by the year 2015.

Future growth projections for the region estimate a population increase of 57 percent and a 47 percent increase in employment by the year 2025. Current and anticipated growth in the Airport area will further increase demand for transportation services into, through and within the corridor.

The Charlotte Metropolitan Area has exceeded the Environmental Protection Agency's 1-hour and 8-hour standard for ozone each of the past three years. These violations will likely result in the County being designated as a non-attainment area for ozone, which will be officially stated by US EPA early next year. The primary contributor of air pollutants in the region is mobile emissions.

III. Alternatives

The alternatives proposed for evaluation include: (1) No-Build, which involves no change to transportation service or facilities in the corridor beyond already committed projects; (2) a Transportation System Management alternative, which consists of low to medium cost improvements to the operations of the local bus service, the Charlotte Area Transit System, in addition to the currently planned transit improvements in the corridor; and (3) multiple "Build" alternatives including bus rapid transit (BRT) facilities along the I–85/Wilkinson Blvd. corridor and light rail transit (LRT) generally following the existing Norfolk Southern railroad right-of-way and/or major arterials within the study corridor. The "Build" alternatives may include alternative land use scenarios to evaluate the potential for focusing development around transit stations. Additional reasonable alternatives suggested through the scoping process may also be considered.

IV. Probable Effects

FTA and the City of Charlotte will identify potentially significant social, economic, and environmental impacts associated with the alternatives considered in the MIS. The primary environmental issues to be considered include potential impacts to air quality, noise and vibration, historical and archaeological resources, visual quality, wetlands, natural areas, rare and endangered species, water quality and potential contamination sites. The primary social and economic impacts proposed for analysis in the MIS include potential changes in land use and future developments, neighborhood and community resource impacts, relocations and displacement impacts, and traffic impacts throughout the project corridor. In addition, both beneficial and adverse impacts to minority and low-income groups will be evaluated. The impacts will be evaluated both for the construction period and for the long-term period of operation. Potential measures to mitigate any significant adverse impacts will be identified.

V. FTA Procedures

In accordance with the federal transportation planning regulations (23 CFR part 450), the MIS will be prepared to include an evaluation of the social, economic, environmental impacts and benefits of the alternatives. The MIS will consider the public and agency comments received. At the conclusion of the MIS, the Metropolitan Transit Commission will select the preferred mode and general alignment alternative for the West Corridor (the LPA). Once the LPA has been included in the Mecklenburg-Union Metropolitan Planning Organization's adopted long-range transportation plan, this project and associated alignment, design, and other options will be further studied in the Preliminary Engineering/Environmental Impact Statement (PE/EIS) phase of project development. Opportunities for agency and public involvement will be provided throughout the MIS and PE/EIS phases.

Dated: September 22, 2000.

Jerry Franklin,

FTA Regional Administrator.

[FR Doc. 00–24863 Filed 9–28–00; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 21, 2000.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 30, 2000, to be assured of consideration.

Departmental Offices/Office of Foreign Assets Control

OMB Number: 1505–0130.

Form Number: None.

Type of Review: Extension.

Title: Iraqi Sanctions Regulations.

Description: United Nations Security Council Resolution 986 authorizes certain transactions with Iraq. These regulations implement that resolution pursuant to the International Emergency Economic Powers Act., 50 U.S.C. 1701–1706 and the United Nations Participation Act, 22 U.S.C. 287c.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions.

Estimated Number of Respondents: 150.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 150 hours.

Clearance Officer: Lois K. Holland (202) 622–1563, Departmental Offices, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 00–24971 Filed 9–28–00; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 21, 2000.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this

information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 30, 2000 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0028.

Form Number: IRS Forms 940 and 940–PR.

Type of Review: Revision.

Title: Employer's Annual Federal Unemployment (FUTA) Tax Return (Form 940); and Planilla Para La Declaracion Anual Del Patrono—La Contribucion Federal Para El Desempleo (FUTA) (Form 940–PR).

Description: Internal Revenue Code (IRC) section 3301 imposes a tax on employees based on the first $7,000 of taxable annual wages paid to each employee. IRS uses the information reported on Forms 940 and 940–PR (Puerto Rico) to ensure that employers have reported and figured the correct FUTA wages and tax.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 1,367,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

	Form 940	Form 940–PR
Recordkeeping	12 hrs., 54 min.	12 hrs., 55 min.
Learning about the law or the form	1 hr., 12 min.	1 hr., 0 min.
Preparing and sending the form to the IRS	1 hr., 43 min.	1 hr., 25 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 19,389,199 hours.

Clearance Officer: Garrick Shear,Internal Revenue Service,Room 5244,1111 Constitution Avenue, NW,Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860,Office of Management and Budget,Room 10202, New Executive Office Building,Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 00–24972 Filed 9–28–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 25, 2000.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 30, 2000 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0196.

Form Number: IRS Form 5227.

Type of Review: Extension.

Title: Split-Interest Trust Information Return.

Description: The data reported is used to verify that the beneficiaries of a charitable remainder trust include the correct amounts in their tax returns, and that the split-interest trust is not subject to private foundation taxes.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 88,640.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—59 hr., 46 min.
Learning about the law or the form—11 hr., 19 min.
Preparing the form—19 hr., 17 min.
Copying, assembling, and sending the form to the IRS—1 hr., 52 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 7,448,736 hours.

OMB Number: 1545–1222.

Form Number: IRS Forms 8635 and 9383.

Type of Review: Revision.

Title: BPOL Order Blank for Federal Income Tax Forms (8635); and Fax Order Blank for BPOL Reorders (9383).

Description: Form 8635 serves as an order blank for participants of the Bank, Post Office, and Library (BPOL) Program. It collects information from banks, post offices and libraries detailing the quantities and types of tax forms and related materials that they will distribute to taxpayers during the tax-filing season. The fax sheet (Form 9383) allows participants to order products via fax.

Respondents: Business or other for-profit, Not-for-profit institutions, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents/ Recordkeepers: 36,688.

Estimated Burden Hours Per Respondent/Recordkeeper: 6 minutes for each form.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 3,669 hours.

Clearance Officer: Garrick Shear,Internal Revenue Service,Room 5244,1111 Constitution Avenue, NW,Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860,Office of Management and Budget,Room 10202, New Executive Office Building,Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 00–24973 Filed 9–28–00; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register
Vol. 65, No. 190
Friday, September 29, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

48 CFR Parts 202, 208, 215, 219, 222, 225, 226, 242, and 252

Defense Federal Acquisition Regulation Supplement; Technical Amendments

Correction

In rule document 00–22094 beginning on page 52951, in the issue of Thursday, August 31, 2000, make the following corrections:

202.101 [Corrected]

1. On page 52951, in the second column, in amendatory instruction 3.b., in the fourth line, "U.S."; should read "U.S".

208.7301 [Corrected]

2. On page 52951, in the third column, in section 208.7301, the 11th line, "(FLIS" should read " (FLIS)".

208.7303 [Corrected]

3. On page 52952, in the first column, section 208.7303, in amendatory instruction 7.b., in the third line, "Material" should read "Materiel".

215.404–76 [Corrected]

4. On page 52952, in the first column, in section 215.404–76(g), in the third line, "DD–AT–&L(Q)" should read " DD–AT&L(Q)".

215.407–4 [Corrected]

5. On page 52952, in the second column, in section 215.407–4(c)(1), in the second line, "Act" should read "Agency".

215.407–4 [Corrected]

6. On page 52952, in the second column, in section 215.407–4(c)(2), in the first line, "is" should read "or".

7. On page 52952, in the second column, in section 215.407–4(c)(2), in the third line from the bottom, after "defined", add "in".

219.708 [Corrected]

8. On page 52952, in the second column, in the section heading, "219.70 " should read "219.708".

PART 222 [CORRECTED]

9. On page 52952, in the second column, in the part heading, "PART 22" should read "PART 222".

225.7019–2 [Corrected]

10. On page 52952, in the third column, section 225.7019–2(b), in the first line, "restrictions" should read "restriction".

226.104 [Corrected]

11. On page 52952, in the third column, in section 226.104, in amendatory instruction 21.a., in the third line, "26.10(a)" should read "26.104(a)".

242.302 [Corrected]

12. On page 52953, in the first column, in section 242.302, in amendatory instruction 24.b., in the third line, "DMC" should read "DCMC".

252.225–7009 [Corrected]

13. On page 52953, in the second column, in section 252.225–7009, in amendatory instruction 30.b. in the fourth line, "(DCMC)" should read "(DCM)".

[FR Doc. C0–22094 Filed 9–28–00; 8:45 am]
BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 85

[FRL-6871-4]

RIN 2060-AJ03

Amendments to Vehicle Inspection Maintenance Program Requirements Incorporating the Onboard Diagnostic Check

Correction

In proposed rule document 00–24048 beginning on page 56844 in the issue of Wednesday, September 20, 2000, make the following corrections:

On pages 56849 and 56850 change "OBM–I/M" to "OBD–I/M" wherever it appears.

[FR Doc. C0–24048 Filed 9–28–00; 8:45 am]
BILLING CODE 1505–01–D

Federal Register

Friday,
September 29, 2000

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 91 and 135
Air Tour Operators in the State of Hawaii; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91 and 135

[Docket No. 27919; Special Federal Aviation Regulation (SFAR 71)]

RIN 2120–AG–44

Air Tour Operators in the State of Hawaii

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On August 21, 2000, the FAA proposed to extend for 3 years Special Federal Aviation Regulation (SFAR) 71, which established certain procedural, operational, and equipment requirements for air tour operators in the State of Hawaii. This final rule, which adopts the proposals, will provide additional time for the agency to complete and issue a notice of proposed rulemaking for a national rule that would apply to all air tour operators. The FAA anticipates that the national rule, when finalized, would replace SFAR 71, which would then be rescinded. Thus the FAA is extending SFAR 71 for another 3 years to maintain the current requirements for the safe operation of air tours in the airspace over the State of Hawaii and provide the additional time necessary to issue the national rule.

DATES: This final rule is effective on October 26, 2000.

FOR FURTHER INFORMATION CONTACT: Gary Davis, Air Transportation Division, AFS–200, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; Telephone (202) 267–8166.

SUPPLEMENTARY INFORMATION:

Availability of the Final Rule

You may obtain an electronic copy of this document using a modem and suitable communications software from the FAA regulations section of the FedWorld electronic bulletin board service (telephone: (703) 321–3339).

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* to access recently published documents.

You may also obtain a copy of this rule 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) 267–9677. Requests should be identified by the docket number of this rule.

Small Entity Inquires

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires the FAA to comply with small entities requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact their local FAA official.

Internet users can find additional information on SBREFA on the FAA's web page at http://www.faa.gov/avr/arm/sbrefa.htm.

Background

Since 1980, the air tour industry in the State of Hawaii has grown rapidly, particularly on the islands of Oahu, Kauai, Maui, and Hawaii. The growth of the tourist industry, the beauty of the islands, and the inaccessibility of some areas on the islands generated significant growth in the number of air tour flights. In 1982, there were approximately 63,000 helicopter and 11,000 airplane tour flights. By 1991, these numbers had increased to approximately 101,000 for helicopters and 18,000 for airplanes.

The growth of the air tour sightseeing industry in Hawaii has been associated with an escalation of accidents. During the 9 years between 1982 and 1991, there were 11 air tour accidents with 24 fatalities. The accident data shows an escalation of accidents in the 3-year period between 1991 and 1994, during which time there were 20 air tour accidents with 24 fatalities. The apparent causes of the accidents ranged from engine power loss to encounters with adverse weather. Contributing factors to the causes and seriousness of accidents were: Operation beyond the demonstrated performance envelope of the aircraft, inadequate preflight planning for weather and routes, lack of survival equipment, and flying at low altitudes (which does not allow time for recovery or forced landing preparation in the event of a power failure). Despite voluntary measures taken by some Hawaii air tour operators and an increase in FAA's inspections, a rise in the number of accidents occurred, indicating a need for additional measures to ensure safe air tour operations in Hawaii.

On September 26, 1994, the FAA published the emergency final rule, SFAR No. 71 (59 FR 49138). This action was taken because of the increase in the number of fatal accidents involving air tour aircraft during the period 1991–1994 and the causes of those accidents. The emergency regulatory action established additional operating procedures, including minimum safe altitudes (and associated increases in visual flight rules (VFR) weather minimums), minimum equipment requirements, and operational limitations for air tour aircraft in the state of Hawaii. On October 30, 1997, SFAR 71 was extended until October 26, 2000.

Since the FAA believes that SFAR 71 has been successful in preventing further accidents, the FAA is developing a national air tour safety rule that would address similar issues identified in SFAR 71. This proposal for a national rule will also be responsive to NTSB comments and will consider issues raised by commenters who responded to SFAR 71 in 1994. The FAA still anticipates that the national rule would replace SFAR 71. This final rule extends SFAR 71 for an additional 3 years, which will allow time to issue the national rule, applicable to all air tour operators concerning air tour safety.

Comments on the Extension of SFAR 71

As stated above, SFAR was extended in October 1997 until October 2000. The FAA published that extension as an interim final rule and asked for comments on the extension. The FAA received four comments on the interim final rule; all four supported the extension of SFAR 71. Commenters included two individuals, a National Park Service Superintendent, and the Director of Transportation for the State of Hawaii.

On August 21, 2000, the FAA issued and subsequently published at 65 FR 51511 (August 23, 2000), a notice of proposed rulemaking to extend SFAR 71 until October 26, 2003. One comment was received on the proposal.

Blue Hawaiian Helicopters comments that although there has been ample time for the FAA to receive input from Hawaii air tour operators and pilots, effective communication has not occurred. This commenter also states that some air tour pilots believe the altitude restrictions of SFAR 71 may have contributed to the three accidents that have occurred since the SFAR was adopted in 1994. Blue Hawaiian Helicopters also reports that at a recent meeting with the FAA in Hawaii the decision was made to form an air tour safety working group comprised of FAA representatives and an operator and pilot from each of the Hawaiian islands. The commenter applauds this decision as it will provide a forum leading to a safer tour environment for the flying public.

FAA Response: The FAA justified its promulgation of the emergency final rule, SFAR 71, based on the large number of accidents that occurred in Hawaii between 1982 and 1991. Following the publication of that emergency final rule, the FAA determined that rulemaking was needed to ensure the safety of all air tour operations. Thus the FAA dedicated rulemaking resources to the development of a national air tour safety rule. By definition, SFAR's are not permanent regulations. The FAA intends to replace SFAR 71 with a national rule. The interim final rule that extended SFAR 71 until October 26, 2000, received 4 comments; all of the commenters supported the extension of SFAR 71.

A final report on the causes of the three accidents that have occurred in Hawaii since 1994—June 28, 1998, September 28, 1999, and July 21, 2000—has not been issued by the National Transportation Safety Board. Therefore, it would be premature for the FAA to comment on the causes of these accidents. Nevertheless, the complete accident history of tour operations in Hawaii supports the extension of SFAR 71.

The FAA welcomes the suggestion of an air tour safety working group and expects that the group will maintain a balanced representation of the interested parties.

Environmental Review

In accordance with FAA Order 1050.1D, the FAA has determined that this proposed rule is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act (NEPA). The original SFAR 71 established operating procedures, including minimum safe altitudes, minimum equipment requirements and operational limitations for air tour aircraft in the State of Hawaii. The proposed rule would extend SFAR 71 for 3 years, thereby maintaining the same requirements. The extension of SFAR 71 will not involve any significant impacts to the human environment and the FAA has determined that there are no extraordinary circumstances.

Regulatory Evaluation Summary

SFAR 71 established certain procedural, operational, and equipment requirements for air tour operators operating in the State of Hawaii. Compliance with SFAR 71 was estimated to increase total costs approximately $2.1 million, in 1994 dollars, over the three year period, 1994 to 1997. Most of the increase in costs was associated with lost revenue that resulted from tour cancellations when the new minimum flight altitudes could not be achieved. Based on data identified during the promulgation of SFAR 71, the FAA estimated that the cost associated with revenue loss totaled approximately $1.9 million. Additional costs associated with SFAR 71 included $201.000 to provide life vests on subject helicopters and $10,000 for the development of a helicopter performance plan. The estimated potential safety benefits associated with SFAR 71 totaled approximately $33.7 million over three years. A copy of the Final Regulatory Evaluation, Final Regulatory Flexibility Determination, and Trade Impact Assessment completed for the original SFAR was placed in the docket.

Because this final rule extends SFAR 71, there is no additional annual cost associated with it. The FAA believes that the extension of SFAR 71 would continue to prevent accidents and provide additional benefits.

SFAR 71 was considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) because it was issued originally as an emergency final rule. However, this final rule extending SFAR 71 is not considered significant.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes "as 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 rationale for their action. 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 would 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.

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.

The FAA's original regulatory flexibility analysis indicated that SFAR 71 would impose a "significant economic impact on a substantial number of small entities." (See the copy of the original Regulatory Flexibility Determination included in the docket.)

Although the FAA has issued a number of "deviations" since the issuance of the SFAR, the overall impact on small entities remains significant. Although this final rule only extends the current rule, the effect of the extension of SFAR 71 is still significant for small entities. Accordingly, the FAA certifies that this extension has a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

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 to diminish to the extent feasible, barriers to international trade, including both barriers affecting the export of American goods 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 have only a domestic impact and therefore no effect on any trade-sensitive activity.

Paperwork Reduction Act

SFAR 71 contains information collection requirements, specifically in Section 6, Minimum flight altitudes, and Section 7, Passenger briefing. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA submitted these requirements to OMB. As a result, an emergency clearance of the information collection requirement (No. 2120–0620) has been approved through February 28, 2001.

The original accounting for the paperwork burden was as follows. SFAR 71, effective on October 26, 1994, applies to air tour operators in the state of Hawaii. Under the SFAR, both Part 91 and Part 135 operators are required to

provide a passenger safety briefing on water ditching procedures, use of required flotation equipment, and emergency egress from the aircraft in event of a water landing. The FAA estimates that 100,000 air tour operations are conducted annually by 35 operators, that each safety briefing takes 3–4 minutes, and that the cost of the briefing is $10.00 an hour. Using these numbers, 400,000 minutes=6,667 × $10.00 equals $66,667.00, or approximately $.70 per flight.

To account for the deviation information collection requirement, two calculations must be performed. First, operators requested deviations to 1,000 feet, and second to 500 feet. The FAA granted, 1,000 ft. deviations to approximately 35 operators. It is estimated that the preparation of a deviation request took each operator 2 hours at $15.00 an hour for a total of approximately $1,050.00. The cost for the government to review the deviations is estimated to be 1 hour of review and operations preparation using 35 hours of inspector time or approximately $1,750.00 in costs. The 500 feet deviation requests cost the operators 35 × 1 hour at $15.00 per hour or $525.00. Cost of an inspector's review is estimated at 35 × ½ hour or $875.00. In addition, it is necessary to include the costs for FAA inspectors checking pilots on specific sites for the 500 feet deviation, and the cost for operators' check pilots to check line pilots. The former is estimated to be 35 × 3 hours at an operator/aircraft cost of $250.00 or $26,250.00. The cost to check line pilots is estimated to be 100 × 1 hour × $250.00 or $25,000.00. The cost to the government (inspectors' times) for all deviations is estimated to be 35 × 3 hours × $50.00 or $5,250.00.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104–4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. Section 240(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed "significant intergovernmental mandate." A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of $100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

The FAA has determined that this rule does not contain any Federal intergovernmental mandates, but does contain a private sector mandate. However, because expenditures by the private sector will not exceed $100 million annually, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Federalism Implications

The regulations herein will not have substantial direct effects of the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, the FAA certifies that the regulation will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects

14 CFR Part 91

Aircraft, Airmen, Aviation safety.

14 CFR Part 135

Air taxi, Aircraft, Airmen, Aviation safety.

The Amendment

The Federal Aviation Administration amends 14 CFR parts 91 and 135 as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506–46507, 47122, 47508, 47528–47531.

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS

2. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44713, 44715–44717, 44722.

3. In parts 91 and 135, SFAR No. 71, Special Operating Rules For Air Tour Operators In The State Of Hawaii, Section 8 is revised to read as follows:

SFAR NO. 71—Special Operating Rules for Air Tour Operators in The State of Hawaii

* * * * *

Section 8. Termination date. This Special Federal Aviation Regulation expires on October 26, 2003.

Issued in Washington, DC, on September 26, 2000.

Jane F. Garvey,

Administrator.

[FR Doc. 00–25139 Filed 9–27–00; 11:26 am]

BILLING CODE 4910–13–M

Federal Register

Friday,
September 29, 2000

Part III

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 107, 171, 172 et al.
Hazardous Materials Regulations: Editorial Corrections and Clarifications; Final Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 171, 172, 173, 174, 176, 177, 178, 179 and 180

[Docket No. RSPA–00–7755 (HM–189Q)]

RIN 2137–AD47

Hazardous Materials Regulations: Editorial Corrections and Clarifications

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule corrects editorial errors, makes minor regulatory changes, and improves the clarity of certain provisions in the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the HMR. The amendments contained in this rule are minor editorial changes and do not impose new requirements.

EFFECTIVE DATE: October 1, 2000.

FOR FURTHER INFORMATION CONTACT: Charles E. Betts (202) 366–8553, Office of Hazardous Materials Standards, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

RSPA (we) annually reviews the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) and the procedural regulations associated with the HMR (49 CFR part 107) to identify errors causing confusion to readers. In this final rule, we are correcting typographical errors, incorrect references to other rules and regulations in the CFR, inconsistent use of terminology, and misstatements of certain regulatory requirements. In response to inquiries we received concerning the clarity of particular requirements specified in the HMR, we are also making certain other changes to reduce uncertainties and improve understanding.

Because these amendments do not impose new requirements, notice and public comment procedures are unnecessary. In addition, making these amendments effective without the customary 30-day delay following publication will allow the changes to appear in the next revision of the CFR.

The following is a section-by-section summary of the amendments made under this final rule. It does not discuss all minor editorial corrections (for example, typographical, capitalization and punctuation errors), changes to legal authority citations and certain other minor adjustments intended to enhance the clarity of the HMR.

Section-by-Section Review

Part 107

Sections 107.3 and 107.117

Because of Departmental reorganization, we are revising these sections to replace "Federal Highway Administration" with "Federal Motor Carrier Safety Administration."

Section 107.14

We are revising paragraph (a)(1) to provide telephone numbers at which callers may leave recorded messages.

Sections 107.105, 107.219, and 107.329

We are revising these sections to correct miscellaneous typographical errors.

Section 107.127

We are revising paragraph (a) to provide information on certain documents that may be viewed on-line and the Internet address.

Appendix A to Subpart D

We are revising paragraph (c) of Section IV of Appendix A to correct the amount of the maximum civil penalty that may be assessed after January 21, 1997.

Part 171

Section 171.1

We are revising paragraph (a) to remove an outdated reference to intrastate motor carrier transportation.

Section 171.6

We are revising paragraph (b)(2) to revise the table of OMB control numbers to reflect current control numbers, report title and affected sections for collection of information.

Section 171.7

We are revising the table of materials incorporated by reference to remove obsolete references.

Section 171.8

We are revising the definition of "exemption" to substitute "Federal Motor Carrier Safety Administration" for "Federal Highway Administration." In addition, we are removing the definition for "general public" which was incorporated into the HMR in conjunction with the Radioactive Protection Program (RPP) under Docket HM–169B (60 FR 50292), a final rule published on September 28, 1995. In a subsequent final rule published under HM–169B (63 FR 48566) published on September 10, 1998, we removed the RPP requirements; however, we overlooked the removal of the definition for "general public" which was exclusive to the RPP. Finally, we are updating the definition of "preferred route or preferred highway" to correct an outdated CFR citation.

Sections 171.11 and 171.12

We are correcting two miscellaneous typographical errors in these sections.

Section 171.15

In paragraph (a)(2), we are removing outdated CFR references. In paragraph (a)(5) and in the introductory text in paragraph (b), we are correcting the name of the organization that receives the incident notifications.

Part 172

Section 172.101

In paragraph (g), we are adding a sentence to clarify that requirements for applying EMPTY labels are in § 173.428. In the paragraph (g) table, we are adding an entry for the INFECTIOUS SUBSTANCE label that had been inadvertently omitted.

The Hazardous Materials Table (HMT)

We are amending the HMT by correcting various typographical, capitalization and punctuation errors. We are correcting certain other errors such as removing obsolete reference ("see") entries and obsolete ID numbers appearing in the italicized portion of certain proper shipping names. In addition, we are correcting the order of the qualifying words "flammable" and "toxic" for the following proper shipping names: "Pyrethroid pesticide, liquid, toxic, flammable, *flash point less than 23 degrees C*," UN3350; "Pyrethroid pesticide, liquid, flammable, toxic, *flash point not less than 23 degrees C*," UN3351; "Thiocarbamate pesticide, liquid, flammable, toxic, *flash point not less than 23 degrees C*," UN3005; and "Triazine pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C*," UN2764. The qualifying words "flammable" and "toxic" were printed in the incorrect order under a final rule, HM–215C (64 FR 10742) published on March 5, 1999. Although the corrected order is the preferred order, as provided in § 172.101(c)(4), when qualifying words are used as part of the proper shipping name, their sequence is optional for markings and shipping paper descriptions. For two reference ("see") entries, we are removing the

word "commercial." Under HM–215C, we removed the word from certain Class 1 (explosive) material entries, however, failed to remove the word from the reference entries. Some HMT revisions appear as "remove" and "add" and, therefore, readers should review all regulatory text revisions for a complete view of the changes.

Appendices A and B to § 172.101

In Table 1 to Appendix A, we are correcting several printing errors. We are removing the first of two duplicate entries for "DDE" and "4,4′-DDE." In addition, we are adding reportable quantity (RQ) entries for four materials for which RQs were omitted. In Appendix B, we are removing three asterisks from the entry for "PCBs" that were originally included in error.

Section 172.102

We are revising Special Provision A52 to change the phrase "Type I shipping containers" to "Category I shipping containers." This change makes the language of the special provision consistent with the terminology used in Air Transport Association Specification 300.

In paragraph (c)(2), we are revising Special Provision B13 to correct CFR references changed by revisions to the cargo tank specifications. We are revising Special Provision B14 to remove an expired transition provision.

Section 172.203

We are revising paragraph (d) of this section to remove an obsolete provision for describing activity levels for packages of radioactive materials.

Section 172.310

We are correcting a typographical error in paragraph (a).

Section 172.400a

We are revising paragraph (a)(7) to clarify that the exception from labeling in § 173.427(a)(6)(vi) also applies to surface contaminated objects.

Section 172.403

We are revising paragraph (a) to remove the reference to § 173.428 which was revised and is no longer relevant to the labeling requirements specified in § 172.403. In addition, we are revising paragraph (g) to remove an obsolete provision for labeling packages of radioactive materials.

Section 172.505

We are revising paragraph (a) to correct the section reference " "§ 172.203(m)(3)" to " § 172.203(m)(2)".

Section 172.556

We are revising paragraph (a) to correct the illustration for the RADIOACTIVE placard to show that the yellow background color on the top half of the placard may extend only to the inner border. This revision makes the placard illustration consistent with placard specification prescribed in § 172.519(d)(4).

Section 172.558

We are revising paragraph (a) to correct the illustration for the CORROSIVE placard to show that the base of the white triangle in the upper portion of the placard must be 38 mm ± 5 mm (1.5 inches ± 0.2 inches) above the placard horizontal center line, as prescribed in paragraph (b).

Section 172.604

We are revising paragraph (a) to remove the reference to a "24-hour" emergency response telephone number. Consistent with § 172.604(b), the emergency response telephone number must be monitored at all times the hazardous material is in transportation, which may not be 24 hours in all situations.

Part 173

Section 173.4

We are amending this section to add a note following paragraph (a)(6) that was inadvertently removed due to a printing error in an earlier revision.

Section 173.7

We are revising paragraph (e), added under Docket HM–218, August 18, 2000, (65 FR 50460), effective October 1, 2000, to clarify the marking and labeling requirements for certain Class 1 explosives owned by the Department of Defense (DOD) and packaged prior to January 1, 1990. In the preamble, in Docket HM–218, we stated that the explosives were excepted from the current marking and labeling requirements, provided they are marked and labeled in conformance with the requirements of the HMR that were in effect at the time they were originally marked and labeled.

Section 173.12

We are revising this section to remove paragraph (d)(2), which references a provision that no longer appears in § 172.203(m).

Section 173.27

We are revising paragraph (b)(4) to correct the paragraph reference for the CARGO AIRCRAFT ONLY label from "§ 172.402(b)" to "§ 172.402(c)".

Section 173.31

We are revising paragraph (b)(6)(ii) to update the address to which required tank car reports must be submitted.

Section 173.32

We are editorially revising paragraph (a)(1) for clarity. In addition, we are correcting section references related to the portable tank specifications in part 178.

Section 173.34

We are revising paragraph (h) to correct outdated CFR references.

Section 173.62

We are relocating text for entry 137 in the table of packing methods from column 3 to column 4 to correct a printing error. In addition, in paragraph (c), in footnote (1)(e)(iv) following the table, we are correcting a CFR reference.

Section 173.128

In paragraph (d)(1)(ii), we are correcting a CFR reference.

Section 173.132

We are revising paragraph (a)(1)(iii)(B) for consistency with the table in § 173.133(a)(2)(i). In paragraph (c)(3), we are correcting a typographical error in the formula.

Section 173.159

We are revising paragraph (a) to specify that electric storage batteries may not be packed with other materials except as provided in paragraphs (g) and (h) of this section and in §§ 173.220 and 173.222. The reference to paragraph (g) was inadvertently omitted due to a printing error.

Section 173.166

We are revising paragraph (d)(3), added under Docket HM–218 (65 FR 50461) to provide for the transportation of a recycled air bag module or a seat belt pretensioner by rail freight and cargo vessel. In the preamble of Docket HM–218, we stated that the amendment will facilitate transportation of these devices for recycling and eliminate the need for exemption DOT–E 12189 granted to the Automotive Recyclers Association and several other grantees. During the HM–218 rulemaking proceedings, RSPA revised the exemption to authorize rail freight and cargo vessel as additional authorized modes of transportation. In this final rule, we are amending paragraph (d)(3) to reflect the revision to the exemption.

Sections 173.181, 173.224, 173.225, 173.304, and 173.306

We are making changes to remove or replace outdated CFR references.

Section 173.315

Effective December 31, 1990, the MC 331 cargo tank specification in § 178.337 was revised. Among other revisions, requirements for emergency discharge control systems previously located in § 178.337–11(c) were revised and moved to § 178.337–11(a). However, through an oversight, Note 16 to the table in § 173.315(a), which required MC 330 and MC 331 to be equipped with emergency discharge controls conforming to § 178.337–11(c), was not revised. Effective July 1, 1999, the MC 331 cargo tank specification in § 178.337 was again revised. Among other revisions, requirements for emergency discharge control systems previously located in § 178.337–11(a) were rewritten and provisions applicable to opening, inlets, and outlets were relocated to § 178.337–8(a). Note 16 to the table in § 173.315(a) was not revised to account for the 1999 changes in §§ 178.337–8 and 178.337–11. This final rule revises § 173.315(a) to require openings, inlets, and outlets on MC 330 and MC 331 cargo tanks to conform to § 178.337–8(a) and to require MC 330 and MC 331 cargo tanks to be equipped with emergency discharge control systems that conform to § 178.337–11(a).

In addition, we are revising paragraphs (f) and (o) to correct a reference.

We are also revising paragraph (i)(4) to correct a typographical error in the second sentence. The sentence is corrected to indicate that the start-to-discharge *value*, not *valve*, must be visible after the valve is installed.

Paragraph (n)(5)(iii) includes an inadvertent reference to non-specification cargo tanks authorized under paragraph (k) of § 173.315. Paragraph (n)(5)(iii) requires certain cargo tanks in metered delivery service with capacities over 3,500 gallons to be equipped with emergency discharge control equipment by the dates specified. Non-specification cargo tanks authorized for use under § 173.315(k) are limited to capacities of 3,500 gallons or less. This final rule removes the inadvertent reference to non-specification cargo tanks.

Section 173.319

We are revising paragraphs (c) and (d)(2) to correct outdated CFR references.

Section 173.403

For consistency with the proper shipping name listed in the § 172.101 Hazardous Materials Table, we are revising the wording for the definition "Radioactive instrument and article" to read "Radioactive instrument or article."

Section 173.417

In paragraph (b)(1) Table 4 and in paragraph (b)(2)(ii) Table 5, we are replacing the symbol "<=" with the universally acknowledged symbol "≤."

Section 173.425

We are correcting the entry for "Gases" in Table 7 by replacing the entry "Other form" with "Normal form." "Other form" is not a defined category in the regulations.

Section 173.427

In paragraph (c)(2)(i), we are removing an outdated CFR reference.

Section 173.435

We are revising two references in the table to correct printing errors.

Part 174

Section 174.290

We are correcting an outdated CFR reference in paragraph (b)(1).

Part 176

Section 176.78

The last sentence, in § 176.78(h)(8), that makes reference to former § 176.79 is removed.

Section 176.104

In paragraph (g), we are removing an obsolete section reference.

Section 176.166

We are revising paragraph (a)(2) to correct the section reference "§ 176.143 (b)(2)" by replacing it with "§ 176.142 (b)(2)".

Sections 176.410 and 176.415

In these sections, we are revising the incorrect UN identification number "UN 2072" by replacing it with "NA 2072."

Section 176.905

We are revising paragraph (j) to correct an outdated CFR reference.

Part 177

Section 177.835

Based on comments from the Institute of Makers of Explosives, we are removing outdated CFR references in paragraph (h), and revising paragraph (g). The phrase "explosives for blasting" is replaced with the term "Division 1.5" and a reference to "Class A, B and C explosives" is removed.

Section 177.843

In paragraph (c), we are correcting the section reference for Class 7 (radioactive) material incidents by adding §§ 171.15 and 171.16.

Section 177.854

The introductory text in paragraph (d) references sections of part 177 that were removed in a previous revision. This final rule removes these references.

Part 178

Section 178.37

We are revising an outdated CFR reference in paragraph (g)(4).

Section 178.44

In paragraph (b), in Table 1—Authorized Materials, for specification 3HT seamless steel cylinders for aircraft use, we are correcting an error for the entry "Molybdenum" by revising the specification "0.15/.025" to read "0.15/0.25."

Section 178.65

In paragraph (i), we are removing an outdated CFR reference.

Section 178.337–3

We are revising paragraphs (e) and (g)(2) to include metric measurements for the metal thicknesses specified.

Sections 178.345–3, 178.345–10, 178.345–13, 178.346, 178.346–1, 178.347–1, and 178.348–1

We are revising several paragraphs in these sections to correct CFR references changed by revisions to the cargo tank specifications.

Section 178.356–1

In paragraph (c), we are correcting an incorrect reference to obsolete § 178.118–8(b) for shell closure requirements. We are redesignating current paragraph (d) as paragraph (e) and adding in new paragraph (d) the closure requirements formerly contained in obsolete § 178.118–8(b).

Section 178.606

We are revising paragraph (c)(1) to make minor editorial changes.

Section 178.703

We are revising paragraph (a)(1)(i) to correct an outdated CFR reference.

Part 179

Sections 179.100–1,.179.100–3, 179.100–9, 179.100–13, 179.102–4 and 179.220

We are correcting several outdated CFR references in these sections.

Section 179.301

In paragraph (a), in the table we are revising the entry for "Bursting pressure, p.s.i" to remove an outdated CFR reference and clarify that the entry refers to the minimum required bursting pressure.

Sections 179.400–6 and 179.401–1

We are revising several outdated CFR references in these sections.

Part 180

Section 180.352

We are revising paragraph (b)(3)(ii) to correct a CFR reference.

Section 180.405

We are revising several paragraphs in this section to correct CFR references changed by revisions to the cargo tank specifications.

Section 180.407

Effective July 1, 2000, paragraph (h) was revised to add a delivery hose assembly and piping test to the leakage test requirements for MC 330, MC 331, and non-specification cargo tank authorized under § 173.315(k). Paragraph (h)(4) includes a requirement for record keeping to document the results of the tests. The inclusion of the term "original hose assembly" in reference to the date of the tests in paragraph (h)(4) was inadvertent. To comply with the record keeping requirements in this paragraph, a Registered Inspector must note the hose identification number of the hose being tested, the date of the test, and the condition of the hose assembly and piping system tested. Paragraph (h)(4) is revised in this final rule to correct this inadvertent error.

Section 180.519

In paragraphs (b)(1) and (c), we are revising several outdated CFR references.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Because of the minimal economic impact of this rule, preparation of a regulatory impact analysis or a regulatory evaluation is not warranted.

B. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). This final rule does preempt State, local, and Indian tribe requirements but does not adopt any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal hazardous materials transportation law, 49 U.S.C. 5101–5127, contains an express preemption provision (49 U.S.C. 5125 (b)) that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(i) The designation, description, and classification of hazardous materials;

(ii) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(iii) The preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

(iv) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; or (

(v) The design, manufacture, fabrication, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This final rule addresses covered subject items (i), (ii), (iii), (iv), and (v) above and preempts State, local, and Indian tribe requirements not meeting the "substantively the same" standard. This final rule is necessary to enhance the accuracy and reduce misunderstandings of the HMR.

Federal hazardous materials transportation law provides at 5125(b)(2) that, if DOT issues a regulation concerning any of the covered subjects, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. RSPA has determined that the effective date of Federal preemption for these requirements will be 90 days from the date of publication in the **Federal Register**.

C. Executive Order 13084

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of this Executive Order 13084 do not apply.

D. Regulatory Flexibility Act

I certify that the requirements adopted in this final rule are applicable to a substantial number of small businesses, but that the economic impact on these small businesses will not be significant. This rule makes minor editorial changes which will not impose any new requirements on persons subject to the HMR; thus, there are no direct or indirect adverse economic impacts for small units of government, businesses or other organizations.

E. Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

F. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. There are no new information collection requirements in this final rule.

G. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 179

Hazardous materials transportation, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Chapter I is amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; Sec. 212–213, Pub. L. 104–121, 110 Stat. 857; 49 CFR 1.45, 1.53.

§ 107.3 [Amended]

1. In § 107.3, in the definition for "exemption", the wording "Federal Highway Administration" is removed and "Federal Motor Carrier Safety Administration" is added in its place.

2. In § 107.14, the third and fourth sentences in paragraph (a)(1) are revised to read as follows:

§ 107.14 Availability of informal guidance and interpretive assistance.

(a) *Availability of telephonic and Internet assistance.* (1) * * * When the information line is not staffed, callers may leave a recorded message, which will be answered by the end of the next business day. The telephone numbers for the information line are: 1–800–HMR–4922 (that is; 1–800–467–4922 toll free), or 202–366–4488 (in the Washington, D.C. area). * * *

* * * * *

§ 107.105 [Amended]

3. In § 107.105, in paragraph (c)(9), at the end of the paragraph, the semicolon is removed and a period is added in its place.

§ 107.117 [Amended]

4. In § 107.117, in paragraph (d)(3), the wording "Federal Highway Administration" is removed and the wording "Federal Motor Carrier Safety Administration" is added in its place.

§ 107.127 [Amended]

5. In § 107.127, in paragraph (a), a new sentence is added at the end of the paragraph to read as follows:

§ 107.217 Availability of documents for public inspection.

(a) * * * Documents numbered 11832 and above may also be viewed at the internet website address http://dms.dot.gov.

* * * * *

§ 107.219 [Amended]

6. In § 107.219, in paragraph (c)(1), the wording "political subdivision thereof of Indian tribe requirement" is removed and the wording "political subdivision thereof or Indian tribe requirement" is added in its place.

§ 107.329 [Amended]

7. In § 107.329, in paragraph (b), the wording "and order issued thereunder" is removed and the wording "an order issued thereunder" is added in its place.

8. In Part 107, in Appendix A to Subpart D, in Section IV, in paragraph C, the first sentence is revised as follows:

Appendix A to Subpart D of Part 107—Guidelines for Civil Penalties

* * * * *

IV. Miscellaneous Factors Affecting Penalty Amounts

* * * * *

C. Penalty Increases for Multiple Counts

Under the Federal hazmat law, 49 U.S.C. 5213(a), each violation of the HMR and each day of a continuing violation (except for violations pertaining to packaging manufacture or qualification) is subject to a civil penalty of up to $25,000 ($27,500 for a violation occurring after January 21, 1997). * * *

* * * * *

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

9. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 171.1 [Amended]

10. In § 171.1, in paragraph (a)(1), the following changes are made:

a. The comma after the parenthetical wording "(except as delegated at § 1.46(t) of this title)" is removed and a period is added in its place.

b. The parenthetical wording "(except that until October 1, 1998, this subchapter applies to intrastate carriers by motor vehicle only in so far as this subchapter relates to hazardous waste, hazardous substances, flammable cryogenic liquids in portable tanks and cargo tanks, and marine pollutants)." is removed.

11. In § 171.6, paragraph (b)(2) table is revised to read as follows:

§ 171.6 Control numbers under the Paperwork Reduction Act.

* * * * *

(b) * * *

(2) Table.

Current OMB control No.	Title	Title 49 CFR part or section where identified and described
2137–0014	Cargo Tank Specification Requirements	§§ 107.503, 107.504, 178.320, 178.337, 178.338, 178.345, 180.407, 180.409, 180.413, 180.417.
2137–0018	Inspection and Testing of Portable Tank and IBC's	§§ 173.24, 173.32, 173.32a, 173.32b, 178.3, 178.245, 178.255, 178.270, 178.703, 178.801, 180.352.
2137–0022	Testing, Inspection, and Marking Requirements for Cylinders.	§§ 173.34, 173.302, 173.303, 173.309, 178.2, 178.3, 178.35, 178.44, 178.45, 178.46, 178.57, 178.59, 178.60, 178.61, 178.68.
2137–0034	Hazardous Materials Shipping Papers and Emergency Response Information.	§§ 172.200, 172.201, 172.203, 172.204, 172.205, 172.600, 172.602, 172.604, 172.606, 173.6, 173.7, 173.22, 173.56, 174.24, 174.26, 174.114, 175.30, 175.31, 175.33, 175.35, 176.24, 176.27, 176.30, 176.36, 176.89, 177.817.
2137–0039	Hazardous Materials Incident Report	§§ 171.15, 171.16.
2137–0051	Rulemaking and Exemptions Petitions	§§ 106.31, 106.35, 106.38, 107.5, 107.7, 107.105, 107.107, 107.109, 107.113, 107.117, 107.121, 107.123, 107.125, 107.205, 107.211, 107.215, 107.217, 107.219, 107.221, 107.223.
2137–0510	RAM Transportation Requirements	Part 173, Subpart I, §§ 173.22, 173.411, 173.415, 173.416, 173.417, 173.457, 173.471, 173.472, 173.473, 173.476.
2137–0542	Cryogenic Liquids Requirements	§§ 173.318, 177.816, 177.840, 180.405.
2137–0557	Approvals for Hazardous Materials	§§ 107.402, 107.403, 107.405, 107.503, 107.705, 107.713, 107.715, 107.717, 110.30, 172.101, 172.102, Special provisions: 26, 29, 53, 55, 60, 105, 118, 121, 125, 129, 131, 133, 136; 172.102, Special provisions: B45, B55, B61, B69, B77, B81; N10, N72; Code: T42; 173.2a, 173.4, 173.7, 173.21, 173.22, 173.24, 173.28, 173.31, 173.32a, 173.32b, 173.34, 173.51, 173.56, 173.58, 173.59, 173.124, 173.128, 173.159, 173.166, 173.171, 173.214, 173.222, 173.224, 173.225, 173.245, 173.300a, 173.300b, 173.301, 173.305, 173.306, 173.314, 173.315, 173.316, 173.318, 173.334, 173.340, 173.411, 173.433, 173.457, 173.471, 173.472, 173.473, 173.476, 174.50, 174.63, 175.10, 175.701, 176.168, 176.340, 176.704, 178.3, 178.35, 178.47, 178.53, 178.58, 178.270–3, 178.270–13, 178.503, 178.509, 178.605, 178.606, 178.608, 178.801, 178.813.
2137–0559	Rail Carriers and Tank Car Tank Requirements	§§ 172.102, Special provisions: B45, B46, B55, B61, B69, B77, B78, B81; 173.10, 173.31, 174.20, 174.50, 174.63, 174.104, 174.114, 174.204, 179.3, 179.4, 179.5, 179.6, 179.7, 179.11, 179.18, 179.22, 179.100–9, 179.100–12, 179.100–13, 179.100–16, 179.100–17, 179.102–4, 179.102–17, 179.103–1, 179.103–2, 179.103–3, 179.103–5, 179.200–10, 179.200–14, 179.200–15, 179.200–16, 179.200–17, 179.200–19, 179.201–3, 179.201–8, 179.201–9, 179.220–4, 179.220–7, 179.220–8, 179.220–13, 179.220–15, 179.220–17, 179.220–18, 179.220–20, 179.220–22, 179.300–3, 179.300–7, 179.300–9, 179.300–12, 179.300–13, 179.300–15, 179.300–20, 179.400–3, 179.400–4, 179.400–11, 179.400–13, 179.400–16, 179.400–17, 179.400–19, 179.400–20, 179.500–5, 179.500–8, 179.500–12, 179.500–18, 180.505, 180.509, 180.515, 180.517.
2137–0572	Testing Requirements for Non-Bulk Packaging	§§ 178.2, 178.601.
2137–0582	Container Certification Statement	§§ 176.27, 176.172.
2137–0586	Hazardous Materials Public Sector Training and Planning Grants.	Part 110.
2137–0595	Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service.	§§ 173.315, 178.337–8, 178.337–9, 180.405, 180.416.

§ 171.7 [Amended]

12. In § 171.7, in the table in paragraph (a)(3), the following changes are made:

a. The entry "ASTM B 90–69" is removed.

b. In the entry "ASTM B 557–84", in column 2, the reference "; 178.251" is removed.

c. In the entry "ASTM E 8–89", in column 2, the reference "; 178.251" is removed.

d. In the entry "CGA Pamphlet C–3", in column 2, the reference "178.54;" is removed.

e. The entry for *"Fertilizer Institute"* is removed.

f. The first entry for *"Health and Human Services"* is removed and the entry for "Health and Human Services" following "ISO 1496–3–1995(E)" is placed in alphabetical order.

g. Under *Transport Canada*, in the entry "Transportation of Dangerous Goods Regulations," in column 2, the reference "; 174.11" is removed.

12a. In § 171.7, in the paragraph (b) table, the entry for the *"Department of Transportation (USDOT)"* is removed.

§ 171.8 [Amended]

13. In § 171.8, the following changes are made:

a. In the definition of *"Exemption"*, the parenthetical wording "(e.g., Federal Highway Administration routing)" is removed and the parenthetical wording "(e.g., Federal Motor Carrier Safety Administration routing)" is added in its place.

b. The definition *"General public"* is removed.

c. In the definition *"Preferred route* or *Preferred highway"*, the wording "§ 177.825(b) of this subchapter." is removed and the wording "§ 397.103 of this title." is added in its place.

§ 171.11 [Amended]

14. In § 171.11, in paragraph (d)(1), revise "§ 172.203(c)" to read "§§ 172.203(c)".

§ 171.12 [Amended]

15. In § 171.12, in paragraph (b)(2), the "0" at the end of the paragraph is removed.

§ 171.15 [Amended]

16. In § 171.15, the following changes are made:

a. In paragraph (a)(2), the parenthetical wording "(see also §§ 174.45, 176.48, and 177.807 of this subchapter)" is removed.

b. In paragraphs (a)(5) and (b) introductory text, the word "Department" is removed and the wording "National Response Center" is added in its place.

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

17. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

18. In § 172.101, in paragraph (g), a new sentence is added after the fifth sentence, and in the Label Substitution Table, a new entry is added in appropriate numerical order to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

(g) * * * For "Empty" label requirements, see § 173.248 of this subchapter. * * *

LABEL SUBSTITUTION TABLE

Label code	Label name
* * *	* * *
6.2	Infectious substance
* * *	* * *

* * * * *

19. In § 172.101, the Hazardous Materials Table is amended by removing, adding, in appropriate alphabetical sequence, and revising the following entries to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Numbers	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	[REMOVE]												
	Anhydrous ammonia, *see Ammonia, anhydrous.*												
	Batteries, wet filled with alkali, *electric storage.*	8	UN2795	III	8		159	159	159	25 kg gross	No limit	A.	
	Battery, wet, filled with acid or alkali with automobile (or named self-propelled vehicle or mechanical equipment containing internal combustion engine) see vehicles, self-propelled, etc.												
	Calcium bisulfite solution, see Bisulfites, inorganic, aqueous solutions, n.o.s.												
	1-Chloro-1, 1-difluoroethane, see Chlorodifluoroethanes.												
	Cyclotrimethylenetrinitramine and cyclotetramethylenetetranitramine mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted or desensitized *etc.*												
	Dichlorofluoromethane *or* refrigerant gas R21.												
	1,2-Dichloro1,1,2,2- Tetrafluoroethane *or* Refrigerant gas R 114.												
	Dichloropropene and propylene dichloride mixture, see Propylene dichloride.												
	Dicycloheptadiene, see 2,5-Norbomadiene.												
	Etiologic agent, see infectious substances, *etc).*												
	Fluoric acid, see Hydrofluoric acid, solution, *etc.*												
	Fuzes, combination, percussion and time, see Fuzes, detonating *(UN0257, UN0367);* Fuzes, Igniting (UN0317, UN0368).												
	Hexaethyl tetraphosphate *liquid.*												
	Igniter fuse, metal clad, see Fuse, igniter, tubular, metal clad.												
	Jet perforators, see Charges, shaped, commercial, *etc.* *Jet tappers, without detonator, see* Charges, shaped, commercial, *etc.*												
	Lacquer base or lacquer chips, plastic, wet with alcohol or solvent, see Nitrocellulose *(UN2059, UN2060, UN2555, UN2556) or* Paint *etc. (UN1263).*												
	Liquefied hydrocarbon gas, see Hydrocarbon gases, liquefied, n.o.s., *etc.*												
	Mobility aids, see Wheel chair, electric.												

§ 172.101—HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Numbers	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Muriatic acid, see Hydrochloric acid solution.												
	Musk xylene, see 5-tert-Butyl2,4,6-trinitro-m-xylene.												
	Nitrogen peroxide, see Dinitrogen tetroxide, liquefied.												
	Nitrogen tetroxide, see Dinitrogen tetroxide, liquefied.												
	Nonflammable gas, n.o.s., see Compressed or Liquefied gases, *etc.* (UN1955, UN1956).												
	Nonliquefied hydrocarbon gas, see Hydrocarbon gases, compressed, n.o.s.												
	Octogen, *see* cyclotetramethyene tetranitramine, etc.												
	Organic peroxide type A, liquid or solid.												
	Organic peroxide type F, solid, temperature controlled.			III	6.1	B1,T14	153	203	242	60L	220L	A	40
	Organic pigments, self heating (both entries).												
	Pepper spray, see Aerosols, etc. or Self-defense spray, non-pressurized.												
	Phenylenediamines (o-; m-; p- ;).												
	Potassium bisulfite solution, see Bisulfites, inorganic, aqueous solutions, n.o.s..												
	Potassium dichloro isocyanurate or *Potassium dichloro-s-triazinetrione, see* Dichloroisocyanuric acid, dry or Dichloroisocyanuric acid salts *etc.*												
	Potassium metal, liquid alloy, see Alkali metal alloys, liquid.												
	Pyrethroid pesticide, liquid, toxic, flammable, *flashpoint less than 23°C.* (Both enties).												
	Pyrethroid pesticide, liquid, flammable, toxic, flashpoint not less than 23 degrees C (all three entries).												
	RDX, see Cyclotrimethylene trinitramine, etc.												
	Self-defense spray, aerosol, see Aerosols, etc.												
	Shaped charges, commercial, see Charges, shaped, commercial *etc.*												
	Signals, highway, see Signal devices, hand; Fireworks, type D.												

Sulfuretted hydrogen, see Hydrogen sulfide, liquefied.													
Thiocarbamate pesticides, liquid, flammable, toxic, *flash point not less than 23 degrees C.* (all three entries).													
TNT mixed with aluminum, see Tritonal.													
Tractors, see Vehicles, self propelled.													
Triazine pesticides, flammable, toxic, *flash point less than 23 degrees C.* (both entries).													
White acid, see Hydrofluoric acid mixtures.													
Zinc bisulfite solution, see Bisulfites, inorganic aqueous solutions, n.o.s.													
[ADD:]													
Anhydrous ammonia, *see* Ammonia, anhydrous.													
Battery, wet, filled with acid or alkali with vehicle or mechanical equipment containing an internal combustion engine, see Vehicle, *etc. or* Engines, internal combustion, *etc.*													
Bromopropanes	3	UN2344	III	3		T2	150	203	242.	60 L	220 L	A.	
Calcium bisulfite solution, see Bisulfites, aqueous solutions, n.o.s.													
Cyclotrimethylenetrinitramine and cyclotetramethylenetetranitramine mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*													
Dichlorofluoromethane *or* Refrigerant gas R21.	2.2	UN1029		2.2			306	304	314, 315.	75 kg	150 kg	A.	
1,2-Dichloro-1,1,2,2- tetrafluoroethane *or* Refrigerant gas R 114.	2.2	UN1958		2.2			306	304	314, 315.	75 kg	150 kg	A.	
Dichloropropene and propylene dichloride mixture, see 1,2- Dichloropropane.													
Dicycloheptadiene, see Bicyclo [2,2,1] hepta-2,5- diene, inhibited.													
Etiologic agent, see Infectious substances, *etc.*													
Fluoric acid. see Hydrofluoric acid, *etc.*													
Fuzes, combination, percussion and time, see Fuzes, detonating *(UN0257, UN0367);* Fuzes, igniting *(UN0317, UN0368).*													
Hexaethyl tetraphosphate, *liquid*	8.1	UN1611	II	6.1		N76	None	202	243	5 L	60 L	E	40
Igniter fuse, metal clad, see Fuse, *igniter, tubular, metal clad.*													
Jet perforators, see Charges, shaped, *etc.*													
Jet tappers, without detonator, see Charges, shaped, *etc.*													

§ 172.101—HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Numbers	PG	Label codes	Special provisions	(8) Packaging (§ 173.***) Exceptions	(8) Packaging (§ 173.***) Non-bulk	(8) Packaging (§ 173.***) Bulk	(9) Quantity limitations Passenger aircraft/rail	(9) Quantity limitations Cargo aircraft only	(10) Vessel stowage Location	(10) Vessel stowage Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Lacquer base or lacquer chips, plastic, wet with alcohol or solvent, see Nitrocellulose *(UN2059, UN2555, UN2556, UN2557) or* Paint *etc (UN1263).*												
	Liquefied hydrocarbon gas, see Hydrocarbon gas mixture, liquefied, n.o.s.												
	Mobility aids, see Battery powered equipment or Battery powered vehicle'.												
	Muriatic acid, see Hydrochloric acid.												
	Musk xylene, *see* 5-tert-Butyl-2,4,6-trinitro-m-xylene.												
	Nitrogen peroxide, see Dinitrogen tetroxide.												
	Nitrogen tetroxide, see Dinitrogen tetroxide.												
	Nonflammable gas, n.o.s., see Compressed gas, *etc. or* Liquefied gas, *etc.*												
	Nonliquefied hydrocarbon gas, see Hydrocarbon gas mixture, compressed, n.*o.s.*												
	2,5-Norbornadiene, inhibited, *see* Bicyclo [2,2,1] hepa-2, 5-diene, inhibited.												
	Octogen, *see* cyclotetra methylene tetranitramine, *etc.*												
	Organic peroxide type A, liquid or solid.												
	Organic pigments, self-heating	4.2	UN3313	II	4.2		None	212	241	15 kg	50 kg	C.	
	Organic pigments, self-heating			III	4.2		None	213	241	25 kg	100 kg	C.	
	Pepper spray, see Aerosols, etc. or Self-defense spray, non-pressurized.												
	Phenylenediamines (*o*-, m-, p-)	6.1	UN1673	III	6.1		153	213	240	100kg	200kg	A.	
	Potassium bisulfite solution, see Bisulfites, aqueous solutions, n.*o.s.*												
	Potassium dichloro isocyanurate or Potassium dichloro-s-triazinetrione, see Dichloroisocyanuric acid, dry *or* Dichloroisocyanuric acid salts *etc.*												
	Potassium metal, liquid alloy, see Alkali metal alloys, liquid, n.*o.s.*												
	Pyrethroid pesticide, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN3350	I	3,6.1	T24,T26	None	201	243	Forbidden	30L	B	40
				II	3,6.1	T14	None	202	243	1 L	60L	B	40
	Pyrethroid pesticide, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN3351	I	6.1, 3	T24, T26	None	201	243	1 L	30 L	B	40
				II	6.1, 3	T14	None	202	243	5 L	60 L	B	40
				III	6.1, 3	T14	153	203	241	60 L	220 L	B	40
	RDX, see Cyclotrimethylene trinitramine, *etc.*												

	Self-defense spray, aerosol, see Aerosols, *etc.*														
	Shaped charges, see Charges, shaped, *etc.*														
	Signals, highway, see Signal devices, hand.														
	Sulfuretted hydrogen, see Hydrogen sulfide.														
	Thiocarbamate pesticide, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN3005	I	6.1, 3	T42	None	201	243	1 L	30 L	B	40		
				II	6.1, 3	T14	None	202	243	5 L	60 L	B	40		
				III	6.1, 3	T13	153	203	242	60 L	220 L	A	40		
	TNT mixed with aluminum, see Tritonal.														
	Tractors, see Vehicle, *etc.*														
	Triazine pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN2764	I	3, 6.1		None	201	243	Forbidden	30 L	B	40		
				II	3, 6.1		None	202	243	1 L	60 L	B	40		
	White acid, see Hydrofluoric acid.														
	Zinc bisulfite solution, see Bisulfites, aqueous solutions, n.o.s.														
	[REVISE:]														
	Detonators, *non-electric, for blasting*	1.4S	UN0455	II	1.4S		63(f), 63(g)	82	None	25 kg	100 kg	A.			
G	Environmentally hazardous substances, solid, n.o.s.	9	UN3077	III	9	8, B54, N20	155	213	240	No limit	No limit	A.			
	Ethyl chloride	2.1	UN1037		2.1	B77	None	322	314, 315	Forbidden	150 kg	B	40		
	Ethyl methyl ether	2.1	UN1039		2.1		None	201	314, 315	Forbidden	150 kg	B.	40		
	Metal catalyst, dry	4.2	UN2881	III	4.2	N34	None	187	241	25 kg	100 kg	C.			
G	Organic peroxide type C, liquid	5.2	UN3103	II	5.2		152	225	None	5 L	10 L	D	12, 40		
	Organochlorine pesticides, liquid, toxic, flammable, *flashpoint not less than 23 degrees C.*	6.1	UN2995	III	6.1, 3	B1, T14	153	203	242	60 L	220 L	A	40		
	1-Pentene *(n-amylene)*	3	UN1108	I	3	T14	150	201	243	1 L	30 L	E.			
	Refrigerating machines, *containing nonflammable, nontoxic, liquefied gas or ammonia solution (UN2672).*	2.2	UN2857		2.2		306, 307	306	306, 307	450kg	450kg	A.			
I	Sulfur	4.1	UN1350	III	4.1	30, T1	None	None	240	No limit	No limit	A	19, 74		
G	Toxic liquid, corrosive, inorganic, n.o.s	6.1	UN3289	I	6.1, 8	T42	None	201	243	0.5 L	2.5 L	A.			

21. In Appendix A to § 172.101, in Table 1 to Appendix A, the first entries for DDE and 4,4'-DDE are removed and four entries are revised to read as follows:

Appendix A to § 172.101—List of Hazardous Substances and Reportable Quantities

* * * * * * *

TABLE 1 TO APPENDIX A.—HAZARDOUS SUBSTANCES OTHER THAN RADIONUCLIDES

Hazardous substance	Reportable quantity (RQ) pounds (kilograms)
[REMOVE]:	
DDE (first time it appears)	5000 (2270)
4,4'–DDE (first time it appears)	5000 (2270)
[REVISE]:	
* * * * * *	*
K001	
Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol	1 (0.454)
* * * * * *	*
K003	
Wastewater treatment sludge from the production of molybdate orange pigments	10 (4.54)
* * * * * *	*
K005	
Wastewater treatment sludge from the production of chrome green pigments	10 (4.54)
* * * * * *	*
K007	
Wastewater treatment sludge from the production of iron blue pigments	10 (4.54)
* * * * * *	*

* * * * *

22. In Appendix B to § 172.101, in the List of Marine Pollutants, revise the heading and add an entry in appropriate alphabetical order to read as follows:

Appendix B To § 172.101—List of Marine Pollutants

* * * * *

LIST OF MARINE POLLUTANTS

S.M.P. (1)	Marine pollutant (2)
* * *	* *
PP	PCBs.
* * *	* *

§ 172.102 [Amended]

23. In § 172.102, in paragraph (c)(2), Special Provision A52 is revised; in paragraph (c)(3), in Special Provision B13, paragraph b is revised; and in Special Provision B14, the last sentence is removed to read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(2) * * *

Code/Special Provisions

* * * * *

A52 A cylinder containing Oxygen, compressed, may not be loaded into a passenger-carrying aircraft or in an inaccessible cargo location on a cargo-only aircraft unless it is placed in an overpack or outer packaging that conforms to the performance criteria of Air Transport Association (ATA) Specification 300 for Category I shipping containers.

* * * * *

(3) * * *

Code/Special Provisions

* * * * *

B13 * * *

b. Packagings equivalent to DOT 406 cargo tanks are excepted from §§ 178.345–7(d)(5), circumferential reinforcements; 178.345–10, pressure relief; 178.345–11, outlets; 178.345–14, marking, and 178.345–15, certification.

* * * * *

§ 172.203 [Amended]

24. In § 172.203(d)(4), the second sentence is removed.

25. In§ 172.310, paragraph (a) is revised to read as follows:

§ 172.310 Class 7 (radioactive) materials.

* * * * *

(a) Each package with a gross mass greater than 50 kilograms (110 pounds) must have its gross mass marked on the outside of the package.

* * * * *

26. In § 172.400a, paragraph (a)(7) is revised to read as follows:

§ 172.400a Exceptions from labeling.

(a) * * *

(7) A package of low specific activity radioactive material and surface contaminated objects, when transported under § 173.427(a)(6)(vi) of this subchapter.

* * * * *

27. In § 172.403, paragraph (a) is revised and in paragraph (g)(2) the first sentence is revised and the second sentence is removed to read as follows:

§ 172.403 Class 7 (radioactive) material.

(a) Unless excepted from labeling by §§ ** 173.421 through 173.427 of this subchapter, each package of radioactive material must be labeled as provided in this section.

* * * * *

(g) * * *

(2) *Activity.* Activity units must be expressed in appropriate SI units (e.g., Becquerels (Bq), Terabecquerels (Tbq), etc.) or in both appropriate SI units and appropriate customary units (Curies (Ci), MilliCuries (mCi) microCuries (uCi)), etc.). * * *

* * * * *

28. In § 172.505, paragraph (a) is revised to read as follows:

§ 172.505 Placarding for subsidiary hazards.

(a) Each transport vehicle, freight container, portable tank, unit load device, or rail car that contains a poisonous material subject to the "Poison Inhalation Hazard" shipping description of § 172.203(m)(2) must be placarded with a POISON INHALATION HAZARD or POISON

GAS placard, as appropriate, on each side and each end, in addition to any other placard required for that material in § 172.504. Duplication of the POISON INHALATION HAZARD or POISON GAS placard is not required.

* * * * *

29. In § 172.556, paragraph (a) is revised to read as follows:

§ 172.556 RADIOACTIVE placard.

(a) Except for size and color, the RADIOACTIVE placard must be as follows:

* * * * *

30. In § 172.558, paragraph (a) is revised to read as follows:

§ 172.558 CORROSIVE placard.

(a) Except for size and color, the CORROSIVE placard must be as follows:

* * * * *

31. In § 172.604, paragraph (a) introductory text is revised to read as follows:

§ 172.604 Emergency response telephone number.

(a) A person who offers a hazardous material for transportation must provide an emergency response telephone number, including the area code or international access code, for use in the event of an emergency involving the hazardous material. The telephone number must be—

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

32. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; 49 CFR 1.45, 1.53.

33. In § 173.4, a note is added at the end of paragraph (a)(6) to read as follows:

§ 173.4 Small quantity exceptions.

(a) * * *

(6) * * *

Note to Paragraph (a)(6): Each of the tests in this paragraph (a)(6) may be performed on a different, but identical, package; *i.e.*, all tests need not be performed on the same package.

* * * * *

34. In § 173.7, paragraph (e) is revised to read as follows:

§ 173.7 U.S. Government material.

* * * * *

(e) Class 1 (explosive) materials owned by the Department of Defense and packaged prior to January 1, 1990, in accordance with the requirements of this subchapter in effect at that time, are excepted from the marking and labeling requirements of part 172 of this subchapter and the packaging and package marking requirements of part 178 of this subchapter, provided the packagings have maintained their integrity and the explosive material is declared as "government-owned goods packaged prior to January 1, 1990" on the shipping papers. In addition, materials owned by the Department of Defense that are marked and labeled in conformance with the requirements of the HMR that were in effect at the time they were originally marked and labeled are excepted from the current marking and labeling requirements.

35. In § 73.12, paragraph (d) is revised to read as follows:

§ 173.12 Exceptions for shipment of waste materials.

* * * * *

(d) *Technical names for n.o.s. descriptions.* The requirements for the inclusion of technical names for n.o.s. descriptions on shipping papers and package markings, §§ 172.203 and 172.301 of this subchapter, respectively, do not apply to packages prepared in accordance with paragraph (b) of this section, except that packages containing materials meeting the definition of a hazardous substance must be described as required in § 172.203 of this subchapter and marked as required in § 172.324 of this subchapter.

§ 173.27 [Amended]

36. In § 173.27, in paragraph (b)(4), the wording "§ 172.402(b)" is removed and the wording "§ 172.402(c)" is added in its place.

37. In § 173.31, (b)(6)(ii) is revised to read as follows:

§ 173.31 Use of tank cars.

* * * * *

(b) * * *

(6) * * *

(ii) By October 1 of each year, each owner of a tank car subject to this paragraph (b)(6) shall submit to the Federal Railroad Administration, Hazardous Materials Division, Office of Safety Assurance and Compliance, 1120 Vermont Avenue, Mail Stop 25, Washington, DC 20590, a progress report that shows the total number of in-service tank cars that need head protection, thermal protection, or bottom-discontinuity protection; the number of new or different tank cars acquired to replace those tank cars required to be upgraded to a higher service pressure; and the total number of tank cars modified, reassigned, acquired, retired, or removed from service the previous year.

* * * * *

38. In § 173.32, paragraph (a)(1) is revised to read as follows:

§ 173.32 Qualification, maintenance and use of portable tanks other than Specification IM portable tanks.

(a) * * *

(1) When a portable tank is used as a cargo tank, it must conform to all the requirements prescribed for cargo tanks. (See § 173.33).

* * * * *

§ 173.32 [Amended]

39. In § 173.32, the following changes are made:

a. In paragraph (a)(3), the wording "§ 178.245–1(c)" is removed and "§ 178.245–1(e)" is added in its place.

b. In paragraph (c), the wording "paragraphs (e)(3) and (4)" is removed and "paragraph (e)(2)" is added in its place.

40. In § 173.34, paragraph (h) is revised to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

* * * * *

(h) *Repair by welding or brazing of specifications DOT–3A, 3AA, 3B, 3C, cylinders.* Repair of specifications DOT–3A, 3AA, 3B or 3C (§§ 178.36(e), 178.37(e), or 178.38(e) of this subchapter) cylinders by welding or brazing authorized, but only for the removal and replacement of neckrings and footrings attached to cylinders originally manufactured to conform to §§ 178.36(a), 178.37(a), and 178.38(a) of this subchapter. Removal and replacement must be done by a regular manufacturer of this type of cylinder. After removal and before replacement of such parts, cylinders must be inspected, and defective ones rejected. Cylinders, neckrings, footrings, and method of replacement must conform to § 178.36(e), § 178.37(e), or § 178.38(e) of this subchapter, whichever applies. Replacement must be followed by reheat treating, testing, inspection, and supervised and reported as prescribed by the specification covering their original manufacture. Inspector's reports must conform with that required by the specification covering original manufacture with the word "repaired" substituted for "manufactured." Show original markings and the new additional markings added, and statement: "Cylinders were carefully inspected for defects after removal of neckrings and after replacement, which replacement was made by process of _____ (Welding-brazing).".

* * * * *

§ 173.62 [Amended]

41. In § 173.62, the following changes are made:

a. In paragraph (c), Table of Packing Methods, for the entry 137, under column 3 "Intermediate packagings", the text under "Not necessary" is transferred to column 4 "Outer packagings" under "Boxes".

b. In paragraph (c), in footnote (1)(e)(iii) following the Table of Packing Methods, the wording "§ 176.83 (b)(3)" is removed and the wording "§ 178.83 (b)" is added in its place.

• **173.128 [Amended]**

42. In § 173.128, in paragraph (d)(1)(ii), the wording "§ 173.225(c)(5)" is removed and the wording "§ 173.225(c)" is added in its place.

43. In § 173.132, paragraph (a)(1)(iii)(B) is revised to read as follows:

§ 173.132 Class 6, Division 6.1—Definitions.

(a) * * *

(1) * * *

(iii) * * *

(B) A material with a saturated vapor concentration in air at 20°C (68°F) greater than or equal to one-fifth of the LC_{50} for acute toxicity on inhalation of vapors and with an LC_{50} for acute toxicity on inhalation of vapors of not more than 5000 ml/mm^3; or

* * * * *

§ 173.132 [Amended]

44. In § 173.132, in the formula, in paragraph (c)(3), revise "=" to read "+" the first time it appears.

45. In § 173.159, paragraph (a) is revised to read as follows:

§ 173.159 Batteries, wet.

(a) Electric storage batteries, containing electrolyte acid or alkaline corrosive battery fluid, must be completely protected so that short circuits will be prevented; they may not be packed with other materials except as provided in paragraphs (g) and (h) of this section and in §§ 173.220 and 173.222.

* * * * *

46. In § 173.166, paragraph (d)(3) is revised, to read as follows:

§ 173.166 Air bag inflators, air bag modules and seat-belt pretensioners.

* * * * *

(d) * * *

(3) Shipments for recycling. When offered for domestic transportation by highway, rail freight, cargo vessel or cargo aircraft only, a serviceable air bag module or seat-belt pretensioner removed from a motor vehicle that was manufactured as required for use in the United States may be offered for transportation and transported without compliance with the shipping paper requirement prescribed in paragraph (c) of this section. However, the word "Recycled" must be entered on the shipping paper immediately after the basic description prescribed in § 172.202 of this subchapter. No more than one device is authorized in the packaging prescribed in paragraph (e)(1), (2) or (3) of this section. The device must be cushioned and secured within the package to prevent movement during transportation.

* * * * *

§ 173.181 [Amended]

47. In § 173.181, in paragraph (a)(2), the wording ", 174.430" is removed.

§ 173.224 [Amended]

48. In § 173.224, in paragraph (b), in Note 3. Following the Self-Reactive Substances table, the wording "paragraph (c)(4)" is removed and the wording "paragraph (c)(3)" is added in its place.

§ 173.225 [Amended]

49. In § 173.225, in paragraph (b), in Note 12. Following the Organic Peroxide Table, the wording "paragraph (c)(4)" is removed and the wording "paragraph (c)(2)" is added in its place.

§ 173.304 [Amended]

50. In § 173.304, in paragraph (d)(3)(i), the wording "178.54," is removed.

§ 173.306 [Amended]

51. In § 173.306, in paragraph (b) introductory text, the wording "Limited quantities of compressed gases, (except poisonous gases as defined by § 173.115(a)(3) of this part)" is removed and the wording "Limited quantities of compressed gases, (except Division 2.3 gases)" is added in its place.

§ 173.315 [Amended]

52. In § 173.315, the following changes are made:

a. In § 173.315, Note 16 following the table in paragraph (a), the second sentence in paragraph (i)(4), and paragraph (n)(5)(iii) are revised.

The revisions read as follows:

b. In paragraph (f), the wording "paragraph (a)(1)" is removed and the wording "paragraph (a)" is added in its place.

c. In paragraph (o)(3), the wording "in § 178.337–11(a)(4) of this subchapter" is removed and the wording "of paragraph (n) of this section" is added in its place.

The revisions read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tanks.

(a) * * *

Note 16: Openings, inlets, and outlets on MC 330 and MC 331 cargo tanks must conform to § 178.337–8(a) of this subchapter. MC 330 and MC 331 cargo tanks must be equipped with emergency discharge control equipment as specified in § 178.337–11(a) of this subchapter.

* * * * *

(i) * * *

(4) * * * The start-to-discharge value must be visible after the valve is installed. * * *

* * * * *

(n) * * *

(5) * * *

(iii) No MC 330 or MC 331 cargo tank motor vehicle with a capacity over 13,247 liters (3,500 gallons) used in metered delivery service may be operated unless it has an appropriate discharge control capability as specified in this paragraph (n) no later than July 1, 2003, or the date of its first scheduled pressure retest required after July 1, 2001, whichever is earlier.

* * * * *

§ 173.319 [Amended]

53. In § 173.319, the following changes are made:

a. In paragraph (c), the wording "(see paragraph (a)(4)(iii) of this section and § 173.31 (c)(13))" is removed and the wording "(see paragraph (a)(4)(iii) of this section)" is added in its place.

b. In paragraph (d)(2), in the Pressure Control Valve Setting or Relief Valve Setting Table, in the first column, in the last entry, the wording "(see § 173.31(a)(9))" is removed and the wording "(see § 180.507(a)(3) of this subchapter)" is added in its place.

§ 173.403 [Amended]

54. In § 173.403, for the definition "*Radioactive instrument and article*", the wording "and" is removed each place it appears and the wording "or" is added in its place.

§ 173.417 [Amended]

55. In § 173.417, in paragraph (b)(1), in Table 4 and in paragraph (b)(2)(ii), in Table 5, the symbol "<=" is removed and the symbol "≤" is added each place it appears.

§ 173.425 [Amended]

56. In § 173.425, in the third entry under "Gases" in Table 7, the wording "Other form" is removed and the wording "Normal form" is added in its place.

§ 173.427 [Amended]

57. In § 173.427, in paragraph (c)(2)(i), the wording "(§§ 179.200, 179.201, 179.202 of this subchapter)" is removed and the wording "(§§ 179.200 and 179.201 of this subchapter)" is added in its place.

§ 173.435 [Amended]

58. In § 173.435, in the table, the following changes are made:

a. For the entry "Am-241", in the column "Specific activity" under "(Tbq/g)", the expression "1.3×10^{1}" is removed and "1.3×10^{-1}" is added in its place.

b. For the entry "Cm-244", in the column "Specific activity" under "(Ci/g)", the expression "8.1×10^{5}" is removed and "8.1×10^{1}" is added in its place.

PART 174—CARRIAGE BY RAIL

59. The authority citation for part 174 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 174.290 [Amended]

60. In § 174.290, in paragraph (b)(1), the wording "See § 174.55 (a)(1) through (4) and § 174.600" is removed and the wording "See §§ 174.55 and 174.600" is added in its place.

PART 176—CARRIAGE BY VESSEL

61. The authority citation for part 176 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 176.78 [Amended]

62. In § 176.78, in paragraph (h)(8), the last sentence is removed.

63. In § 176.104, paragraph (g) is revised to read as follows:

§ 176.104 Loading and unloading Class 1 (explosive) materials.

* * * * *

(g) Packages of Division 1.1 and 1.2 materials that are not part of a palletized unit must be loaded and unloaded from a vessel using a chute, conveyor or a mechanical hoist and a pallet, skipboard, tray or pie plate fitted with a cargo net or sideboards.

* * * * *

§ 176.166 [Amended]

64. In § 176.166, in paragraph (a)(2), the wording "§ 176.143 (b)(2)" is removed and the wording "§ 176.142 (b)(2)" is added in its place.

§ 176.410 [Amended]

65. In § 176.410, in paragraph (a)(5), the wording "UN 2072" is removed and the wording "NA 2072" is added in its place.

§ 176.415 [Amended]

66. In § 176.415, in paragraph (b)(3), the wording "UN 2072" is removed and the wording "NA 2072" is added in its place.

§ 176.905 [Amended]

67. In § 176.905, in paragraph (j), the wording "§ 173.220(f)" is removed and the wording "§ 173.220(d)" is added in its place.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

68. The authority citation for part 177 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 177.835 [Amended]

69. In § 177.835, in the first sentence, in paragraph (h), the wording "paragraphs (g), (k), and (m)" is removed and the wording "paragraph (g)" is added in its place and paragraph (g) is revised to read as follows:

§ 177.835 Class 1 (explosive) materials.

* * * * *

(g) No detonator assembly or booster with detonator may be transported on the same motor vehicle with any Division 1.1, 1.2 or 1.3 material (except other detonator assemblies, boosters with detonators or detonators), detonating cord Division 1.4 material or Division 1.5 material. No detonator may be transported on the same motor vehicle with any Division 1.1, 1.2 or 1.3 material (except other detonators, detonator assemblies or boosters with detonators), detonating cord Division 1.4 material or Division 1.5 material unless—

(1) It is packed in a specification MC 201 (§ 178.318 of this subchapter) container; or

(2) The package conforms with requirements prescribed in § 173.63 of this subchapter, and its use is restricted to instances when—

(i) There is no Division 1.1, 1.2, 1.3 or 1.5 material loaded on the motor vehicle; and

(ii) A separation of 61 cm (24 inches) is maintained between each package of detonators and each package of detonating cord; or

(3) It is packed and loaded in accordance with a method approved by the Department requires that—

(i) The detonators are in packagings as prescribed in § 173.63 of this subchapter which in turn are loaded into suitable containers or separate compartments; and

(ii) That both the detonators and the container or compartment meet the requirements of the Institute of Makers of Explosives' Safety Library Publication No. 22 (incorporated by reference, see § 171.7 of this subchapter).

70. In § 177.843, paragraph (c) is revised to read as follows:

§ 177.843 Contamination of vehicles.

* * * * *

(c) In case of fire, accident, breakage, or unusual delay involving shipments of Class 7 (radioactive) material, see §§ 171.15, 171.16 and 177.854 of this subchapter.

71. In § 177.854, the introductory text in paragraph (d) is revised to read as follows:

§ 177.854 Disabled vehicles and broken or leaking packages; repairs.

* * * * *

(d) *Transportation of repaired packages.* Any package repaired in accordance with the requirements of paragraph (c)(1) of this section may be transported to the nearest place at which it may safely be disposed of only in compliance with the following requirements:

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

72. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 178.37 [Amended]

73. In § 178.37, in paragraph (g)(4), the wording "paragraph (l)(vi)" is removed and the wording "paragraph (g)(6)" is added in its place.

74. In § 178.44, in paragraph (b), Table 1 is amended by revising the entry for Molybdenum to read as follows:

§ 178.44 Specification 3HT seamless steel cylinders for aircraft use.

* * * * *

(b) * * *

TABLE 1.—AUTHORIZED MATERIALS

Designation	AISI 4130 (percent)
* * * * *	
Molybdenum	0.15/0.25
* * * * *	

§ 178.65 [Amended]

75. In § 178.65, in paragraph (i) (1) introductory text, the wording "§ 173.24 (c)(1)(ii) and (iv) of this subchapter and" is removed.

76. In § 178.337–3, paragraphs (e), (g)(2)(i), and the last three sentences in paragraph (g)(2) introductory text are revised to read as follows:

§ 178.337–3 Structural integrity.

* * * * *

(e) The minimum metal thickness for the shell and heads must be 4.75 mm (0.187 inch) for steel and 6.86 mm (0.270 inch) for aluminum, except for chlorine and sulfur dioxide tanks. For a cargo tank used in chlorine or sulfur dioxide service, the cargo tank must be made of steel. A corrosion allowance of 20 percent or 2.54 mm (0.10 inch), whichever is less, must be added to the thickness otherwise required for sulfur dioxide and chlorine tank material. In chlorine cargo tanks, the wall thickness must be at least 1.59 cm (0.625 inch), including corrosion allowance.

* * * * *

(g) * * *

(2) * * * However, a pad with a minimum thickness of 6.35 mm (0.250 inch) may be used when the shell or head thickness is over 6.35 mm (0.250 inch). If weep holes or tell-tale holes are used, the pad must be drilled or punched at its lowest point before it is welded. Each pad must:

(i) Extend at least 5.08 cm (2 inches) in each direction from any point of attachment of an appurtenance;

* * * * *

§ 178.345–3 [Amended]

77. In § 178.345–3, in paragraph (f)(3) introductory text, in the first sentence, the wording "paragraphs (g)(1) and (g)(2)" is removed and the wording "paragraphs (f)(1) and (f)(2)" is added in its place.

§ 178.345–10 [Amended]

78. In § 178.345–10, in paragraph (e) introductory text, the wording "§ 178.348–10(d)" is removed and the wording "§ 178.348–4" is added in its place.

§ 178.345–13 [Amended]

79. In § 178.345–13, in paragraph (a), the wording "and §§ 178.346–13 (a), 178.347–13 (a) or 178.348–13 (a), as applicable" is removed.

§ 178.346–1 [Amended]

80. In § 178.346–1, the following changes are made:

a. In paragraph (d)(2), the wording "178.346–3" is removed and the wording "178.345–3" is added in its place.

b. In paragraph (d)(4), the wording ", 178.346–14, 178.345–15, and 178.346–15" is removed and the wording "and 178.345–15" is added in its place.

c. In paragraph (d)(6), the wording "§§ 178.345–10 and 178.346–10" is removed and the wording "§ 178.345–10" is added in its place.

d. In paragraph (d)(7), the wording "§§ 178.345–13 and 178.346–13" is removed and the wording "§ 178.345–13" is added in its place.

§ 178.347–1 [Amended]

81. In § 178.347–1, the following changes are made:

a. In paragraph (d)(2), the wording "178.347–3" is removed and the wording "178.345–3" is added in its place.

b. In paragraph (d)(4), the wording "§§ 178.345–14, 178.347–14, 178.345–15, and 178.347–15" is removed and the wording "§§ 178.345–14 and 178.345–15" is added in its place.

c. In paragraph (d)(6), the wording "§§ 178.345–10 and 178.347–10" is

removed and the wording "§ 178.345–10" is added in its place.

d. In paragraph (d)(7), the wording "§§ 178.345–13 and 178.347–13" is removed and the wording "§ 178.345–13" is added in its place.

§ 178.348–1 [Amended]

82. In § 178.348–1, the following changes are made:

a. In paragraph (e)(2)(ii) the wording "§ 178.348–3" is removed and the wording "§ 178.345–3" is added in its place.

b. In paragraph (e)(2)(iv), the wording "§§ 178.345–14, 178.348–14, 178.345–15, and 178.348–15" is removed and the wording "§§ 178.345–14 and 178.345–15" is added in its place.

c. In paragraph (e)(2)(vi), the wording "§§ 178.345–10 and 178.348–10" is removed and the wording "§ 178.345–10" is added in its place.

d. In paragraph (e)(2)(vii), the wording "§§ 178.345–13 and 178.348–13" is removed and the wording "§ 178.345–13" is added in its place.

83. In § 178.356–1, the last sentence in paragraph (c) and paragraph (d) are revised, and a new paragraph (e) is added to read as follows:

§ 178.356–1 General requirements.

* * * * *

(c) * * * Shell closure must conform to paragraph (d) of this section.

(d) Drums over 5 gallons capacity must be closed by means of 12-gauge bolted ring with drop forged lugs, one of which is threaded, and having 3/8 inch bolt and nut for drums not over 30 gallons capacity and 5/8 inch bolt and nut for drums over 30 gallons capacity. Five gallon drums must be of lug type closure with cover having at least 16 lugs.

(e) Drawings in CAPE–1662, which include bills of material, are a part of this specification.

84. In § 178.606, the third sentence in paragraph (c)(1) is revised to read as follows:

§ 178.606 Stacking test.

* * * * *

(c) * * *

(1) * * * The duration of the test must be 24 hours, except that plastic drums, jerricans, and composite packagings 6HH intended for liquids shall be subjected to the stacking test for a period of 28 days at a temperature of not less than 40°C (104°F). * * *

* * * * *

§ 178.703 [Amended]

85. In § 178.703, in paragraph (a)(1)(i), the wording "§ 178.503(d)(1)" is removed and the wording "§ 178.503(e)(1)" is added in its place.

PART 179—SPECIFICATIONS FOR TANK CARS

86. The authority citation for part 179 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 179.100–1 [Amended]

87. In § 179.100–1, in the section heading, the wording ",179.103, and 179.104" is removed and the wording "and 179.103" is added in its place.

§ 179.100–3 [Amended]

88. In § 179.100–3, the following changes are made:

a. In paragraph (a), in the second sentence, the wording "§ 179.103 or 179.104" is removed and the wording "§ 179.103" is added in its place.

b. In paragraph (a), in the third sentence, the wording "179.101–1(a) table Note 10" is removed and the wording "179.101–1" is added in its place.

§ 179.100–9 [Amended]

89. In § 179.100–9, in paragraph (a), the last sentence is removed.

§ 179.100–13 [Amended]

90. In § 179.100–13, in paragraph (e), in the last sentence, the wording " § 179.101–1 (a)" is removed and the wording " § 179.101–1" is added in its place.

§ 179.102–4 [Amended]

91. In § 179.102–4, in paragraph (a) introductory text, the wording "paragraph (b)(1) or (b)(2)" is removed and the wording "paragraph (a)(1) or (a)(2)" is added in its place.

§ 179.220–1 [Amended]

92. In § 179.220–1, in the section heading, the wording ", 179.221, and 179.222" is removed and the wording "and 179.221" is added in its place.

§ 179.301 [Amended]

93. In § 179.301, in paragraph (a), in the table, under the column heading "DOT Specification", the entry "Bursting pressure, p.s.i. (see § 179.300–5)" is revised to read "Minimum required bursting pressure, p.s.i.".

§ 179.400–6 [Amended]

94. In § 179.400–6, in paragraph (b), the wording " § 179.400–7(d)" is removed and the wording " § 179.400–8(d)" is added in its place.

§ 179.401–1 [Amended]

95. In § 179.401–1, in the table, in the first column, in the eighth entry, the wording "(see § 179.400–7 (a), (b), and (c))" is removed and the wording "(see § 179.400–8(a) , (b), and (c))" is added in its place.

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

96. The authority citation for part 180 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 180.352 [Amended]

97. In § 180.352, in paragraph (b)(3)(ii), the wording "§ 178.705(c)(1)(iv)(A)" is removed and the wording "§ 178.705(c)(1)(iv)" is added in its place.

§ 180.405 [Amended]

98. In § 180.405, the following changes are made:

a. In paragraph (c)(2)(i), the wording "(see §§ 178.346–10 and 178.346–11" is removed and the wording "(See §§ 178.346–3 and 178.346–4" is added in its place.

b. In paragraph (c)(2)(ii), the wording "(§§ 178.346–10 and 178.346–11" is removed and the wording "(See §§ 178.346–3 and 178.346–4" is added in its place.

c. In paragraph (c)(2)(iii), the wording "(See §§ 178.347–10 and 178.347–11" is removed and the wording "(See §§ 178.347–4 and 178.345–11" is added in its place.

d. In paragraph (c)(2)(iv), the wording "(See §§ 178.347–10 and178.347–11" is removed and the wording "(See §§ 178.347–4 and 178.345–11" is added in its place.

e. In paragraph (c)(2)(v), the wording "(See §§ 178.348–10 and 178.348–11" is removed and the wording "(See §§ 178.348–4 and 178.345–11" is added in its place.

f. In paragraph (c)(2)(vi), the wording "(See §§ 178.348–10 and 178.348–11" is removed and the wording "(See §§ 178.348–4 and 178.345–11" is added in its place.

99. In § 180.407, the last sentence in paragraph (h)(4) is revised to read as follows:

§ 180.407 Requirements for test and inspection of specification cargo tanks.

* * * * *

(h) * * *

(4) * * * In addition to a written record of the inspection prepared in accordance with § 180.417(b), the Registered Inspector conducting the test must note the hose identification number, the date of the test, and the condition of the hose assembly and piping system tested.

* * * * *

§ 180.519 [Amended]

100. In § 180.519, the following changes are made:

a. In paragraph (b)(1), in the first sentence, the wording ", except as provided in paragraph (b)(8) of this section," is removed.

b. In paragraph (c), in the first sentence, the wording "(§§ 179.300, 179.301, 179.302 of this subchapter)" is removed and the wording "(§§ 179.300 and 179.301 of this subchapter)" is added in its place.

Issued in Washington, DC, on September 20, 2000 under authority delegated in 49 CFR part 1.

John P. Murray,

Acting Deputy Administrator, Research and Special Programs Administration.

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Vol. 65, No. 190

Friday, September 29, 2000

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The United States Government Manual	**523–5227**
Other Services	
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FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

53157–53522 1
53523–53888 5
53889–54138 6
54139–54396 7
54397–54740 8
54741–54942 11
54943–55168 12
55169–55430 13
55431–55884 14
55885–56208 15
56209–56456 18
56457–56772 19
56773–57080 20
57081–57276 21
57277–57536 22
57537–57722 25
57723–57936 26
57937–58218 27
58219–58342 28
58343–58634 29

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7336 53887
7337 54397
7338 56457
7339 56459
7340 56761
7341 56767
7342 56769
7343 56771
7344 57935
7345 57937
Executive Orders:
5327 (Revoked in part by PLO 7461) 54297
12865 (See Notice of September 22, 2000) 57721
13069 (See Notice of September 22, 2000) 57721
13098 (See Notice of September 22, 2000) 57721
13147 (Amended by EO 13167) 57079
13167 57079
13168 58217
Administrative Orders:
Memorandums:
September 11, 2000 56209
Notices:
Notice of September 22, 2000 57721
Presidential Determinations:
No. 99–36 of September 10, 1999 (see Presidential Determination No. 2000–29 of September 12, 2000) 55883
No. 00–29 of September 12, 2000 55883

5 CFR

532 55431
1203 57939
2635 55076
Proposed Rules:
2635 53650
2640 53942

7 CFR

56 57939
70 57939
246 53523
301 ..... 53528, 54139, 54741, 54943, 55431, 57537, 57723
457 56773
657 57537
905 ..... 55885, 57538
920 54945
927 53531
929 55436
944 54945
989 57941
1735 54399
Proposed Rules:
6 57562
226 55102
319 56803
457 57562
932 54818
983 53652
1218 57104
1940 55784
1945 54973

8 CFR

204 ..... 53889, 57861
214 ..... 56463, 57861
245 ..... 53889, 57861, 57943
264 57723

9 CFR

94 56774
98 56775
318 53531
381 53531
Proposed Rules:
71 57106
75 56807
85 57106
206 53653
317 56262
381 56262
390 56503

10 CFR

1 54948
2 54948
19 54948
30 54948
40 54948
50 54948
51 54948
70 ..... 54948, 56211
72 53533
430 56740

12 CFR

612 54742
614 54742
702 55439
709 55439
747 57277
1710 55169
Proposed Rules:
3 57993
32 57292
208 57993
225 57993
325 57993
565 57993

567.....57993
611.....58486
741.....55464
917.....57748
925.....57748
930.....57748
931.....57748
932.....57748
933.....57748
956.....57748
960.....57748

13 CFR

121.....53533
124.....57541
134.....57541

14 CFR

23.....55848, 56779
25.....55443, 55848
33.....55848
39.....53157, 53158, 53161, 53897, 54140, 54143, 54145, 54403, 54407, 54409, 54743, 55175, 55449, 55450, 55452, 55453, 55457, 55891, 56231, 56233, 56236, 56780, 56783, 56785, 57280, 57282, 57724, 57861, 57944, 58178, 58219
71.....53558, 54950, 54952, 54953, 55076, 56239, 56240, 56466, 56468, 56788, 57081, 57285, 57542, 57543, 58343, 58344
91.....58610
95.....54744
97.....55458, 57081, 57087
121.....56192
125.....56192
135.....56192, 58610
145.....56192
400.....56618
401.....56618
404.....56618
405.....56618
406.....56618
413.....56618
415.....56618
431.....56618
433.....56618
435.....56618
450.....56670

Proposed Rules:

23.....56809
25.....56992, 57564
39.....53199, 53201, 53203, 53205, 53206, 54182, 54184, 54445, 54820, 54823, 54981, 55466, 55468, 55470, 56264, 56266, 56268, 56270, 56273, 56275, 56276, 56506, 56507, 56509, 56811, 56814, 56817, 56819, 57113, 57296, 57298, 57748, 57751, 57753, 58011, 58013, 58186, 58192, 58197, 58203, 58494, 58496
71.....54824, 54825, 57116, 57300, 57567, 57568, 57569, 57571, 57572, 57573, 57574, 57576, 58498
91.....56992
121.....56992
125.....56992
135.....56992

15 CFR

738.....55177
742.....55177
746.....55177
774.....55177
960.....56241

Proposed Rules:

801.....57117, 57119
806.....57121, 57123

16 CFR

305.....53163, 53165
1000.....53167

Proposed Rules:

313.....54186
436.....53946

17 CFR

146.....53559
200.....55180, 57438
240.....53560
275.....57438
279.....57438

Proposed Rules:

30.....53946
210.....54189
240.....54189

18 CFR

385.....57088

Proposed Rules:

1304.....56821

19 CFR

4.....56788
10.....53565
12.....53565
18.....53565
24.....53565, 56790
111.....53565
113.....53565
114.....53565
125.....53565
134.....53565
145.....53565
162.....53565
171.....53565
172.....53565
178.....56788

20 CFR

404.....54747, 57946
416.....54747
655.....57092

21 CFR

7.....56468
10.....56468
14.....56468
19.....56468
25.....56468
74.....58221
101.....54686, 56468, 58346
107.....56468
110.....56468
114.....56468
170.....56468
203.....56480
205.....56480
310.....56468
312.....56468
314.....56468
316.....56468
500.....56468
510.....54147, 55460
514.....56468
520.....53581
573.....53167
558.....53581, 53582, 53583, 54147, 54410, 54411, 55883
601.....56468
803.....56468
814.....56468
860.....56468
876.....57726

Proposed Rules:

101.....56835
201.....56511
868.....57301
896.....57303
1310.....57577

22 CFR

22.....54148
40.....54412
42.....54412
203.....54790

23 CFR

Proposed Rules:

657.....58233

24 CFR

5.....55134
401.....53899
888.....57658
903.....55134
982.....55134

Proposed Rules:

221.....58338

25 CFR

38.....58182

Proposed Rules:

103.....53948
292.....55471

26 CFR

1.....53584, 53901, 57092, 57732
25.....53587, 58222
602.....53584, 56484, 57092

Proposed Rules:

1.....56835, 57755

27 CFR

4.....57734
24.....57734
270.....57544
275.....57544
290.....57544
295.....57544
296.....57544

Proposed Rules:

9.....57763

28 CFR

1.....58222

Proposed Rules:

16.....53679
545.....56840
550.....56840, 57126

29 CFR

2200.....58350
4022.....55894
4044.....55894

Proposed Rules:

5.....57270

30 CFR

218.....55187
917.....53909
931.....54791

Proposed Rules:

206.....58237
208.....57771
218.....55476
256.....55476
260.....55476
926.....57581, 57583
943.....54982

31 CFR

1.....56792
202.....55427
203.....55428
225.....55429
344.....55400
380.....55426

32 CFR

199.....58224
311.....53168
701.....53171
736.....53589
762.....53171
765.....53171
770.....53591

Proposed Rules:

326.....53902
651.....54348

33 CFR

100.....54150, 56484
117.....54795, 54954, 56484, 56793
162.....53593
165.....54152, 54153, 54795, 54797, 56484, 57947
167.....53911
401.....56488

Proposed Rules:

26.....56843
161.....56843
165.....56843

34 CFR

3.....57286
19.....57286

Proposed Rules:

303.....53808

36 CFR

51.....54155
230.....57547
242.....55190
1010.....55896

Proposed Rules:

7.....53208
293.....54190
800.....55928
1600.....57773

37 CFR

Ch. 1.....56791
1.....54604, 56366, 56791, 57024
3.....54604
5.....54604, 57024
10.....54604

Proposed Rules:

201.....54984
256.....54984
401.....54826

38 CFR

8.....54798

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT SEPTEMBER 29, 2000

AGENCY FOR INTERNATIONAL DEVELOPMENT

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

AGRICULTURE DEPARTMENT

Food and Nutrition Service

Food stamp program:

Personal Responsibility and Work Opportunity Reconciliation Act of 1996; implementation—

Retailer application processing; published 8-30-00

COMMERCE DEPARTMENT

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

DEFENSE DEPARTMENT

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

ENVIRONMENTAL PROTECTION AGENCY

Hazardous waste program authorizations:

Virginia; published 7-31-00

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Azoxystrobin; published 9-29-00

Dimethomorph, etc.; published 9-29-00

Dimethyl silicone polymer with silica, etc.; published 9-29-00

Flucarbazone-sodium; published 9-29-00

Halosulfuron-methyl; published 9-29-00

Hexythiazox; published 9-29-00

Indoxacarb; published 9-29-00

Methacrylic acid-methyl methacrylate-polyethylene glycol methyl ether methacrylate copolymer, etc.; published 9-29-00

Propamocarb hydrochloride; published 9-29-00

Triallate(S-2,3,3-trichloroallyl diisopropylthiocarbamate); published 9-29-00

Yucca Extract; published 9-29-00

FEDERAL COMMUNICATIONS COMMISSION

Organization, functions, and authority delegations:

Headquarters change of address; published 9-29-00

Television broadcasting:

Multipoint Distribution Service and Instructional Television Fixed Service—

Non-video services; two-way transmissions; published 7-31-00

FEDERAL EMERGENCY MANAGEMENT AGENCY

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

GENERAL SERVICES ADMINISTRATION

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

INTERIOR DEPARTMENT

Fish and Wildlife Service

Migratory bird hunting:

Seasons, limits, and shooting hours; establishment, etc.; published 9-28-00

INTERIOR DEPARTMENT

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

JUSTICE DEPARTMENT

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

LABOR DEPARTMENT

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

NATIONAL SCIENCE FOUNDATION

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

NUCLEAR REGULATORY COMMISSION

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Practice and procedure:

Settlement judge procedure; settlement part procedure addition; pilot program; expiration date extension; published 9-29-00

PERSONNEL MANAGEMENT OFFICE

Employment:

Positions restricted to preference eligibles; published 8-30-00

SMALL BUSINESS ADMINISTRATION

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

STATE DEPARTMENT

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

TENNESSEE VALLEY AUTHORITY

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

TRANSPORTATION DEPARTMENT

Coast Guard

Regattas and marine parades:

Eighth Coast Guard District Annual Marine Events; published 7-31-00

TRANSPORTATION DEPARTMENT

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

British Aerospace and Jetstream; published 8-21-00

Eurocopter France; published 9-14-00

Israel Aircraft Industries, Ltd.; published 9-14-00

TRANSPORTATION DEPARTMENT

Federal Railroad Administration

Locomotive engineers; qualification and certification:

Miscellaneous amendments; correction; published 9-29-00

Track safety standards:

Railroad bridges safety; policy statement; published 8-30-00

TREASURY DEPARTMENT

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

VETERANS AFFAIRS DEPARTMENT

Nondiscrimination on basis of sex in federally assisted education programs or activities; published 8-30-00

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Animal welfare:

Inspection, licensing, and procurement of animals; comments due by 10-3-00; published 8-4-00

Interstate transportation of animals and animal products (quarantine):

Brucellosis in cattle and bison—

State and area classifications; comments due by 10-2-00; published 8-3-00

AGRICULTURE DEPARTMENT

Farm Service Agency

Grants:

Loan and grant program funds; allocation methodology and formulas; comments due by 10-2-00; published 8-3-00

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H.R. 1729/P.L. 106–266

To designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall". (Sept. 22, 2000; 114 Stat. 787)

H.R. 1901/P.L. 106–267

To designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station". (Sept. 22, 2000; 114 Stat. 788)

H.R. 1959/P.L. 106–268

To designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center". (Sept. 22, 2000; 114 Stat. 789)

H.R. 4608/P.L. 106–269

To designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse". (Sept. 22, 2000; 114 Stat. 790)

S. 1027/P.L. 106–270

Deschutes Resources Conservancy Reauthorization Act of 2000 (Sept. 22, 2000; 114 Stat. 791)

S. 1117/P.L. 106–271

Corinth Battlefield Preservation Act of 2000 (Sept. 22, 2000; 114 Stat. 792)

S. 1374/P.L. 106–272

Jackson Multi-Agency Campus Act of 2000 (Sept. 22, 2000; 114 Stat. 797)

S. 1937/P.L. 106–273

To amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities. (Sept. 22, 2000; 114 Stat. 802)

S. 2869/P.L. 106–274

Religious Land Use and Institutionalized Persons Act of 2000 (Sept. 22, 2000; 114 Stat. 803)

Last List September 21, 2000

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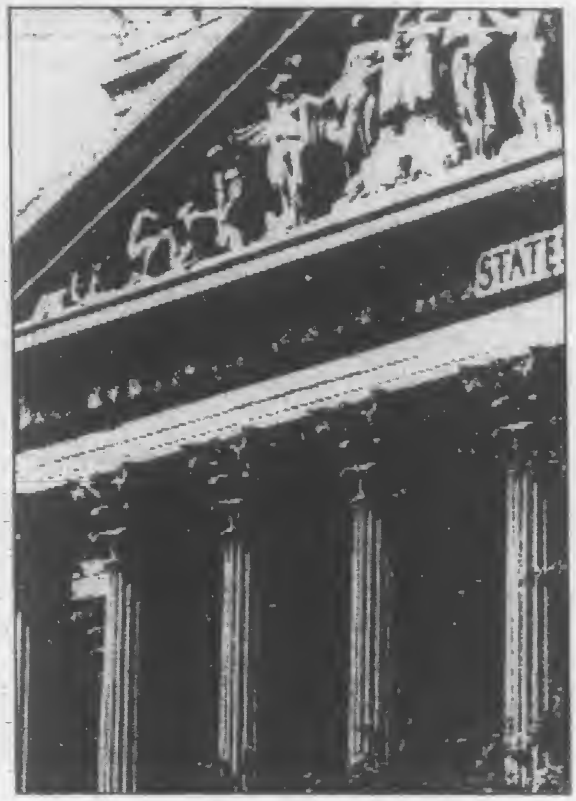

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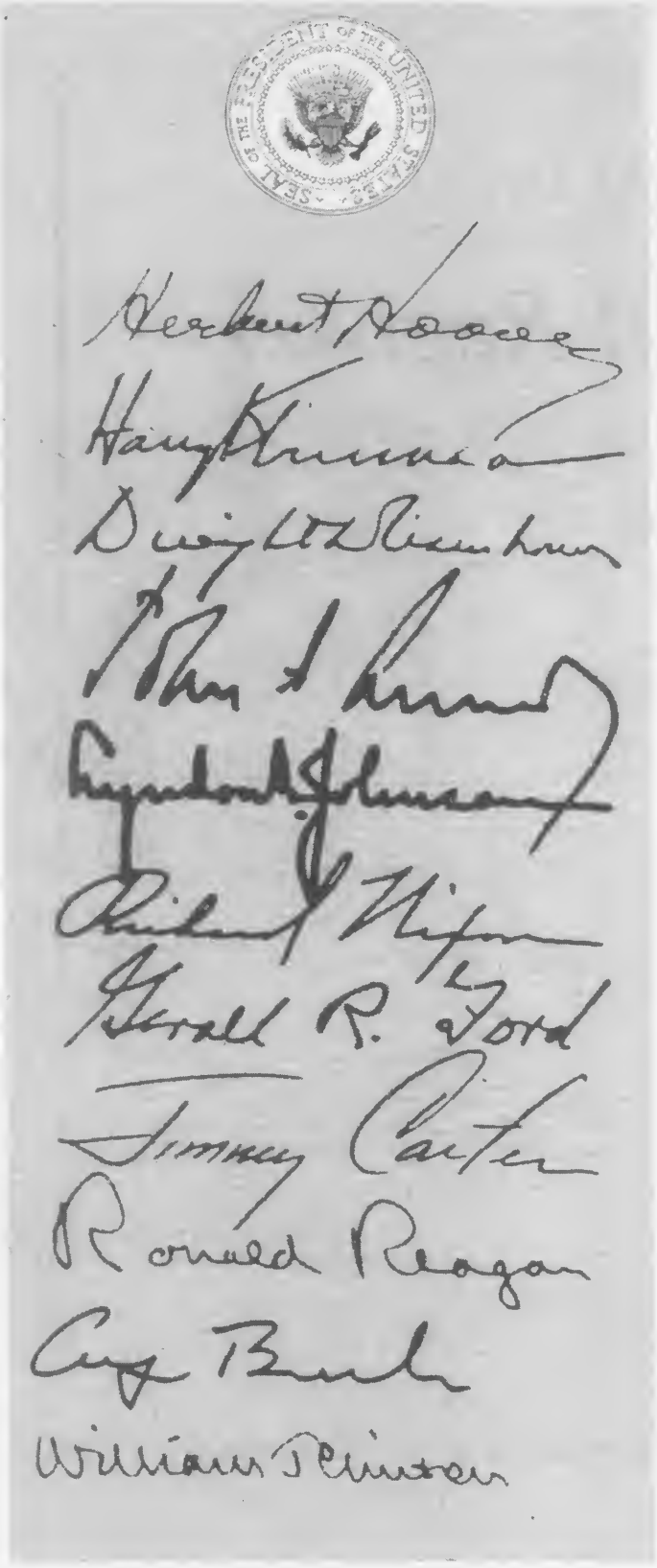

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